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FEDERAL REGISTER

Vol. 77 Tuesday,
No. 89 May 8, 2012

Pages 26911–27112

OFFICE OF THE FEDERAL REGISTER

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WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1208

[Doc. No. AMS–FV–07–0077; FV–07–705–FR]

RIN 0581–AC79

Processed Raspberry Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the Processed Raspberry Promotion, Research, and Information Order (Order). The program will be implemented under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act). Under the Order, producers of raspberries for processing and importers of processed raspberries will pay an assessment of up to one cent per pound, with the initial assessment rate being one cent per pound, which shall be paid to the National Processed Raspberry Council (Council). Producers and importers of less than 20,000 pounds annually of raspberries for processing and processed raspberries, respectively, will be exempt from the assessment. The U.S. Department of Agriculture (Department) conducted a referendum between June 8 and June 24, 2011 to ascertain whether the persons to be covered by and assessed under the Order favored the implementation of the program. In the referendum, 88 percent of those who voted favored implementation of the Order. Producers and importers of 20,000 or more pounds of raspberries for processing or processed raspberries respectively, during the calendar year January 1 through December 31, 2010, were eligible to vote in the referendum. The program was proposed by the Washington Red Raspberry Commission (WRRC).

DATES: Effective May 9, 2012 Collection of assessments (§§ 1208.50 through 1208.53) and applicable reporting and recordkeeping (§§ 1208.60 through 1208.62) will begin September 5, 2012.

FOR FURTHER INFORMATION CONTACT: Kimberly Coy, Marketing Specialist, Research and Promotion Division, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., Room 1406, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915 or (888) 720–9917 (toll free); or facsimile: (202) 205–2800; or email: *Kimberly.Coy@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued pursuant to the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

As part of this rulemaking, a proposed rule was published in the **Federal Register** on April 9, 2009 [74 FR 16289], with a 60-day comment period which closed on June 8, 2009. Twenty-one comments were received. A second proposed rule was published in the **Federal Register** on February 8, 2010 [75 FR 6131] addressing the comments. In addition, a separate final rule on referendum procedures was published in the **Federal Register** on February 8, 2010 [75 FR 6089]. A notice delaying the referendum at the request of the industry was published in the **Federal Register** on March 19, 2010 [75 FR 13238]. A third proposed rule announcing the referendum was published in the **Federal Register** on May 5, 2011 [76 FR 25618].

The Department conducted a referendum from June 8 through June 24, 2011 to ascertain whether the persons to be covered by and assessed under the Order favored the implementation of the program prior to it going into effect. In the referendum, 88 percent of those who voted favored implementation of the Order. Producers and importers of 20,000 or more pounds of raspberries for processing or processed raspberries respectively, during the calendar year January 1 through December 31, 2010, were eligible to vote in the referendum. The referendum was conducted by mail ballot.

Since publication of the proposed rule, published February 8, 2010, the industry worked with the 484(f) Committee (Committee) of the United States International Trade Commission (USITC) which is the committee that reviews requests for changes to the statistical reporting requirements of the HTS for imports, to determine the feasibility of separating red raspberry juice and juice concentrate from all other juice and juice concentrate, red raspberry paste and purees from all other pastes and purees, and red raspberry preserves from all other fruit preserves. According to the Committee, this separation was feasible. Accordingly, the Committee approved the petition for processed red raspberry statistical breakout in the Harmonized Tariff Schedule. The new number assigned to red raspberry juice and juice concentrate is 2009.80.60.55, the new number assigned to processed red raspberry pastes and purees is 2007.99.65.10, and the new number assigned to red raspberry preserves is 2008.99.20.20, effective July 1, 2010. The aforementioned changes are reflected in this final rule. Assessment collected for imported red raspberry preserves will not begin until a conversion factor is developed.

Executive Order 12866

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act provides that the 1996 Act shall not affect or preempt any other Federal or state law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act, a person subject to an order may file a written petition with the Department stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and requesting a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to

challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Department will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Department's final ruling.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, Federalism. This Executive Order directs agencies to construe, in regulations and otherwise, a Federal Statute to preempt State law only when the statute contains an express preemption provision. Section 524 of the 1996 Act provides that the Act shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

The WRRC and the Oregon Raspberry and Blackberry Commission (ORBC), the principal producers of processed raspberries, both administer State marketing orders, which require all producers of raspberries to pay assessments to support the health of their respective industries. Both the WRRC and ORBC invest funds into research programs at their land-grant universities and other research institutions to study disease, pest control, and varietal development. In addition to developing and funding production research, they also fund marketing and promotion programs and seek to foster education and communication between producers. However, WRRC stated that it has not been able to generate the funds necessary, nor has the ORBC or international raspberry organizations, to support the marketing efforts needed to help expand processed raspberry consumption and increase the demand for processed raspberries. In order to manage increased production, increased competition, and changing consumer habits, the WRRC believes that a more extensive marketing program is needed. The WRRC and ORBC believe that a national research and promotion program would fund the promotional aspect necessary to stay competitive and would place all domestic producers and importers on an equal playing field with each investing a fair share in promoting processed raspberries. The WRRC and ORBC will continue to fund processed raspberry research in areas not likely to be the focus of the national program.

In accordance with the 1996 Act, this rule will not preempt any State-legislated programs. Further, section 1208.52(h) of the Order provides for credit of assessments for those individuals who contribute to local, regional, or State organizations that engage in similar generic research, promotion, and information programs as partial fulfillment of assessments due to the Council subject to approval of the Secretary, for expenditure on generic research, promotion and information programs conducted within the United States.

The program is not intended to duplicate any State program. Considerable attention has been made to involve producers in discussions regarding future program development and administration and what the State commissions will look like subsequent to the implementation of a national program. It is expected that farm related activities, such as production research, will continue to be funded by the State organizations and market development functions, such as nutritional research and marketing programs, will shift to the Order.

Not only were the States informed throughout the development of the national program, they were instrumental in the processed raspberry industry's decision to institute a national program.

In 2007, representatives from the WRRC were among other raspberry industry representatives who met with AMS representatives to discuss the possibility of implementing a national processed raspberry promotion, research, and information program. WRRC representatives participated in the development of the provisions of the Order during these meetings and with direct communication with the ORBC.

Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601–612], AMS is required to examine the impact of the rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened.

The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (handlers and importers) as those having annual receipts of no more than $7.0 million. Under these criteria, the majority of the producers and handlers that would be affected by this Order would be considered small entities, while most importers would not. Further, an estimated ten qualified organizations certified by the Secretary for nomination purposes, would be expected to generally consist of entities reflecting such sizes also. Producers and importers of less than 20,000 pounds per year of raspberries for processing and processed raspberries respectively shall be exempt under this Order. Five organic producers and importers are also expected to be exempt from assessments. The number of entities assessed under the program would be approximately 245. Estimated revenue is expected at $1.2 million of which 43 percent is expected from imported product and 57 percent from domestic product.

According to the WRRC, in 2010, there were approximately 195 producers of raspberries for processing and 34 processors (first handlers) of processed raspberries in Oregon and Washington States, which are the principal growing areas in the United States for raspberries destined for processing. Approximately 95 percent of the producers and 100 percent of the raspberry processors qualified under the definition for small business owners. Although California is a significant producer of raspberries, virtually all harvested product is destined for the fresh market. In 2010, there were approximately 50 importers of processed raspberries. Based on the U.S. Department of Commerce, U.S. Census Bureau, Foreign Trade Statistics, in 2010 two countries accounted for 95 percent of the processed raspberries imported into the United States. These countries and their share of the imports are: Chile (78 percent) and Canada (17 percent).

The 1996 Act authorizes generic programs of promotion, research, and information for agricultural commodities. Congress found that it is in the national public interest and vital to the welfare of the agricultural economy of the United States to maintain and expand existing markets and develop new markets and uses for agricultural commodities through industry-funded, government-supervised, generic commodity promotion programs.

The WRRC submitted this Order to: (1) Develop and finance an effective and coordinated program of research, promotion, industry information, and consumer education regarding processed raspberries; (2) strengthen the position of the processed raspberry industry; and (3) maintain, develop, and expand existing markets for processed raspberries.

While the Order imposes certain recordkeeping requirements on first

handlers, this information may be compiled from records currently maintained. First handlers will collect and remit the assessments on domestic raspberries for processing to the Council. First handler responsibilities will include accurate recordkeeping and accounting on all raspberries purchased or contracted for processing including the number of pounds handled, the names of their producers, and the date's raspberries were purchased. The forms require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the 1996 Act. Such records must be retained for at least two years. This information is already maintained as a normal business practice. In addition, most of these entities currently remit assessments under either the Washington or Oregon State programs, the additional recordkeeping and submission impact will be minimal.

There is also a minimal paperwork burden on producers. The Order requires producers to keep records and to provide information to the Council or the Department when requested. However, it is not anticipated that producers will be required to submit forms to the Council other than for nomination to the Council. If, for example, the Council needs information from a producer as part of the Council's compliance program, the information will need to be obtained through an audit of the producer's records instead of having the producer complete and submit paperwork.

In addition, there is a minimal burden on importers. The import assessments will be collected by U.S. Customs and Border Protection (Customs) at time of entry into the United States. Importers will be required to keep records and to provide information to the Council or the Secretary of Agriculture (Secretary) when requested. However, it is not anticipated that importers will be required to submit forms to the Council for assessment collection because Customs conducts recordkeeping and assessment remittance at the time of product entry into the United States. Importers who seek nomination to serve on the Council will be required to complete a background form which will be submitted to the Secretary.

Foreign producers from countries exporting a minimum of three million pounds of raspberries for processing based on a three-year average to the U.S. and at-large members seeking nomination to serve on the Council will also be required to complete a background form which shall be submitted to the Secretary.

The estimated annual cost of providing the information to the Council by an estimated 297 respondents (195 producers, 50 importers, 34 first handlers/processors, 2 foreign producers, 5 organic producers and importers, 10 certified organizations (for nomination purposes), and 1 at-large member) would be $9,141.

Section 518 of the 1996 Act provides for referenda to ascertain approval of the Order to be conducted either prior to its going into effect or within three years after assessments first begin under the Order. An initial referendum was conducted prior to putting this Order in effect. Eighty-eight percent of producers and importers who voted favored implementation of the Order.

Every seven years, the Department shall conduct a referendum to determine whether producers of raspberries for processing and importers of processed raspberries favor the continuation, suspension, or termination of the Order. In addition, the Department may conduct a referendum at any time; at the request of 10 percent or more of all eligible producers of raspberries for processing and processed raspberries importers required to pay assessments; or if the Council requests that the Secretary hold a referendum.

The United States is among the leading producers of raspberries. Raspberries are grown in 49 states and are harvested late June to mid August. The 2007 Census of Agriculture indicates that about 80 percent of the U.S. raspberry acreage was in California, Oregon, and Washington.

According to the United States Department of Agriculture's National Agricultural Statistics Service (NASS) and the Foreign Agricultural Service (FAS), in 2010, 148,010 million pounds of raspberries (fresh) with a combined value approaching $258 million (value of utilized production) were produced in California, Oregon, and Washington, the three most productive States for growing raspberries in the United States. In 2009, 173,700 million pounds were produced and utilized, at a value of almost $361 million. California's crop is predominately delivered to the fresh market, while Oregon and Washington are the principal producers of processed raspberries.

Domestic production varies from year to year due to climatic conditions and field health. Over the last fifteen years, total domestic production of raspberries delivered to processors in the United States (i.e., production utilized for processing) has increased from 47.5 million pounds in 1991 to almost 65 million pounds in 2010 with most recent years averaging approximately 64 million pounds. Washington continues to be the major supplier of processed raspberries to the domestic market, although its market share declined from 72 percent to 37 percent between 2001 and 2010. In comparison, imported processed raspberries surged from 7.5 to 53.8 million pounds from 1991 to 2005 and then decreased to 50.3 million pounds in 2010. Chile, which is the predominate importer of processed raspberries to the United States, supplied just over 24 percent of the total U.S. market in 2010.

Domestic uses of processed raspberries include further processing into juices, jellies, baked goods, and consumer retailer packs. After averaging approximately 184 million pounds for the period 2008 to 2010, approximately 194 million pounds of processed raspberries were imported into the United States and fresh raspberries within the United States were utilized for processing in 2010. These totals were calculated by using imports of frozen raspberries from FAS and NASS reports of production utilized for processing in Oregon, Washington, and California. Because of the way imports are currently reported, and because of the way NASS reports raspberry data, the totals represent the best information currently available.

The following countries are major exporters of raspberries to the United States: Canada, Chile, China, France, and Serbia. Canada and Chile represented 95 percent share of total import tonnage in the domestic United States market for 2010, with 17 and 78 percent respectively.

The same growing conditions and harvesting period apply to the Pacific Northwest and British Columbia, the major raspberry growing region in Canada. Exports of processed frozen raspberries from British Colombia to the United States ranged from 2.9 million metric tons to 5.7 million metric tons over the past five years.

Contra-season raspberry production in the southern hemisphere is primarily located in Chile, with a harvest season beginning in December and continuing into February. However, processed raspberries are imported into the United States throughout the year.

The Order authorizes a fixed assessment to be paid by producers of raspberries for processing and importers of processed raspberries at a rate of up to one cent per pound, with the initial assessment rate being one cent per pound. Imported processed raspberries covered under the program will have a quantity associated with it in either kilograms or liters. One pound is equal

to .45359237 kilograms. In addition, one pound is equal to .45359237 liters of water weight. For processed red raspberry juice and juice concentrate, the Department has decided to use this conversion factor for calculating the assessment because calculating the weight of one liter of raspberry juice and juice concentrate would be costly and impractical. Therefore, the assessment rate for imported processed raspberries will be $.022 per kilogram/liter.

The factors for calculating the assessment on imported processed raspberries include the (1) HTS classification number, (2) conversion factor from pound to kilogram/liter, (3) assessment rate as established under the Order, and (4) the ratio requested by the WRRC for HTS classification numbers 2009.80.60.55 and 2007.99.65.10 to HTS code 0811.20.20.25.

Imported processed raspberries covered under the program will have a quantity associated with it in either kilograms or liters. Therefore, the Department converted the assessment rate from dollars per pound to dollars per kilogram. One cent per pound is equivalent to $.0045 per kilogram/liter. The Department then calculated the dollar per kilogram/liter assessment rate based on the ratios requested by the WRRC. For example $.022 per kilogram/liter based on a 1:1 ratio will still be $.022 per kilogram/liter. However, $.022 per kilogram/liter based on a 6.8:1 ratio, would be $.1496 per kilogram/liter.

Examples of calculating the assessment on processed red raspberry juice and juice concentrate, processed red raspberries, and red raspberries paste and purees are as follows:

Example I: Processed Red Raspberries in Kilograms With a 1:1 Ratio

To calculate the assessment for processed raspberries products in HTS codes 2007.99.65.10, the following example illustrates a typical calculation.

Weight (kilograms)		10,000 kg
Ratio (1:1)	×	1
Weight to Ratio Equivalent		10,000
Assessment Rate (dollars per kilograms).	×	$.0022
Assessment	=	$220

Example II: Processed Red Raspberries in Liters With a 6.8:1 Ratio

To calculate the assessment for processed raspberries products in HTS code 2009.80.60.55, the following example illustrates a typical calculation.

Weight (liters)		10,000 kg
Ratio (6.8:1)	×	6.8
Weight to Ratio Equivalent		68,000
Assessment Rate (dollars per liters).	×	$.022
Assessment	=	$1496

The assessment rate will be reviewed, and increased or decreased as recommended by the Council and approved by the Secretary after the first referendum is conducted as stated in § 1208.71(a). Such an increase or decrease may occur not more than once annually. Any change in the assessment rate shall be subject to rulemaking by the Department, and will be reviewed, and increased or decreased by the Secretary through rulemaking as recommended by the Council. Any change in the assessment rate shall be announced by the Council at least 30 days prior to going into effect. The maximum assessment rate authorized is one cent per pound.

At the assessment rate of up to one cent per pound, with the initial assessment rate being one cent per pound, the Council shall collect approximately $1.2 million annually based on an estimated 120 million pound supply from domestic raspberries for processing and imports of processed raspberries. The domestic supply represents approximately 57 percent of the total and imports represent 43 percent.

The Order exempts producers and importers of less than 20,000 pounds annually of raspberries for processing and processed raspberries respectively. A review of producer delivery statistics from Oregon and Washington States indicate that around 15 percent of all producers would have been exempted from assessment in 2010 from the research and promotion program based on a 20,000 pounds exemption threshold. Also, 100 percent organic producers and importers shall be exempt from assessment. Section 515 of the 1996 Act provides for the establishment of a board or council consisting of producers, importers, and others in the marketing chain as appropriate.

The Order provides for the establishment of the National Processed Raspberry Council (Council) to administer the Order under AMS oversight. The Secretary will appoint members to the Council from nominees submitted in accordance with the Order. The WRRC proposed that the Council be composed of 13 members and their alternates. The Council membership will be as follows: six producer members of raspberries for processing from States producing a minimum of three million pounds of raspberries delivered for processing; one producer member of raspberries for processing representing all other States that produce less than the minimum of three million pounds of raspberries delivered for processing; three processed raspberry importer members; two foreign producers from countries exporting a minimum of three million pounds of raspberries for processing to the U.S. based on a three-year average; and one at-large member recommended by the Council. The distribution of producer member of raspberries for processing positions among the States producing a minimum of three million pounds of raspberries shall be proportional to the average of the total pounds delivered to the processor for processing over the previous three years. The States that provide less than three million pounds will be combined into one region and will have one producer representative.

Under the Order, the Council members and alternates will serve for a term of three years and be able to serve a maximum of two consecutive terms. When the Council is first established, four producer members, two importers, one of the two foreign producers, and the at-large member and their respective alternates will be assigned initial terms of three years; and, three producer members, one importer member, and the second foreign producer and their respective alternates will serve an initial term of two years. Thereafter, each of these positions will carry a full three-year term. Members serving an initial term of two years will be eligible to serve a second three-year term to complete their eligibility. Council nominations and appointments will take place in two out of every three years. Each term of office will end on December 31, and a new term will begin on January 1.

Producers and importers will represent those entities in the United States. The United States is defined to include collectively the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

The nominations for the six producer and alternate members from States producing a minimum three year average of three million pounds of raspberries delivered for processing will be submitted to the Council in the following manner: (1) For those States that have a State raspberry commission or State marketing order, the State raspberry commission or committee will nominate producers and their alternates to serve; or (2) for those States that do not have a State raspberry commission or State marketing order, the Council will seek nominations from the State

Departments of Agriculture for members and alternates from the specific States.

For those States producing a minimum three year average of three million pounds of raspberries delivered for processing that have a State raspberry commission or State marketing order, the State raspberry commission or committee nominations will be sent to the Council and placed on a ballot which will then be sent to producers in the State for a vote. The nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the nominee for alternate. The persons with the third and fourth place highest number of votes cast will be designated as additional nominees for consideration by the Secretary. Once the Council has received all of the nominations from commissions or committees, the information will be submitted to the Secretary for appointment. Nominations for the initial Council will be handled by the Department. Subsequent nominations will be handled by the Council staff and shall be submitted to the Secretary not less than 90 days prior to the expiration of the term of office.

If the Department determines that there are no State raspberry commissions or State marketing orders from States producing a minimum three year average of three million pounds of raspberries delivered for processing, the Council will seek nominations from the State Departments of Agriculture for members and alternates from the specific States. The State Departments of Agriculture will have the opportunity to participate in nomination caucuses and may directly submit as a group, a single slate of nominations to the Department for the six producer positions and producer alternate positions for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

The distribution of the six producer and alternate seats will be proportional to the percentage determined by the average of the total pounds produced and delivered to processors for processing over the previous three years divided by the average total pounds produced over the previous three years. For example, if Washington State and Oregon are the only two States producing a minimum of 3 million pounds each, and Washington's previous three year average is 62.4 million pounds and Oregon's previous three year average is 6.7 million pounds with the average total pounds for the previous three years being 69.1 million pounds, Washington would have 90 percent of the production and Oregon would have 10 percent of the production. Therefore, Washington would obtain five out of the six seats and Oregon would receive one seat.

The nominations for the one raspberry producer of raspberries for processing and alternate member, who represents all other States producing less than a minimum three year average of three million pounds of raspberries delivered for processing, which constitutes a region will be submitted to the Council in the following manner: (1) For those States that have a State raspberry commission or State marketing order, the State raspberry commission or committee will nominate producers and their alternates to serve; or (2) for those States that do not have a State raspberry commission or State marketing order, the Council will seek nominations from the State Departments of Agriculture for the member and alternate from the specific States.

For those States producing less than a minimum three year average of three million pounds of raspberries delivered for processing that have a State raspberry commission or State marketing order, the State raspberry commission or committee nominations will be sent to the Council and placed on a ballot which will then be sent to producers in the region for a vote. The nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the nominee for alternate. The persons with the third and fourth place highest number of votes cast will be designated as additional nominees for consideration by the Secretary. Once the Council has received all of the nominations from commissions or committees, the information will be submitted to the Secretary for appointment. Nominations for the initial Council will be handled by the Department. Subsequent nominations will be handled by the Council staff and shall be submitted to the Secretary not less than 90 days prior to the expiration of the term of office.

If the Department determines that there are no State raspberry commissions or State marketing orders from States producing less than a minimum three year average of three million pounds of raspberries delivered for processing, the Council will seek nominations from the State Departments of Agriculture for members and alternates from the specific States. The State Departments of Agriculture will have the opportunity to participate in nomination caucuses and will directly submit as a group a single slate of nominations to the Department for the producer position and the producer alternate position for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

Nominations for the three processed raspberry importer member positions and their alternates will be made by qualified national organizations representing importers. Two nominees for each member and each alternate position will be submitted to the Secretary for consideration.

All qualified national organizations representing importers will have the opportunity to participate in nomination caucuses and will submit as a group a single slate of nominations to the Secretary for the importer positions and the importer alternate positions on the Council.

Eligible organizations must submit nominations to the Department not less than 90 days prior to the expiration of the term of office. To become a qualified national organization representing importers under the Order, each such organization shall be required to meet the following criteria: (1) Any organization representing importers must represent a substantial number of importers who market a substantial volume of raspberries for processing; (2) it must have a history of stability and permanency and have been in existence for more than one year; (3) it must promote processed raspberry importers' welfare; and (4) it must derive a portion of its operating funds from importers.

If the Department determines that there are no qualified national organizations representing importers, individuals who have paid their assessments to the Council in the most recent fiscal year, or for the initial Council, those that imported processed raspberries into the U.S. in the most recent fiscal year, may directly submit nominations to the Department for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

Nominations for the two foreign producer member positions and their alternates will be made by qualified organizations representing foreign producers. Two nominees for each member and each alternate position will

be submitted to the Secretary for consideration.

All qualified organizations representing foreign producers will have the opportunity to participate in nomination caucuses and will submit as a group a single slate of nominations per country to the Secretary for foreign producer positions and the foreign producer alternate positions on the Council.

Eligible organizations must submit nominations to the Department not less than 90 days prior to the expiration of the term of office. To become a qualified organization representing foreign producers under the Order, each such organization shall be required to meet the following criteria: (1) Any organization representing foreign producers must represent a substantial number of foreign producers who market or produce a substantial volume of raspberries for processing; (2) it must have a history of stability and permanency and have been in existence for more than one year; (3) it must promote processed raspberry foreign producers' welfare; (4) it must derive a portion of its operating funds from foreign producers; and (5) must be from a country exporting a minimum of three million pounds of raspberries for processing to the U.S. based on a three-year average.

If the Department determines that there are no qualified organizations representing foreign producer interests, individual foreign producers may directly submit nominations to the Department for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

In recommending the at-large member and alternate, the Council may give consideration to nutrition health professionals and others interested in the raspberry industry. Nominations for the at-large member and alternate will be conducted at a Council meeting by the Council staff and shall be submitted by the Council to the Secretary for approval not less than 90 days prior to the expiration of the term of office. Nominations for the initial Council will be handled by the Department.

The 1996 Act provides that to ensure fair and equitable representation, the composition of a board or council shall reflect the geographic distribution of the production of the agriculture commodity in the United States and the quantity or value of the agriculture commodity imported into the United States. The Order states that at least once every five years, but not more frequently than once every three years, the Council will review the geographic distribution of United States production of processed raspberries and the quantity and source of processed raspberry imports. If warranted, the Council will recommend to the Secretary that membership on the Council be altered to reflect any changes in geographic distribution of domestic raspberry production and the quantity of imports. Also, if the level of imports increases or decreases importer members and alternates may be added or reduced on the Council. However, the foreign producer seats will remain the same regardless of the volume of imports from importing countries.

The Order provides that all officers, employees, and agents of the Department and of the Council are required to keep confidential all information obtained from persons subject to the Order. This information shall be disclosed only if the Department considers the information relevant, and the information is revealed in a judicial proceeding or administrative hearing brought at the direction or on the request of the Department or to which the Department or any officer of the Department is a party. However, the issuance of general statements based on reports or on information relating to a number of persons subject to the Order shall be permitted, if the statements do not identify the information furnished by any person. Finally, the publication, by direction of the Department, of the name of any person violating the Order and a statement of the particular provisions of the Order violated by the person shall be allowed.

Recordkeeping and reporting requirements for the raspberry promotion, research, and information program shall be designed to minimize the burden on the raspberry industry.

The estimated total cost of providing information to the Council by all respondents would be $9,141. This total has been estimated by multiplying 277 total hours required for reporting and recordkeeping by $33, the average mean hourly earnings of various occupations involved in keeping this information. Data for computation of this hourly rate was obtained from the U.S. Department of Labor Statistics.

With regard to alternatives to this rule, the 1996 Act itself does provide for authority to tailor a program according to the individual needs of an industry. Provision is made for permissive terms in an order in section 516 of the 1996 Act, and other sections provide for alternatives. Section 514 of the 1996 Act provides for orders applicable to (1) producers, (2) first handlers and other persons in the marketing chain as appropriate, and (3) importers (if imports are subject to assessment). Section 516 states that an order may include an exemption of de minimis quantities of an agricultural commodity; different payment and reporting schedules; coverage of research, promotion, and information activities to expand, improve, or make more efficient the marketing or use of an agricultural commodity in both domestic and foreign markets; provision for reserve funds; provision for credits for generic activities for those individuals who contribute to other similar generic research, promotion, and information programs at State, regional or local level; and assessment of imports. In addition, section 518 of the 1996 Act provides for referenda to ascertain approval of an order to be conducted either prior to its going into effect or within three years after assessments first begin under the order. An order also may provide for its approval in a referendum to be based upon (1) a majority of those persons voting; (2) persons voting for approval who represent a majority of the volume of the agricultural commodity; or (3) a majority of those persons voting for approval who also represent a majority of the volume of the agricultural commodity. Section 515 of the 1996 Act provides for establishment of a council from among producers, first handlers, and others in the marketing chain as appropriate and importers, if importers are subject to assessment.

The WRRC and ORBC both administer State marketing orders, which require all producers of raspberries to pay assessments to support the health of their respective industries. According to WRRC, the two commissions have developed a good working relationship with each other over the years. Both the WRRC and ORBC invest funds into research programs at their land-grant universities and other research institutions to study disease, pest control, and varietal development. In addition to developing and funding production research, they also fund marketing and promotion programs and seek to foster education and communication between producers. However, the WRRC, stated that it has not been able to generate the funds necessary, nor has the ORBC or international raspberry organizations, to support the marketing efforts needed to help expand processed raspberry consumption and increase the demand for processed raspberries. In order to

manage increased production, increased competition, and changing consumer habits, the WRRC believes that a more extensive marketing program is needed. The WRRC and ORBC believe that a national research and promotion program will fund the promotional aspect necessary to stay competitive and shall place all domestic producers and importers on an equal playing field with each investing a fair share in promoting processed raspberries. The Council may provide credits of assessments for those individuals who contribute to local, regional, or State organizations engaged in similar generic research, promotion, and information programs as applied to assessment due to the Council subject to approval of the Secretary, for expenditure on generic research, promotion and information programs conducted within the United States. The WRRC and ORBC will continue to fund processed raspberry research in areas not likely to be the focus of the national program.

The WRRC and ORBC programs are not able to engage raspberry production in other States or countries in a meaningful way. The program is not intended to duplicate any State program. Considerable attention has been made to involve producers in discussions regarding future program development and administration and what the State commissions would look like prior to the initial referendum. It is expected that farm related activities, such as production research, shall continue to be funded by the State organizations and market development functions, such as nutritional research and marketing programs, will shift to the Order.

The WRRC proposed that producers and importers of less than 20,000 pounds annually of raspberries for processing and processed raspberries respectively, be exempt from assessments. The WRRC also proposed that a producer who operates under an approved National Organic Program (NOP) system plan, produces only products eligible to be labeled as 100 percent organic under the NOP, and is not a split operation, be exempt from paying assessments under the Order. An importer who imports only products eligible to be labeled as 100 percent organic under the NOP, and is not a split operation, shall also be exempt from paying assessments.

There are no federal rules that duplicate, overlap, or conflict with this rule.

The Department invited comments concerning potential effects of the Order on small entities and the accuracy regarding the number and size of entities covered under the Order. We did not receive any comments as a result of the publication of the Initial Regulatory Flexibility Analysis.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the reporting and recordkeeping provisions generated by this rule have been preapproved by OMB, under OMB control number: 0581–0258

Title: National Processed Raspberry Promotion, Research, and Information Program.

OMB Number: 0581–0258.

Expiration Date of Approval: November 30, 2012.

Type of Request: Approval of a preapproved collection.

Abstract: The information collection requirements are essential to carry out the intent of the 1996 Act.

There will also be the additional burden on producers and importers voting in referenda. The referendum ballot, which represents the information collection requirement relating to referenda, was addressed in a separate final rule on referendum procedures which was published in the **Federal Register** on February 8, 2010 [75 FR 6089].

Under the program, first handlers are required to collect assessments from producers and file reports with and submit assessments to the Council. While the Order imposes certain recordkeeping requirements on first handlers, information required under the Order may be compiled from records currently maintained. Such records shall be retained for at least two years beyond the marketing year of their applicability.

Under the Order, importers are responsible to pay assessments. Importers must report the total quantity of processed raspberries imported during the reporting period and a record of each importation of such product during such period, giving quantity, date, and port of entry. Under the Order, Customs will collect assessments on imported processed raspberries and remit the funds to the Council.

An estimated 297 respondents will provide information to the Council. There will be approximately 195 producers, 50 importers, 34 first handlers/processors, 5 organic producers and importers (for exemption purposes), 2 foreign producers, 10 certified organizations (for nomination purposes), and 1 at-large member. The estimated cost of providing the information to the Council by respondents would be $9,141. This total has been estimated by multiplying 277 total hours required for reporting and recordkeeping by $33, the average mean hourly earnings of various occupations involved in keeping this information. Data for computation of this hourly rate was obtained from the U.S. Department of Labor Statistics.

The Order's provisions have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already submitted under other raspberry programs administered by the Department and other state programs.

The forms require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the 1996 Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Council. The forms will be simple, easy to understand, and place as small a burden as possible on the person required to file the information.

Collecting information yearly will coincide with normal industry business practices. The timing and frequency of collecting information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports. The requirement to keep records for two years is consistent with normal industry practices. In addition, the information to be included on these forms is not available from other sources because such information relates specifically to individual producers, first handlers, processors, foreign producers, and importers who are subject to the provisions of the 1996 Act.

Therefore, there is no practical method for collecting the required information without the use of these forms.

The request for OMB approval of OMB No. 0581–0258 is as follows:

(1) *A Background Information Form AD–755 (OMB Form No. 0505–0001).*

Estimate of Burden: Public reporting for this collection of information is estimated to average 0.5 hours per response for each Council nominee.

Respondents: Producers, importers, foreign producers, and at-large nominee.

Estimated number of Respondents: 26 (52 for initial nominations to the Council, 26 in subsequent years).

Estimated number of Responses per Respondent: 1 every 3 years. (0.3).

Estimated Total Annual Burden on Respondents: 7.8 hours for the initial

nominations to the Council and 3.9 hours annually thereafter.

(2) *An Annual Report By Each First Handler of Processed Raspberries.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per first handler reporting on processed raspberries handled.

Respondents: First handlers.

Estimated number of Respondents: 34.

Estimated number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 17 hours.

(3) *An Exemption Application for Producers And Importers Who Would Be Exempt From Assessments.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per producers, or importer reporting on processed raspberries produced or imported. Upon approval of an application, producers and importers will receive exemption certification.

Respondents: Exempt producers and importers.

Estimated number of Respondents: 40.

Estimated number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 10 hours.

(4) *Application for Reimbursement of Assessment.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per request for reimbursement.

Respondents: Producers and importers.

Estimated number of Respondents: 10.

Estimated number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.5 hours.

(5) *A Requirement to Maintain Records Sufficient to Verify Reports Submitted Under the Order.*

Estimate of Burden: Public recordkeeping burden for keeping this information is estimated to average 0.5 hours per record keeper maintaining such records.

Recordkeepers: Producers, first handlers, and importers.

Estimated number of recordkeepers: 297.

Estimated total recordkeeping hours: 148.5 hours.

(6) *Application for Certification of Organizations.*

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.5 hours per application.

Respondents: Importers and foreign producer organizations.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 5 hours.

(7) *Nomination Appointment Form.*

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.25 hours per application.

Respondents: Producers, importers, and foreign producers.

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 37.5 hours.

(8) *Nomination Appointment Ballot.*

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.25 hours per application.

Respondents: Producers and importers.

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 37.5 hours.

(9) *Application For Assessments Credit.*

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.25 hours per application.

Respondents: Producers.

Estimated Number of Respondents: 50.

E*stimated Number of Responses per Respondent:* 1.

Estimated Total Annual Burden on Respondents: 12.5 hours.

(10) *Organic Exemption Form.*

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.5 hours per exemption form.

Respondents: Producers and importers.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.5 hours.

As discussed previously, the new number assigned to red raspberry juice and juice concentrate is 2009.80.60.55, the new number assigned to processed red raspberry pastes and purees is 2007.99.65.10, and the new number assigned to red raspberry preserves is 2008.99.20.20, effective July 1, 2010. The aforementioned changes are reflected in this final rule. Assessment collected for imported red raspberry preserves will not begin until a conversion factor is developed.

As a result of the aforementioned changes, the Department has made additional changes to the Order. Section 1205.52 has been modified as follows: (1) Newly approved HTS codes have been added; (2) the factor for converting pounds to liters and pounds to kilograms has been added; (3) Table I. Processed Raspberry Products Assessment Table has been added to clearly identify the assessment rates for importers based on the conversion ratios requested by the WRRC; and (4) language has been added to ensure that assessments continue to be collected in the event that any HTS number identified in the Order is changed, replaced by another number, or added, and still falls within the definition of processed raspberries.

The Order is summarized as follows: 1208.1 through 1208.29 of the Order define certain terms, such as processed raspberries, first handler, and importer, which are used in the Order.

Sections 1208.40 through 1208.48 include provisions relating to the Council. These provisions cover establishment and membership, nominations and appointments, term of office, vacancies, alternate members, and procedures for conducting Council business, compensation and reimbursement, and powers and duties of the Council, and prohibited activities. The Council is the governing body authorized to administer the Order through the implementation of programs, plans, projects, budgets, and contracts to promote and disseminate information about processed raspberries, subject to oversight of the Secretary.

Sections 1208.50 through 1208.56 cover budget review and approval; financial statements; authorize the collection of assessments; specify how assessments would be used, including reimbursement of necessary expenses incurred by the Council for the performance of its duties and expenses incurred for the Department's oversight responsibilities; specify who pays the assessment and how; authorize the imposition of a late-payment charge on past-due assessments; outline exemption procedures; address programs, plans, and projects; require the Council to periodically conduct an independent review of its overall program; and address patents, copyrights, trademarks, information, publications, and product formulations developed through the use of assessment funds.

The assessment rate is up to one cent per pound for domestic raspberries for processing and imported processed raspberries, with the initial assessment rate being one cent per pound. The assessment rate will be reviewed, and increased or decreased as recommended by the Council and approved by the Secretary after the first referendum is conducted as stated in § 1208.71(a). Such an increase or decrease may occur not more than once annually and may not exceed the initial assessment rate of one cent per pound. Any change in the assessment rate shall be subject to rulemaking by the Department, and will be reviewed, and increased or decreased by the Secretary through rulemaking as recommended by the Council. Any change in the assessment rate shall be announced by the Council at least 30 days prior to going into effect. The maximum assessment rate authorized is one cent per pound.

The assessment rate may be raised or lowered at a rate not to exceed one cent per pound, after the initial continuance referendum which would be conducted after the program has been in operation five years. A referendum to approve the new assessment rate or for any other change is not required.

Sections 1208.60 through 1208.62 concerns reporting and recordkeeping requirements for persons subject to the Order and protect the confidentiality of information from such books, records, or reports.

Sections 1208.70 through 1208.78 describe the rights of the Secretary; address referenda; authorize the Secretary to suspend or terminate the Order when deemed appropriate; prescribe proceedings after termination; address personal liability, separability, and amendments; and provide OMB control numbers.

As previously mentioned the Department conducted a referendum among domestic producers of raspberries for processing and processed raspberry importers from June 8 through June 24, 2011. The representative period for establishing voter eligibility was from January 1 through December 31, 2010. Producers and importers of 20,000 or more pounds of raspberries for processing or processed raspberries respectively during the representative period were eligible to vote in the referendum. Eighty-eight percent of those who voted in the referendum favored implementation of the Order.

After consideration of all relevant material presented, including the initial proposal, comments received, and the referendum results, it is found that the Processed Raspberry Research, Promotion, and Information Order, authorized under the Commodity Promotion, Research, and Information Act of 1996, is consistent with and effectuates the declared policy and purpose of the 1996 Act.

It is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because implementation of the Order is needed as soon as possible to begin assessments under the program and to initiate the process of establishing the Council.

List of Subjects in 7 CFR Part 1208

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Raspberry promotion, Reporting and Recordkeeping requirements.

For the reasons set forth in the preamble, Title 7, Chapter XI of the Code of Federal Regulations is amended as follows:

PART 1208—PROCESSED RASPBERRY PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for part 1208 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Subpart A is added to part 1217 to read as follows:

Subpart A—Processed Raspberry Promotion, Research, and Information Order

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Subpart A—Processed Raspberry Promotion, Research, and Information Order

Definitions

§ 1208.1 Act.

Act means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425), and any amendments thereto.

§ 1208.2 Conflict of interest.

Conflict of interest means a situation in which a member or employee of the Council has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Council for anything of economic value.

§ 1208.3 Crop year.

Crop year means the 12-month period from April 1 to March 31 or such other period approved by the Secretary.

§ 1208.4 Customs.

Customs means the United States Customs and Border Protection or U.S. Customs Service, an agency of the

United States Department of Homeland Security.

§ 1208.5 Department.

Department means the United States Department of Agriculture or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1208.6 First handler.

First handler means any person (excluding a common or contract carrier) receiving raspberries for processing from producers in a calendar year and who as owner or agent, ships or causes processed raspberries or raspberries for processing to be shipped as specified in the Order. This definition includes those engaged in the business of buying, selling and/or offering for sale, receiving, packing, grading, marketing, or distributing processed raspberries or raspberries for processing in commercial quantities. This definition excludes a retailer, except a retailer who purchases or acquires from, or handles on behalf of, any producer of raspberries for processing. The term first handler includes a producer who handles or markets processed raspberries of the producer's own production.

§ 1208.7 Fiscal period.

Fiscal period means a calendar year from April 1 through March 31, or such other period as approved by the Secretary.

§ 1208.8 Foreign producer.

Foreign producer means any person:

(a) Who is engaged in the production and sale of raspberries for processing outside of the United States and who owns, or shares the ownership and risk of loss of raspberries for processing for sale in the U.S. market; or

(b) Who is engaged, outside of the United States, in the business of producing, or causing to be produced, processed raspberries beyond the person's own family use and having value at first point of sale.

§ 1208.9 Handle.

Handle means to pack, process, sell, transport, purchase, or in any other way to place or cause processed raspberries or raspberries for processing to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of raspberries for processing by the producer thereof to a handler.

§ 1208.10 Importer.

Importer means any person importing 20,000 pounds or more of processed raspberries into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or handles processed raspberries outside of the United States for sale in the United States, and who is listed in the import records as the importer of record for such processed raspberries.

§ 1208.11 Information.

Information means information and programs that are designed to increase efficiency in processing and to develop new markets, marketing strategies, increase market efficiency, and activities that are designed to enhance the image of processed raspberries or raspberries for processing on a national basis. These include:

(a) *Consumer information,* which means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of processed raspberries and raspberries for processing.

(b) *Food industry information,* which means any action taken to provide information to, and broaden the understanding of, the food industry regarding the consumption, use, nutritional attributes, and care of processed raspberries and raspberries for processing.

(c) *Industry information,* which means any action taken to provide information to or collect information from, and broaden the underestimating of, the raspberry industry regarding the production, consumption, use, nutritional attributes, and care of processed raspberries and raspberries for processing.

§ 1208.12 Market or marketing.

(a) *Marketing* means the sale or other disposition of processed raspberries in interstate, foreign or intrastate commerce.

(b) To *market* means to sell or otherwise dispose of processed raspberries in any channel of commerce.

§ 1208.13 National Processed Raspberry Council.

National Processed Raspberry Council or such other name as recommended by the Council and approved by the Department means the administrative body established pursuant to § 1208.40.

§ 1208.14 Order.

Order means the Processed Raspberry Promotion, Research, and Information Order.

§ 1208.15 Part and subpart.

Part means the Processed Raspberry Promotion, Research, and Information Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Order shall be a subpart of such part.

§ 1208.16 Person.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1208.17 Processed raspberries.

Processed raspberries means raspberries which have been frozen, dried, pureed, made into juice, or delivered in any other form altered by mechanical processes other than fresh.

§ 1208.18 Processor.

Processor means a person engaged in the preparation of raspberries for processing for market who owns or who shares the ownership and risk of loss of such raspberries.

§ 1208.19 Producer.

Producer means any person who grows 20,000 pounds or more of raspberries for processing in the United States for sale in commerce, and a person who is engaged in the business of producing, or causing to be produced for any market, raspberries for processing beyond the person's own family use and having value at first point of sale.

§ 1208.20 Promotion.

Promotion means any action taken to present a favorable image of processed raspberries to the general public and the food industry for the purpose of improving the competitive position of processed raspberries both in the United States and abroad and stimulating the sale of processed raspberries including paid advertising and public relations.

§ 1208.21 Qualified national organization representing importer interests.

Qualified national organization representing importer interests means an organization that the Secretary certifies as being eligible to nominate importer and alternate importer members to the Council.

§ 1208.22 Qualified organization representing foreign producer interests.

Qualified organization representing foreign producer interests means an organization that the Secretary certifies as being eligible to nominate foreign producer and alternate foreign producer members to the Council.

§ 1208.23 Raspberries.

Raspberries mean and include all kinds, varieties, and hybrids of cultivated raspberries of the genus ''rubus idaeus L.'' grown in or imported into the United States.

§ 1208.24 Research.

Research means any type of test, study, or analysis designed to advance the image, desirability, use, marketability, production, product development, or quality of processed raspberries or raspberries for processing, including but not limited to research relating to nutritional value, cost of production, new product development, health research, and marketing of processed raspberries or raspberries for processing.

§ 1208.25 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may be delegated, to act in the Secretary's stead.

§ 1208.26 State.

State means any of the several 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

§ 1208.27 Suspend.

Suspend means to issue a rule under section 553 of title 5 U.S.C., to temporarily prevent the operation of an order or part thereof during a particular period of time specified in the rule.

§ 1208.28 Terminate.

Terminate means to issue a rule under section 553 of title 5 U.S.C., to cancel permanently the operation of an order or part thereof beginning on a certain date specified in the rule.

§ 1208.29 United States.

United States means collectively the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

National Processed Raspberry Council

§ 1208.40 Establishment and membership.

(a) *Establishment of the National Processed Raspberry Council.* There is hereby established a National Processed Raspberry Council, or such other name as recommended by the Council and approved by the Department, hereinafter called Council, composed of thirteen (13) members and thirteen (13) alternate members, appointed by the Secretary from nominations as follows:

(1) Six (6) processed raspberry producer members and alternate members from States producing a minimum of three (3) million pounds of raspberries delivered for processing. Distribution of the seats among the eligible States shall be proportional to the percent determined by the average of the total pounds produced and delivered to processors for processing over the previous three years divided by the average total pounds by all of the eligible States for the previous three years. Only States whose producers deliver raspberries for processing and pay assessments are eligible for nomination and election to the Council. Average production will be based upon either State production figures or the Department data for the initial election, and production figures generated by either the Council or the Department thereafter;

(2) One (1) processed raspberry producer member and alternate member representing all other States producing less than a three (3) million pounds of raspberries delivered for processing. All States producing less than three million pounds of raspberries delivered for processing will constitute a region from which one producer member and alternate will be nominated to the Council. Only States whose producers deliver raspberries for processing and pay assessments are eligible for nomination and election to the Council. Average production will be based upon either State production figures or the Department data for the initial election, and production figures generated by either the Council or the Department thereafter;

(3) Three (3) processed raspberry importer members and alternate members;

(4) Two (2) foreign producers and their alternate members from countries exporting a minimum of three million pounds of raspberries for processing to the U.S, based on a three-year average; and

(5) One (1) at-large member and an alternate recommended by the Council and shall be submitted by the Council to the Secretary for approval. In recommending the at-large member and alternate, the Council shall give consideration to nutrition health professionals and others interested in raspberry industry. Nominations for the initial Council will be handled by the Department.

(b) *Adjustment of membership.* At least once every five years, but not more frequently than once every three years, the Council will review the geographic distribution of United States production of processed raspberries and the quantity and source of processed raspberry imports. The review will be conducted through an audit of State crop production figures and Council assessment receipts. If warranted, the Council will recommend to the Secretary that membership on the Council be altered to reflect any changes in geographic distribution of domestic raspberry production for processing and the quantity of imports. If the level of imports increases or decreases, importer members and alternates may be added or reduced on the Council, subject to recommendation by the Council and approval of the Secretary. However, the foreign producer seats will remain the same regardless of the volume of imports from importing countries.

(c) *Council's Ability to Serve the Diversity of the Industry.* When making recommendations for appointments, the industry should take into account the diversity of the population served and the knowledge, skills, and abilities of the members to serve a diverse population, size of the operations, methods of production and distribution, and other distinguishing factors to ensure that the Council represents the diverse interest of persons responsible for paying assessments, and others in the marketing chain, if appropriate.

§ 1208.41 Nominations and appointments.

(a) Voting for regional and State producer representatives will be made by mail ballot.

(b) Nominations for the initial Council will be handled by the Department. Subsequent nominations will be handled by the Council.

(c) The nominations for the six producer and alternate members from States producing a minimum three year average of three million pounds of raspberries delivered for processing will be submitted to the Council in the following manner:

(1) For those States that have a State raspberry commission or State marketing order, the State raspberry commission or committee will nominate producers and their alternates to serve. Nominations will be sent to the Council and placed on a ballot which will then be sent to producers in the State for a vote. The nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the nominee for alternate. The persons with the third and fourth place highest number of votes cast will be designated as additional nominees for consideration by the Secretary. Once the Council has received all of the nominations from commissions or committees, the information will be

submitted to the Secretary for appointment. Nominations for the initial Council will be handled by the Department. Subsequent nominations will be handled by the Council staff and shall be submitted to the Secretary not less than 90 days prior to the expiration of the term of office; or

(2) For those States that do not have a State raspberry commission or State marketing order, the Council will seek nominations from the State Departments of Agriculture for members and alternates from the specific States. The State Departments of Agriculture will have the opportunity to participate in nomination caucuses and may directly submit as a group, a single slate of nominations to the Department for the six producer positions and producer alternate positions for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

(3) The distribution of the six producer and alternate seats will be proportional to the percentage determined by the average of the total pounds produced and delivered to processors for processing over the previous three years divided by the average total pounds produced over the previous three years.

(d) The nominee for the one raspberry producer of raspberries for processing and alternate member who represents all other States producing less than a minimum three year average of three million pounds of raspberries delivered for processing, will constitute a region and the nominations will be submitted to the Council in the following manner:

(1) For those States that have a State raspberry commission or State marketing order, the State raspberry commission or committee will nominate producers and their alternates to serve. The State raspberry commission or committee nominations will be sent to the Council and placed on a ballot which will then be sent to producers in the Region for a vote. The nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the nominee for alternate. The persons with the third and fourth place highest number of votes cast will be designated as additional nominees for consideration by the Secretary. Once the Council has received all of the nominations from commissions or committees, the information will be submitted to the Secretary for appointment. Nominations for the initial Council will be handled by the Department. Subsequent nominations will be handled by the Council staff and shall be submitted to the Secretary not less than 90 days prior to the expiration of the term of office; or

(2) For those States that do not have a State raspberry commission or State marketing order, the Council will seek nominations from the State Departments of Agriculture for the member and alternate from the specific States. The State Departments of Agriculture will have the opportunity to participate in nomination caucuses and will directly submit as a group a single slate of nominations to the Department for the producer position and the producer alternate position for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

(e) Only producers from States that deliver raspberries for processing and are covered under the program are eligible for nomination and election to the Council. Average production will be based upon Department production data for the initial nomination and production figures generated by either the Council or the Department thereafter.

(f) Nominations for the importer positions and their alternates will be made by qualified national organizations representing importers as follows:

(1) All qualified national organizations representing importers will have the opportunity to participate in nomination caucuses and will submit as a group a single slate of nominations to the Secretary for the importer positions and the importer alternate positions on the Council. Eligible organizations must submit nominations to the Department not less than 90 days prior to the expiration of the term of office. Two nominees for each member and each alternate position will be submitted to the Secretary for consideration.

(2) If the Department determines that there are no qualified national organizations representing importers, individuals who have paid their assessments to the Council in the most recent fiscal year or for the initial Council, those that imported processed raspberries into the U.S., may directly submit nominations to the Department for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office.

(g) Nominations for the foreign producer positions and their alternates will be made by qualified organizations representing foreign producers as follows:

(1) All qualified organizations representing foreign producer interests will have the opportunity to participate in nomination caucuses and will submit as a group a single slate of nominations to the Secretary for the foreign producer positions and the foreign producer alternate positions on the Council.

(2) If the Department determines that there are no qualified organizations representing foreign producer interests, individual foreign producers may directly submit nominations to the Department for the initial Council. Subsequent nominations shall be submitted to the Council and will be handled by the Council staff who in turn shall submit those nominations to the Secretary not less than 90 days prior to the expiration of the term of office. For the initial Council, persons that meet the definition of foreign producer as defined in this subpart will certify such qualification and upon certification, if qualified, may submit nominations. Two nominees for each member and each alternate position will be submitted to the Secretary for consideration.

(h) Nominations for the at-large member and alternate will be conducted at a Council meeting by the Council and shall be submitted by the Council to the Secretary for approval. Nominations for the initial Council will be handled by the Department. Subsequent nominations will be handled by the Council and shall be submitted to the Secretary not less than 90 days prior to the expiration of the term of office.

(i) From the nominations, the Secretary shall select the members of the Council and alternates for each position on the Council. Members will serve until their replacements have been appointed by the Secretary.

(j) If there is an insufficient number of nominees from whom to appoint members to the Council, the Secretary may appoint members in such a manner as the Secretary determines appropriate.

(k) Qualified national organization representing importer interests. To be certified as a qualified national organization representing importer interests, an organization must meet the following criteria, as evidenced by a report submitted by the organization to the Secretary:

(1) The organization must represent a substantial number of importers who

market or produce a substantial volume of raspberries for processing;

(2) The organization has a history of stability and permanency and has been in existence for more than one year;

(3) The organization must promote processed raspberries importers' welfare; and

(4) The organization must derive a portion of its operating funds from importers.

(l) Qualified organization representing foreign producer interests. To be certified by the Secretary as a qualified organization representing foreign producer interests, an organization must meet the following criteria, as evidenced by a report submitted by the organization to the Secretary:

(1) The organization must represent a substantial number of foreign producers who produce a substantial volume of raspberries for processing;

(2) The organization has a history of stability and permanency and has been in existence for more than one year;

(3) The organization must promote processed raspberry foreign producers' welfare;

(4) The organization must derive a portion of its operating funds from foreign producers; and

(5) The organization must be from a country exporting a minimum of three million pounds of raspberries for processing to the U.S. based on a three-year average.

(m) Eligible organizations, foreign producers, or importers must submit nominations to the Secretary not less than 90 days prior to the expiration of the term of office. At least two nominees for each position to be filled must be submitted.

§ 1208.42 Term of office.

Council members and alternates will serve for a term of three years and be able to serve a maximum of two consecutive terms. A Council member may serve as an alternate during the years the member is ineligible for a member position. When the Council is first established, four producer members, two importers, one of the two foreign producers, and the at-large member and their respective alternates will be assigned initial terms of three years. The remaining three producer members, one importer member, and the second foreign producer and their alternates will serve an initial term of two years. Members serving an initial term of two years will be eligible to serve a second term of three years. Thereafter, each of these positions will carry a full three-year term. Council nominations and appointments will take place in two out of every three years. Council members shall serve during the term of office for which they are appointed and have qualified, and until their successors are appointed and have qualified. Each term of office will end on December 31, with new terms of office beginning on January 1.

§ 1208.43 Vacancies.

(a) In the event that any member of the Council ceases to be a member of the category of membership from which the member was appointed to the Council, such position shall automatically become vacant.

(b) If a member of the Council consistently refuses to perform the duties of a member of the Council, or if a member of the Council engages in acts of dishonesty or willful misconduct, the Council may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the Council shows adequate cause, the Secretary may remove such member from office.

(c) Should any member position become vacant, the alternate of that member shall automatically assume the position of said member. Should the positions of both a member and such member's alternate become vacant, successors for the unexpired terms of such member and alternate shall be appointed in the manner specified in § 1208.40 and § 1208.41, except that said nomination and replacement shall not be required if said unexpired terms are less than six months.

§ 1208.44 Alternate members.

An alternate member of the Council, during the absence of the member for whom the person is the alternate, shall act in the place and stead of such member and perform such duties as assigned. In the event of death, removal, resignation, or disqualification of any member, the alternate for that member shall automatically assume the position of said member. In the event that a producer, importer, foreign producer, or at-large member of the Council and their alternate are unable to attend a meeting, the Council may not designate any other alternate to serve in such member's or alternate's place and stead for such a meeting.

§ 1208.45 Procedure.

(a) At a Council meeting, it will be considered a quorum when a majority (one more than half) of the Council members is present. An alternate will be counted for the purpose of determining a quorum only if the member for whom the person is the alternate is absent or disqualified from participating.

(b) At the start of each fiscal period, the Council will select a chairperson, vice chairperson, and other officers as appropriate, who will conduct meetings throughout that period.

(c) The chairperson and the treasurer shall reside in the United States, and the Council office shall also be located in the United States.

(d) All Council meetings shall be held in the United States.

(e) All Council members and alternates will receive a minimum of 20 days advance notice of all Council and committee meetings.

(f) Each member of the Council will be entitled to one vote on any matter put to the Council, and the motion will carry if supported by one (1) vote more than 50 percent of the total votes represented by the Council members present.

(g) It will be considered a quorum at a Council committee meeting when at least one more than half of those assigned to the Council committee are present. Alternates may also be assigned to Council committees as necessary. Council committees may consist of persons other than Council members and such persons may vote in Council committee meetings.

(h) In lieu of voting at a properly convened meeting and, when in the opinion of the chairperson of the Council such action is considered necessary, the Council may take action if supported by one vote more than 50 percent of the members present, by mail, telephone, electronic mail, facsimile, or any other means of communication, and all telephone votes shall be confirmed promptly in writing. In that event, all members must be notified and provided the opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Council. All votes shall be recorded in Council minutes.

(i) There shall be no voting by proxy.

(j) The chairperson shall be a voting member.

(k) The organization of the Council and the procedures for the conducting of meetings of the Council shall be in accordance with its bylaws, which shall be established by the Council and approved by the Secretary.

§ 1208.46 Compensation and reimbursement.

The members of the Council, and alternates when acting as members, shall serve without compensation but shall be reimbursed for reasonable travel expenses, as approved by the Council,

incurred by them in the performance of their duties as Council members.

§ 1208.47 Powers and duties.

The Council shall have the following powers and duties:

(a) To administer the Order in accordance with its terms and conditions and to collect assessments;

(b) To develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the Council, and such rules as may be necessary to administer the Order, including activities authorized to be carried out under the Order;

(c) To meet, organize, and select from among the members of the Council a chairperson, other officers, committees, and subcommittees, as the Council determines to be appropriate;

(d) To employ persons, other than members, as the Council considers necessary to assist the Council in carrying out its duties and to determine the compensation and specify the duties of such persons;

(e) To develop and carry our generic promotion, research, and information activities relating to processed raspberries;

(f) To develop programs and projects, and enter into contracts or agreements, which must be approved by the Secretary before becoming effective, for the development and carrying out of programs or projects of research, information, or promotion, and the payment of costs thereof with funds collected pursuant to this subpart. Each contract or agreement shall provide that any person who enters into a contract or agreement with the Council shall develop and submit to the Council a proposed activity; keep accurate records of all of its transactions relating to the contract or agreement; account for funds received and expended in connection with the contract or agreement; make periodic reports to the Council of activities conducted under the contract or agreement; and make such other reports available as the Council or the Secretary considers necessary. Any contract or agreement shall provide that:

(1) The contractor or agreeing party shall develop and submit to the Council a program, plan, or project together with a budget or budgets that shall show the estimated cost to be incurred for such program, plan, or project;

(2) The contractor or agreeing party shall keep accurate records of all its transactions and make periodic reports to the Council of activities conducted, submit accounting for funds received and expended, and make such other reports as the Secretary or the Council may require;

(3) The Secretary may audit the records of the contracting or agreeing party periodically;

(4) Any subcontractor who enters into a contract with a Council contractor and who receives or otherwise uses funds allocated by the Council shall be subject to the same provisions as the contractor;

(g) To prepare and submit for approval of the Secretary, before the beginning of each fiscal year, rates of assessment and a fiscal year budget of the anticipated expenses to be incurred in the administration of the Order, including the probable cost of each promotion, research, and information activity proposed to be developed or carried out by the Council in accordance with § 1208.50;

(h) To borrow funds necessary for the startup expenses of the order;

(i) To maintain such records and books and prepare and submit such reports and records from time to time to the Secretary as the Secretary may require and to make the records available to the Secretary for inspection and audit; to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it; and to keep records that accurately reflect the actions and transactions of the Council;

(j) To cause its books to be audited by a independent auditor at the end of each fiscal year and at such other times as the Secretary may request, and to submit a report of the audit directly to the Secretary;

(k) To give the Secretary the same notice of meetings of the Council as is given to members in order that the Secretary's representative(s) may attend such meetings, and to keep and report minutes of each meeting of the Council to the Secretary;

(l) To act as intermediary between the Secretary and any producer, first handler, processor, importer, or foreign producer;

(m) To furnish to the Secretary any information or records that the Secretary may request;

(n) To receive, investigate, and report to the Secretary complaints of violations of the Order;

(o) To recommend to the Secretary such amendments to the Order as the Council considers appropriate;

(p) To work to achieve an effective, continuous, and coordinated program of promotion, research, consumer information, evaluation, and industry information designed to strengthen the processed raspberry industry's position in the marketplace; maintain and expand existing markets and uses for processed raspberries; and to carry out programs, plans, and projects designed to provide maximum benefits to the processed raspberry industry; and

(q) To pay the cost of the activities with assessments collected under § 1208.52.

§ 1208.48 Prohibited activities.

The Council may not engage in, and shall prohibit the employees and agents of the Council from engaging in:

(a) Any action that would be a conflict of interest;

(b) Using funds collected by the Council under the Order to undertake any action for the purpose of influencing legislation or governmental action or policy, by local, state, national, and foreign governments, other than recommending to the Secretary amendments to the Order; and

(c) Any advertising, including promotion, research, and information activities authorized to be carried out under the Order that may be false or misleading or disparaging to another agricultural commodity.

Expenses and Assessments

§ 1208.50 Budget and expenses.

(a) At least 60 days prior to the beginning of each fiscal year, and as may be necessary thereafter, the Council shall prepare and submit to the Secretary a budget for the fiscal year covering its anticipated expenses and disbursements in administering this subpart. The budget for research, promotion, or information may not be implemented prior to approval of the budget by the Secretary. No later than forty-five (45) days after the receipt of such budget, the Secretary shall notify the Council whether the Secretary approves or disapproves the budget. Each budget shall include:

(1) A statement of objectives and strategy for each program, plan, or project;

(2) A summary of anticipated revenue, with comparative data of at least one preceding year (except for the initial budget); and

(3) A summary of proposed expenditures for each program, plan, or project;

(4) Staff and administrative expense breakdowns, with comparative data for at least one preceding year (except for the initial budget).

(b) Each budget shall provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in this subpart.

(c) Subject to this section, any amendment or addition to an approved budget must be approved by the Secretary, including shifting funds from one program, plan, or project to another. Shifts in funds which do not cause an

increase in the Council's approved budget, and which are consistent with by laws, need not have prior approval by the Department.

(d) The Council is authorized to incur such expenses, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Council for its maintenance and functioning, and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from funds received by the Council.

(e) With approval of the Secretary, the Council may borrow money for the payment of administrative expenses, subject to the same fiscal, budget, and audit controls as other funds of the Council. Any funds borrowed by the Council shall be expended for startup costs and capital outlays and are limited to the first year of operation of the Council.

(f) The Council is authorized to repay startup costs associated with establishing a program and an initial referendum. If approved, these costs would be amortized and repaid over a maximum three (3) year period.

(g) The Council may accept voluntary contributions, but these shall only be used to pay expenses incurred in the conduct of programs, plans, and projects approved by the Secretary. Such contributions shall be free from any encumbrance by the donor and the Council shall retain complete control of their use.

(h) The Council may also receive funds provided through the Department's Foreign Agricultural Service or from other sources, with the approval of the Secretary, for authorized activities.

(i) The Council shall reimburse the Secretary for all expenses incurred by the Secretary in the implementation, administration, enforcement, and supervision of the Order, including all referendum costs in connection with the Order.

(j) The Council may not expend for administration, maintenance, and functioning of the Council in any fiscal year an amount that exceeds 15 percent of the assessments and other income received by the Council for that fiscal year. Reimbursements to the Secretary required under paragraph (i) of this section are excluded from this limitation on spending.

(k) The Council may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in any reserve so established: Provided that the funds in the reserve do not exceed one fiscal period's budget. Subject to approval by the Secretary, such reserve funds may be used to defray any expenses authorized under this part.

(l) Pending disbursement of assessments and all other revenue under a budget approved by the Secretary, the Council may invest assessments and all other revenues collected under this section in:

(1) Obligations of the United States or any agency of the United States;

(2) General obligations of any State or any political subdivision of a State;

(3) Interest bearing accounts or certificates of deposit of financial institutions that are members of the Federal Reserve System; or

(4) Obligations fully guaranteed as to principal interest by the United States.

§ 1208.51 Financial statements.

(a) As requested by the Secretary, the Council shall prepare and submit financial statements to the Secretary on a periodic basis. Each such financial statement shall include, but not be limited to, a balance sheet, income statement, and expense budget. The expense budget shall show expenditures during the time period covered by the report, year-to-date expenditures, and the unexpended budget.

(b) Each financial statement shall be submitted to the Secretary within 30 days after the end of the time period to which it applies.

(c) The Council shall submit annually to the Secretary an annual financial statement within 90 days after the end of the fiscal year to which it applies.

§ 1208.52 Assessments.

(a) The funds to cover the Council's expenses shall be paid from assessments on producers and importers at a rate not to exceed one cent per pound; the initial rate is one cent per pound, donations from any person not subject to assessments under this Order, and other funds available to the Council including those collected pursuant to § 1208.56 and subject to the limitations contained therein.

(b) The collection of assessments on domestic processed raspberries will be the responsibility of the first handler receiving the raspberries for processing. In the case of the producer acting as its own first handler, the producer will be required to collect and remit its individual assessments. The rate of assessments shall be prescribed in regulations issued by the Secretary.

(c) The Council may recommend to the Secretary an increase or decrease to the assessment rate. Such an increase or decrease may occur not more than once annually. Any change in the assessment rate shall be subject to rulemaking by the Department.

(d) Each importer of processed raspberries shall pay an assessment to the Council on processed raspberries imported for marketing in the United States, through Customs. If Customs does not collect an assessment from an importer, the importer would be responsible for paying the assessment directly to the Council. The assessment rate for imported processed raspberries shall not exceed one cent per pound, with the initial rate being one cent per pound.

(1) The assessment rate for imported processed raspberries shall be the same or equivalent to the rate for processed raspberries produced in the United States.

(2) The import assessment shall be uniformly applied to imported processed red raspberries that are identified by the numbers 0811.20.2025, 2007.99.65.10, and 2009.80.60.55 in the Harmonized Tariff Schedule of the United States or any other numbers used to identify processed raspberries. Processed raspberries entering the United States under HTS code 2007.99.65.10 will be initially assessed using a 1:1 ratio to HTS code 0811.20.2025. Processed raspberries entering the United States under HTS code 2009.80.60.55 will be assessed using a 6.8:1 ratio to HTS code 0811.20.2025. Assessments and conversion ratios on other types of processed raspberries may be added at the recommendation of the Council subject to the approval of the Secretary.

(3) Each importer of processed raspberries shall pay through Customs to the Council an assessment on processed raspberries imported into the United States as described in section 804(a) of Title VIII of the Tariff Act of 1930, as amended (19 U.S.C. 1202–1683g), provided that it can be categorized in the HTS numbers listed in paragraph (d)(2) of this section.

(4) Imported processed raspberries covered under the program will have a quantity associated with it in either kilograms or liters. The factor used to convert one pound to kilograms is .45359237. The factor used to convert one pound to liters is .45359237 liters of water weight. Therefore, the assessment rate for imported processed raspberries will be $.022 per kilogram/liter.

(5) Table I, Processed Raspberry Products Assessment Table, contains the applicable HTS classification numbers of processed red raspberries, processed red raspberry paste and puree, and processed red raspberry juice and juice concentrate, and assessment

rates in dollars per kilograms and dollars per liter. Accordingly, the assessment rate per kilogram/liter is as follows.

TABLE I—PROCESSED RASPBERRY PRODUCTS ASSESSMENT TABLE

Frozen red raspberries, IQF, bulk frozen, puree, preserves, or juice concentrate HTS No.	Unit of measure	Default rate per unit of product (in dollars)
0811.20.20.25	kilogram	.022
2007.99.65.10	kilogram	.022
2009.80.60.55	liter	.1496

(6) In the event that any HTS classification number is changed, replaced by another number, or added, and still falls within the definition of processed raspberries as defined in § 1208.17, assessments will be collected based on the HTS classification number.

(e) All assessment payments will be submitted to the office of the Council. All final payments for a crop year are to be received no later than October 31 of that year for producers of processed raspberries within the United States. A late payment charge shall be imposed on any handler or importer who fails to remit to the Council, the total amount for which any such first handler or importer is liable on or before the due date established by the Council. In addition to the late payment charge, an interest charge shall be imposed on the outstanding amount for which the first handler or importer is liable. The rate of interest shall be prescribed in regulations issued by the Secretary.

(f) Persons failing to remit total assessments due in a timely manner may also be subject to actions under federal debt collection procedures.

(g) The Council may authorize other organizations to collect assessments on its behalf with the approval of the Secretary.

(h) Council may provide credits of assessments for those persons who contribute to local, regional, or State organizations engaged in similar generic research, promotion, and information programs as partial fulfillment of assessment due to the Council subject to approval of the Secretary, for expenditure on generic research, promotion and information programs conducted within the United States.

(1) No credit will be given for funds expended for administrative purposes.

(2) No credit shall be given for research, promotion, and information program activity conducted outside of the United States.

(3) The aggregate credit allowable in any one year shall be limited to an amount determined by the Council subject to the approval of the secretary, and shall be equal to not more than the determined percentage rate of the total assessments paid by any individual in a year to any State, regional, or local program.

(4) Credit shall only be given for generic research, promotion, and information program activities.

(5) Credit of assessment may be obtained only by following the procedures prescribed in this section and any regulations recommended by the Council and prescribed by the Secretary. An individual owing assessments shall make a written request to the Council and the request shall contain the assessment paying individual's signature and shall show:

(i) The name and address of the assessment paying individual;

(ii) The name and address of the person who collected the assessment;

(iii) The quantity of processed raspberries on which a credit is requested;

(iv) The total amount of credit requested;

(v) The date or dates on which the assessments were paid;

(vi) A certification that the assessment was not collected from another producer or documentation of assessments collected from local, State, or regional organizations; and

(vii) The individual's signature or properly witnessed mark.

(6) The evidence of payment as required under § 1208.61, or a copy thereof, or such other evidence deemed necessary to the Council shall accompany the individual's credit of assessment request.

§ 1208.53 Exemption and reimbursement procedures.

(a) Any producer who produces less than 20,000 pounds of raspberries for processing annually who desires to claim an exemption from assessments during a fiscal year as provided in § 1208.52 shall apply to the Council, on a form provided by the Council, for a certificate of exemption. Such producer shall certify that the producer's production of raspberries for processing shall be less than 20,000 pounds for the fiscal year for which the exemption is claimed. Any importer who imports less than 20,000 pounds of processed raspberries annually who desires to claim an exemption from assessments during a fiscal year as provided in § 1208.52 shall apply to the Council, on a form provided by the Council, for a certificate of exemption. Such importer shall certify that the importer's importation of processed raspberries shall not exceed 20,000 pounds, for the fiscal year for which the exemption is claimed. If a producer or importer determines at the end of the year that they did not meet the 20,000 pounds minimum, the producer or importer can request a reimbursement on the assessments paid to the Council by 60 days of the last day of the year. If, after a person has been exempt from paying assessments for any year pursuant to this section, and the person no longer meets the requirements of paragraph of this section for an exemption, the person shall file a report with the Council in the form and manner prescribed by the Council and pay an assessment on or before March 15 of the subsequent year on all raspberries for processing produced or processed raspberries imported by such persons during the year for which the person claimed the exemption.

(b) On receipt of an application, the Council shall determine whether an exemption may be granted. The Council will then issue, if deemed appropriate, a certificate of exemption to the producer or importer which is eligible to receive one. Each producer who is exempt from assessment must provide an exemption number as supplied by the Council to the first handler in order to be exempt from the collection of an assessment on raspberries for processing. First handlers shall maintain records showing the exemptee's name and address along with the exemption number assigned by the Council.

(c) Importers who are eligible for reimbursement of assessments collected by Customs shall apply to the Council

for reimbursement of such assessments paid. No interest will be paid on assessments collected by Customs. Requests for reimbursement shall be submitted within 60 days of the last day of the year the processed raspberries were actually imported. Any claim for reimbursement submitted after sixty (60) days will be considered null and void.

(d) A producer who produces raspberries for processing who operates under an approved National Organic Program (NOP) (7 CFR part 205) system plan, produces only products that are eligible to be labeled as 100 percent organic under the NOP, and is not a split operation shall be exempt from the payment of assessments.

(1) To obtain this exemption, an eligible producer shall submit a request for exemption to the Council—on a form provided by the Council—at any time initially and annually thereafter on or before the beginning of the fiscal period as long as the producer continues to be eligible for the exemption.

(2) The request shall include the following: The producer's name and address, a copy of the organic farm or organic handling operation certificate provided by a USDA-accredited certifying agent as defined in the Organic Act, a signed certification that the applicant meets all of the requirements specified for an assessment exemption, and such other information as may be required by the Council and with the approval of the Secretary.

(3) If the producer complies with the requirements of paragraph (d) of this section, the Council will grant an assessment exemption and shall issue a Certificate of Exemption to the producer. For exemption requests received on or before March 15 of the fiscal year, the Council will have 60 days to approve the exemption request; after March 15 of the fiscal year, the Council will have 30 days to approve the exemption request. If the application is disapproved, the Council will notify the applicant of the reason(s) for disapproval within the same timeframe.

(4) An importer who imports only products that are eligible to be labeled as 100 percent organic under the NOP (7 CFR part 205) and who is not a split operation shall be exempt from the payment of assessments. That importer may submit documentation to the Council and request an exemption from assessment on 100 percent organic processed raspberries—on a form provided by the Council—at any time initially and annually thereafter on or before the beginning of the fiscal period as long as the importer continues to be eligible for the exemption. This documentation shall include the same information required of a producer in paragraph (d)(3) of this section. If the importer complies with the requirements of this section, the Council will grant the exemption and issue a Certificate of Exemption to the importer within the applicable timeframe. The Council will also issue the importer a 9-digit alphanumeric Harmonized Tariff Schedule (HTS) classification valid for 1 year from the date of issue. This HTS classification should be entered by the importer on the Customs entry documentation. Any line item entry of 100 percent organic processed raspberries bearing this HTS classification assigned by the Council will not be subject to assessments.

(e) Any person who desires an exemption from assessments for a subsequent fiscal year shall reapply to the Council, on a form provided by the Council, for a certificate of exemption.

(f) The Council, with the Secretary's approval, may request that persons claiming an exemption from assessments under § 1208.53 must provide it with any information it deems necessary about the exemption, including, without limitation, the disposition of the exempted commodity.

(g) The exemption will apply immediately following the issuance of the certificate of exemption.

§ 1208.54 Programs, plans, and projects.

(a) The Council shall receive and evaluate, or on its own initiative, develop and submit to the Secretary for approval any program, plan, or project authorized under this subpart. Such a program, plan, or project shall provide for:

(1) The establishment, issuance, effectuation, and administration of appropriate programs for promotion, research, and information, including producer and consumer industry information, with respect to processed raspberries; and

(2) The establishment and conduct of research with respect to the use, nutritional value, production, health, sale, distribution, and marketing of processed raspberries, and the creation of new products or product development, thereof, to the end that the marketing and use of processed raspberries may be encouraged, expanded, improved, or made more acceptable and to advance the image, desirability, or quality of processed raspberries.

(b) A program, plan, or project may not be implemented prior to approval of the program, plan, or project by the Secretary. No later than forty-five (45) days after the receipt of such program, plan, or project, the Secretary shall notify the Council whether the Secretary approves or disapproves the program, plan, or project. Once a program, plan, or project is so approved, the Council shall take appropriate steps to implement it.

(c) Each program, plan, or project implemented under this subpart shall be reviewed or evaluated periodically by the Council to ensure that it contributes to an effective program of promotion, research, or information. If it is found by the Council that any such program, plan, or project does not contribute to an effective program of promotion, research, or information, then the Council shall terminate such program, plan, or project.

(d) No program, plan, or project including advertising shall be false or misleading, or disparage another agricultural commodity. Processed raspberries of all origins shall be treated equally.

§ 1208.55 Independent evaluation.

The Council shall, not less often than once every five years, authorize and fund, from funds otherwise available to the Council, an independent evaluation of the effectiveness of the Order and programs conducted by the Council pursuant to the Act. The Council shall submit to the Secretary, and make available to the public, the results of each periodic independent evaluation conducted under this paragraph.

§ 1208.56 Patents, copyrights, trademarks, information, publications, and product formulations.

Patents, copyrights, trademarks, information, publications, and product formulations developed through the use of funds received by the Council under this subpart shall be the property of the U.S. Government as represented by the Council and shall, along with any rents, royalties, residual payments, or other income from the rental, sales, leasing, franchising, or other uses of such patents, copyrights, trademarks, information, publications, or product formulations, inure to the benefit of the Council, shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Council, and may be licensed subject to approval by the Secretary. Upon termination of this subpart, § 1208.73 shall apply to determine disposition of all such property.

Reports, Books, and Records

§ 1208.60 Reports.

(a) Each first handler subject to this subpart may be required to provide to

the Council periodically such information as may be required by the Council, with the approval of the Secretary, which may include but not be limited to the following:

(1) Number of pounds handled;

(2) Number of pounds on which an assessment was collected;

(3) Name and address of person from whom the first handler has collected the assessments on each pound handled; and

(4) Date collection was made on each pound handled. All reports are due to the Council 30 days after the end of the crop year.

(b) Each importer subject to this subpart may be required to provide to the Council periodically such information as may be required by the Council, with the approval of the Secretary, which may include but not be limited to the following:

(1) Number of pounds processed raspberries imported;

(2) Number of pounds which an assessment was paid;

(3) Name and address of the importer;

(4) Date collection was made on each pound processed raspberries imported. All reports are due to the Council 30 days after the end of the crop year.

§ 1208.61 Books and records.

Each first handler, producer, and importer subject to this subpart shall maintain and make available for inspection by the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least two (2) years beyond the fiscal period of their applicability.

§ 1208.62 Confidential treatment.

All information obtained from books, records, or reports under the Act, this subpart, and the regulations issued thereunder shall be kept confidential by all persons, including all employees and former employees of the Council, all officers and employees and former officers and employees of contracting and subcontracting agencies or agreeing parties having access to such information. Such information shall not be available to Council members, producers, importers, exporters, foreign producers, or first handlers. Only those persons having a specific need for such information to effectively administer the provisions of this subpart shall have access to such information. Only such information so obtained as the Secretary deems relevant shall be disclosed by them, and then only in a judicial proceeding or administrative hearing brought at the direction, or on the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person; and

(b) The publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of this subpart violated by such person.

Miscellaneous

§ 1208.70 Right of the Secretary.

All fiscal matters, programs, plans, or projects, rules or regulations, reports, or other substantive actions proposed or prepared by the Council shall be submitted to the Secretary for approval.

§ 1208.71 Referenda.

(a) *Initial referendum.* The Order shall not become effective unless the Order is approved by a majority of producers and importers voting for approval in the initial referendum who, during a representative period determined by the Secretary, have been engaged in the production of raspberries for processing or the importation of processed raspberries.

(b) *Subsequent referenda.* Every seven years, the Secretary shall hold a referendum to determine whether producers of raspberry delivered for processing and importers of processed raspberries favor the continuation of the Order. The Order shall continue if it is favored by a majority of producers and importers voting for approval in the referendum who, during a representative period determined by the Secretary, have been engaged in the production or importation of processed raspberries. The Secretary will also conduct a subsequent referendum if 10 percent or more of all eligible producers of raspberries for processing and importers of processed raspberries request the Secretary to hold a referendum or if the Council established under § 1208.40 requests that the Secretary hold a referendum. In addition, the Secretary may hold a referendum at any time.

§ 1208.72 Suspension and termination.

(a) The Secretary shall suspend or terminate this part or subpart or a provision thereof if the Secretary finds that the subpart or a provision thereof obstructs or does not tend to effectuate the purposes of the Act, or if the Secretary determines that this subpart or a provision thereof is not favored by persons voting in a referendum conducted pursuant to the Act.

(b) The Secretary shall suspend or terminate this subpart at the end of the marketing year whenever the Secretary determines that its suspension or termination is approved or favored by a majority of producers and importers voting for approval who, during a representative period determined by the Secretary, have been engaged in the production or importation of processed raspberries.

(c) If, as a result of a referendum the Secretary determines that this subpart is not approved, the Secretary shall:

(1) Not later than one hundred and eighty (180) days after making the determination, suspend or terminate, as the case may be, collection of assessments under this subpart.

(2) As soon as practical, suspend or terminate, as the case may be, activities under this subpart in an orderly manner.

§ 1208.73 Proceedings after termination.

(a) Upon the termination of this subpart, the Council shall recommend not more than three of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Council. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Council, including claims for any funds unpaid or property not delivered, or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary.

(2) Carry out the obligations of the Council under any contracts or agreements entered into pursuant to the Order.

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Council and the trustees, to such person or persons as the Secretary may direct.

(4) Upon request of the Secretary execute such assignments or other instruments necessary and appropriate to vest in such persons title and right to all funds, property and claims vested in the Council or the trustees pursuant to the Order.

(c) Any person to whom funds, property or claims have been transferred or delivered pursuant to the Order shall be subject to the same obligations

imposed upon the Council and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practical, to one or more domestic raspberry industry organizations in the interest of continuing processed raspberry promotion, research, and information programs.

§ 1208.74 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder.

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder.

(c) Affect or impair any rights or remedies of the United States, or of the Secretary or of any other persons, with respect to any such violation.

§ 1208.75 Personal liability.

No member, alternate member, or employee of the Council shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty or willful misconduct.

§ 1208.76 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1208.77 Amendments.

Amendments to this subpart may be proposed from time to time by the Council or by any interested person affected by the provisions of the Act, including the Secretary.

§ 1208.78 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, is OMB control number 0505–0001, OMB control number 0581–0093, and OMB control number 0581–0257.

Dated: May 3, 2012.

David R. Shipman,

Administrator.

[FR Doc. 2012–11060 Filed 5–7–12; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 304, 381, 417 and 418

[FDMS Docket No. FSIS–2008–0025]

RIN 0583–AD34

Requirements for Official Establishments To Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Points System Plan Reassessments

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is implementing provisions of the Food, Conservation, and Energy Act of 2008 by amending the Federal meat and poultry products inspection regulations to require official establishments to promptly notify the appropriate District Office that an adulterated or misbranded meat or poultry product has entered commerce; require official establishments to prepare and maintain written procedures for the recall of all meat and poultry products produced and shipped by the establishment; and require official establishments to document each reassessment of the establishment's Hazard Analysis and Critical Control Point (HACCP) plans.

DATES: *Effective Date:* May 8, 2012.

Applicability Dates: Amendments to §§ 304.3, 381.22, 417.4, 418.2, and 418.4 are applicable beginning June 7, 2012. For more information on applicability dates, see the section titled ''Section 418.3 Effective Dates'' in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Engeljohn, Assistant Administrator, Office of Policy and Program Development, Food Safety and Inspection Service, Room 349–E, Jamie L. Whitten Building, 1400 Independence Avenue SW., Washington, DC 20250; Telephone (202) 205–0495, Fax (202) 720–2025.

SUPPLEMENTARY INFORMATION:

I. Section 418.3 Effective Dates

The regulations in § 418.3 are applicable as follows:

- In large establishments, defined as all establishments with 500 or more employees, November 5, 2012.
- In small establishments, defined as all establishments with 10 or more employees but fewer than 500, May 8, 2013.
- In very small establishments, defined as all establishments with fewer than 10 employees or annual sales of less than $2.5 million, May 8, 2013.

II. Background

The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) to protect the health and welfare of consumers. The Agency is responsible for ensuring that the nation's commercial supply of meat and poultry is safe, wholesome, and correctly labeled and packaged.

On June 18, 2008, section 11017 of the Food, Conservation, and Energy Act of 2008, Public Law 110–246, 122 Stat 1651, 448–49, otherwise known as the 2008 Farm Bill, amended the FMIA and the PPIA to require establishments subject to inspection under these Acts that believe or have reason to believe that an adulterated or misbranded meat or poultry product received by or originating from the establishment has entered into commerce to promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or poultry product. The 2008 Farm Bill also requires that inspected establishments: (1) Prepare and maintain written procedures for the recall of all products produced and shipped by the establishment; (2) document each reassessment of the process control plans of the establishment (i.e., HACCP plans); and (3) upon request, make the procedures and reassessed control plans available for inspectors appointed by the Secretary to review and copy.

In the **Federal Register** of March 25, 2010 (75 FR 14361), FSIS proposed regulations to implement the new provisions of the 2008 Farm Bill. FSIS proposed to amend 9 CFR 417.4(a)(3) to require official establishments to make a written record of each reassessment of the adequacy of their HACCP plan, or to document the reasons for not making a change to their HACCP plan based on the reassessment. For annual reassessments, if an establishment determines that no changes to its

HACCP plans are necessary, the establishment does not have to document the reasons for this determination. Furthermore, FSIS proposed to establish a new 9 CFR part 418, Recalls, under which official establishments would be required to prepare and maintain procedures for the recall of all meat and poultry products produced and shipped by the establishment, and to promptly notify FSIS within 48 hours if the establishment believes or has reason to believe that an adulterated or misbranded product received by or originating from the establishment has entered into commerce. Interested persons were invited to submit written comments by May 24, 2010.

After review and consideration of all comments, FSIS is finalizing, with three changes, the provisions in the March 2010 proposed rule. Specifically, the Agency is amending the proposal to require official establishments to promptly notify FSIS within 24 hours if the establishment believes or has reason to believe that an adulterated or misbranded product received by or originating from the establishment has entered into commerce. In addition, the Agency is amending the proposal to require new establishments to develop their written recall procedures at the same time as their HACCP plans in order to receive a Federal Grant of Inspection.

Also in response to comments, FSIS has decided to stagger the applicability date for 9 CFR part 418 based on establishment size. Existing large establishments, defined as all establishments with 500 or more employees, will have six months from the date of publication of this final rule in the **Federal Register** to prepare their written recall procedures. Existing small establishments (those with 10 or more employees but fewer than 500) and very small establishments (those with fewer than 10 employees or annual sales of less than $2.5 million) will have one year from publication of this final rule in the **Federal Register** to prepare their written recall procedures. These changes are discussed in detail in the Agency's responses to comments.

III. Summary of and Response to Comments

FSIS received 31 comments from hospitality supply companies, supply management companies, trade groups representing meat packing and processing establishments, a trade group representing the turkey industry, a trade group representing food and beverage companies, a trade group representing organic agriculture products, a representative from a state department of agriculture, a small processing plant, a rancher, a farmer, and 14 consumers.

A summary of issues raised by commenters and the Agency's responses follows.

A. Notification Requirement

Comment: A few comments addressed whether 48 hours is an appropriate time in which to expect official establishments that have shipped or received, or have reason to believe that they have shipped or received, adulterated or misbranded product, to notify the appropriate District Office of that situation. A consumer and a trade group representing the turkey industry stated that 48 hours is a reasonable timeframe to give establishments to notify District Offices. A trade group representing meat packing and processing establishments also stated that the proposed time period was reasonable, but was concerned that 48 hours may be an arbitrary figure. Three consumer groups and an individual consumer argued the proposed timeframe is too lax, and that establishments should notify District Offices within 24 hours if they may have shipped or received adulterated or misbranded product. One consumer group argued that allowing official establishments to wait as long as 48 hours before reporting this information to the appropriate District Office will unnecessarily delay efforts to remove adulterated or misbranded product from commerce. Another consumer group argued that 24 hours is sufficient time for establishments to notify District Offices that they may have shipped or received adulterated or misbranded product because establishments may notify the District Office by phone.

Agency's Response: FSIS agreed with commenters that 48 hours may be too long. The Agency has concluded that because notification can be made with a phone call, 24 hours is an appropriate time in which to expect official establishments that have shipped or received, or have reason to believe that they have shipped or received, adulterated or misbranded product, to notify the appropriate District Office of that situation. Therefore, the final rule requires official establishments to notify the appropriate District Office within 24 hours of learning or determining that an adulterated or misbranded product received by or originating from the establishment has entered commerce, if the establishment believes or has reason to believe that this has happened.

Comment: A few comments requested that the Agency provide more guidance on when the 48-hour period would officially begin. One comment from a consumer group argued that the proposed requirement was vague and confusing. The commenter asked that the Agency explain how much investigation an establishment owner will be required to make before the notification requirement is triggered. Another comment from a trade group representing meat packing and processing establishments recommended that the Agency work with industry on establishing the timeline. They requested that the Agency develop specific guidance that outlines a step-by-step reaction process. They also requested that FSIS consider factors such as microbial test data recovery, weekends, and Federal holidays when deciding when the 48-hour period should officially begin.

Agency's Response: The 24-hour period begins when the establishment has reason to believe that a product that is in commerce is adulterated or misbranded under the FMIA or PPIA. For example, if the results of a laboratory analysis show that raw ground beef contains *E. coli* O157:H7, or that a ready-to-eat product contains *Listeria monocytogenes* or any other pathogen, the product would be adulterated. However, there also may be situations in which laboratory results are not available, but, based on epidemiological evidence, there may be a probability of harm from consuming the product. Under these circumstances, the establishment is to consider the strength of the epidemiological evidence to determine whether there is reason to believe that the product is adulterated or misbranded.

Comment: Two comments argued that the notification requirement is ''overly broad,'' and that minor labeling errors do not misbrand product and should be excluded from the notification requirement. They suggested that the Agency follow the standard established for the U.S. Food and Drug Administration's (FDA's) Reportable Food Registry or incorporate a *de minimis* standard. The FDA standard requires notification when there is a reasonable probability that the use of, or exposure to, the article of food will cause serious adverse health consequences or death (21 U.S.C. 350(d)).

Agency's Response: FSIS did not accept suggestions to follow the standard established for the FDA's Reportable Food Registry (RFR) or to incorporate a *de minimis* standard. FSIS assesses the public health concern or hazard presented by a product being recalled, or considered for recall, and classifies the concern as one of the

following: (1) Class I, a health-hazard situation where there is a reasonable probability that the use of the product will cause serious, adverse health consequences or death; (2) Class II, a health-hazard situation where there is a remote probability of adverse health consequences from the use of the product; or (3) Class III, a situation where the use of the product will not cause adverse health consequences. If the Agency adopted the RFR standard or a similar *de minimis* standard, establishments may not be required to notify FSIS about product that could trigger a Class II or Class III recall. Furthermore, the 2008 Farm Bill provisions do not provide for a *de minimis* standard concerning the notification requirements for establishments that may have shipped or received adulterated or misbranded product. Consistent with the statute, and because the notification requirement is a preventive measure that will allow FSIS to determine more quickly whether a recall action is necessary (including detention and seizure of product by FSIS), thereby protecting public health, the final rule requires official establishments to notify the appropriate District Office of all product that is believed to be adulterated or misbranded.

FSIS is aware, however, that there can be misbranding situations because of minor labeling deficiencies, and that these deficiencies do not create health or safety issues or impart an economic advantage. If a District Office, when notified by an establishment that it has shipped or received or may have shipped or received misbranded product, identifies the violation as one that does not create a health or safety issue or economic impact, it will contact FSIS's Labeling and Program Delivery Division (LPDD) about the misbranding situation. LPDD will then contact the establishment and work with it to resolve the situation.

Comment: Two comments submitted by consumer groups requested that the final rule require official establishments to notify both the appropriate District Office and FSIS headquarters in Washington, DC They argued that because the legislation refers to notifying the Secretary of Agriculture, and given the potential health impacts of the recall information, data should be sent to headquarters in addition to the local District Office.

Agency's Response: The Agency does not believe it is necessary for official establishments to contact both the appropriate District Office and FSIS headquarters in Washington, DC The Secretary of Agriculture has delegated to the Under Secretary for Food Safety the responsibility for exercising the functions of the Secretary of Agriculture under various statutes (Section 4(a) of Reorganization Plan No. 2 of 1953 (5 U.S.C. App.) and Section 212(a)(1) of the Department of Agriculture Reorganization Act of 1994, Public Law 103–354, 7 U.S.C. 6912(a)(1)), while the Under Secretary for Food Safety has delegated that authority to the Administrator of the Food Safety and Inspection Service (7 CFR 2.7, 2.18, and 2.53). In turn, each District Office, under the direction of a District Manager, has been given the authority to manage a farm-to-table food safety program of regulatory oversight and inspection in a district consisting of a State or several States and territories. Thus, the District Offices have the authority, and are fully competent, to receive and analyze information from official establishments about adulterated or misbranded product.

Comment: A trade group representing meat packing and processing establishments and a trade group that represents food and beverage companies noted that the proposed rule provides that establishments must notify FSIS of the destination of the adulterated or misbranded product. The two trade groups suggested that the Agency clearly state in the preamble to the final rule that while the statutory language specified notification of the ''destination'' of the adulterated or misbranded product, shipping establishments only have knowledge of, and therefore, need only provide notification about their direct consignees.

Agency's Response: Under this rule, establishments must provide all available information about the ''destination'' of adulterated or misbranded product. This rule does not create a duty to seek out new information; however, if establishments have information about the destination of adulterated or misbranded product beyond their direct consignees, they must provide it to the Agency.

B. Recall plans

Comment: Several comments expressed concerns about the security of plant recall information and whether recall plans would be subject to the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)).

Agency's Response: FSIS understands the nature of these comments and that many meat and poultry establishments view the data in recall procedures as confidential commercial information. Pursuant to USDA's Freedom of Information Act (FOIA) regulations (7 CFR 1.1 et seq.), FSIS is responsible for making the determination with regard to the disclosure or nondisclosure of information in records obtained from businesses. When, in the course of responding to an FOIA request, FSIS cannot readily determine whether the information obtained from a person is confidential business information, the Agency seeks to obtain and carefully consider the views of the business and provide the business an opportunity to object to any decision to disclose the information.

Under this final rule, establishments are not required to submit their recall procedures to FSIS. They must, however, make the written recall procedures available for copying. FSIS will verify that all establishments maintain the required written recall procedures. FSIS will also protect establishments' confidential business information from public disclosure to the extent authorized under FOIA and in conformity with USDA's FOIA regulations.

Comment: Two comments questioned whether the language of the proposed rule exceeded the provisions of the Farm Bill because it requires official establishments to specify in their written recall procedures how they will decide whether to conduct a product recall, and how the establishment will effect the recall, should it decide that one is necessary.

Agency's Response: FSIS has the authority to require official establishments to specify in their written recall procedures how they will decide whether to conduct a product recall, and how the establishment will effect the recall, should it decide that one is necessary.[1] These requirements are also consistent with the legislation and with longstanding Agency guidance on recall plans.[2]

Comment: Several comments suggested that the Agency execute the rule in incremental stages based on business size, similar to the plan used when HACCP was implemented. Two stated that six months to one year is a reasonable time to give establishments to develop recall procedures. One comment suggested that current establishments should be given six months to develop recall procedures,

[1] *See* 21 U.S.C. 621, ''* * * and said Secretary shall, from time to time, make sure rules and regulations as are necessary for the efficient execution of the provisions of this Act, * * *'' and 21 U.S.C. 463(b), ''The Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this chapter.''

[2] *See* ''FSIS Directive 8080.1, Rev. 6, 10/26/10, Recall of Meat and Poultry Products, Attachment 1''.

but new establishments should be required to prepare their recall procedures at the same time as their HACCP plans. Another comment recommended that large establishments be required to prepare their recall procedures as soon as possible, but that small and very small establishments be given more time to comply. Yet another comment suggested that the Agency implement the rule for large establishments and review the results for one year before requiring small and very small establishments develop recall procedures.

Agency's Response: FSIS has sought to make this rule as fair and equitable as possible, regardless of an establishment's size. Therefore, the Agency asked for comments on when, after the effective date of this final rule, written recall procedures must be completed in accordance with proposed 9 CFR 418.3. Based upon the comments received, FSIS has determined that existing large establishments will have six months from the date of publication of this final rule to implement it and prepare recall plans. To minimize the burden on small businesses, small and very small establishments will have one year from the date of publication to comply.

FSIS believes that the suggestion to require new establishments to have prepared their recall procedures at the same time as their HACCP plans in order to receive a Federal Grant of Inspection has merit. Therefore, the Agency is amending 9 CFR 304.3 and 9 CFR 381.22 to require that before being granted Federal inspection, an establishment must have developed written recall procedures as required by part 418 of Title 9, Chapter III. The Office of Outreach, Employee Education and Training has model recall plans available to industry.

Reassessment of HACCP Plans

Comment: Several comments supported the documenting of HACCP reassessments, as proposed. One consumer group argued that documentation is vital because it provides a needed safeguard against evasion of reassessment requirements. The commenter stated that by making records of reassessment available for official review and copying, FSIS has the ability to preempt an outbreak by identifying overlooked hazards.

Agency's Response: The Agency agrees with comments that the documenting of HACCP reassessments is beneficial. The Agency believes that documenting HACCP reassessments will facilitate verification that establishments have appropriately reassessed their HACCP plans. It will also help FSIS personnel to identify whether there are emerging hazards that the establishment has decided not to address.

Comment: One comment submitted by a trade group representing meat packing and processing establishments requested that the Agency clarify in the final rule that simple formatting or grammar changes of a HACCP plan do not need to be documented as reassessments.

Agency's Response: While establishments are required to document each reassessment of their HAACP plans, the Agency does not consider formatting and grammar changes to be reassessments.

Costs

Comment: The Agency received several comments addressing the cost of implementing the proposed rule. One consumer group argued that the cost of implementing the proposed rule is reasonable. The commenter argued that if the first-year industry costs will be $5 million dollars, that cost is far less than the billions of dollars the United States incurs as a result of foodborne illnesses per year.

A few comments from very small processors or supporters of very small processors or local processors claimed that additional regulation will be an undue financial burden on small and very small establishments. One trade group representing meat packing and processing establishments believed that FSIS's estimated initial cost is already a significant cost to many small and very small establishments, and that the actual cost could potentially be much higher. The trade group suggested that the initial cost to small and very small establishments might be $2,000; however, the trade group did not offer any data to support its claim. Another comment submitted by a consumer suggested creating waivers or exemptions for small and very small establishments.

Agency's Response: While the Agency agrees with the commenter that $2,000 in initial cost for small and very small establishments may be a significant cost, FSIS estimates that the average initial (first-year) cost of implementing this final rule for these establishments will not be $2,000 but would be between $700 and $900, with a midpoint of $800,[3] for each small or very small establishment.

[3] See, Table 2 (columns 7, 8, and 9), which is the updated Table 3, **Federal Register**, Vol. 75, No. 57, March 25, 2010, page 14365.

IV. Executive Orders 12866 and 13563 and Regulatory Flexibility Act

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

FSIS has carefully evaluated the comments submitted in response to the proposed rule and has concluded that it is appropriate to adopt the Preliminary Regulatory Impact Analysis and the initial Regulatory Flexibility Act (RFA) assessment as final. This Final Regulatory Impact Analysis (FRIA) and final RFA assessment have changed from the Preliminary Regulatory Impact Analysis and the initial RFA assessment that were published in the proposed rule on March 25, 2010, though the methodology remains the same.

A. Baseline

FSIS expects that this final rule will affect about 6,300 official federally-inspected establishments that slaughter or process meat, meat products, poultry, and poultry products, based on FSIS's Performance Based Inspection System (PBIS) of 2011. Based on HACCP classification, about 400 are large establishments, 3,044 are small, and 2,856 are very small.[4]

B. Expected Costs

Under the current regulations, the development and maintenance of recall procedures and the written documentation of HACCP reassessments are voluntary. This final rule will make them mandatory. Costs will be incurred because about 6,300 official establishments will need to develop recall procedures and maintain written documentation of HACCP reassessments. Cost estimates are updated to reflect the most recent available data.[5]

[4] Very small establishments have fewer than 10 employees or generate less than $2.5 million in annual sales; and small establishments have 10 or more but fewer than 500 employees and generate more than $2.5 million in annual sales.

[5] This includes USDA, FSIS Performance Based Inspection System Volume Database 2011, and

The cost of notifying FSIS, with a few phone calls, facsimiles, or emails about possibly adulterated or misbranded products in commerce is negligible. FSIS has determined that there will be no impact on the Agency's operational costs resulting from this final rule, because the Agency will not need to add any staff or incur any additional non-labor expenditure when the final rule is adopted.

In addition to the extra establishment labor cost, FSIS estimates that the extra establishment material cost would be about 1 percent of the labor cost of the development of the recall procedures and the documentation of each reassessment of the HACCP plan. The first year estimated average total costs to the industry are about $5.2 million for labor (shown in Table 1) and $52 thousand (0.01 × $5.2M = $52,000) for materials.

FSIS believes that the estimated cost of developing recall procedures is an overestimate because: (1) Some unknown number of establishments already have plans that could likely be adequate with little or no change, (2) establishments in the meat and poultry industries have differing levels of expertise in writing HACCP plans, (3) the Agency makes model recall plans available to the industry, and (4) establishments have a range of different processes for producing meat and poultry products. Given the uncertainty of incurred labor cost in different regions and with various experience levels, FSIS assumes a 20% range, plus and minus 10%, of the estimated average-compliance cost. The estimated cost summary is shown in Table 1.

FSIS expects that in the first year of the final rule, one-time costs for developing recall procedures would cost the industry of approximately 6,300 establishments $4.6 million, in an estimated range of $4.1 and $5.0 million, 10% lower and upper bound, respectively. Furthermore, the final rule would have first year costs of approximately $0.5 million for documenting periodic reassessments of HACCP plans, and $0.1 million for records backup and storage, although these costs may well be overstated. The recurring costs of developing and updating recall procedures, documenting periodic reassessments of HACCP plans, and records backup and storage for the second through the tenth year are estimated at $610,000, $66,000, and $11,000, respectively (*see* Table 3).

The total cost for the first year is $5.2 ($4.6 + $0.5 +$0.1) million, in an estimated range of $4.7 and $5.7 million, 10% lower and upper bound, respectively. Considering the subsequent years cost of $687,000, the annualized cost over ten years using 3% and 7% discount rates is $1.20 million ($1.08 million and $1.31 million, 10% lower and upper bound), and $1.28 million ($1.15 million and $1.41 million, 10% lower and upper bound), respectively (Table 3).

The present value of total costs with a 3% discount rate for 10 years would be $10.2 million, in an estimated range of $9.2 and $11.2 million. The present value of total costs with a 7% discount rate for 10 years would be $9.0 million, in an estimated range of $8.1 and $9.9 million.

Table 2 shows the first year total costs by establishment size, of which $0.3 million is attributed to large, $2.5 million to small, and $2.3 million to very small establishments. The first year cost per official establishment is between $700 and $900, 10% lower and upper bound, respectively.

Table 3 gives the estimated annualized cost and the present value of total cost by establishment size classes for ten years. Table 3, column 4, shows all cost categories of the first year (assumed to be 2013) and comes from Table 2, column 6, distributed by the counts of establishment size classes. The costs for years 2—10 are based on constant dollar assumption and are shown in Table 3, column 5.

TABLE 1—FIRST YEAR COST BREAKDWON, IN DOLLARS, FOR 6,300 ESTABLISHMENTS (LABOR AND MATERIALS)

Cost component	Response rate	Required man-hours	Wage rate	Factor for paper, ink and media cost	Material (paper, ink and media) cost (× $1,000)	Total cost (× $1,000)	Low range (−10%) of total cost	High range (+10%) of total cost
Recall-Procedures Development (one-time)	1	20	36	1.01	46	4,582	4,124	5,040
Document Reassessment (First Year)	5	0.25	63	1.01	5	501	451	551
Records Backup and Storage (First Year)	1	0.25	36	1.50	28	85	77	94
Total					79	5,168	4,651	5,685

TABLE 2—NUMBER OF ESTABLISHMENTS, TOTAL AND AVERAGE COSTS IN SIZE (×$1,000)

HACCP Class	Number of establishments	Recall procedures development (one-time)	Documenting HACCP reassessment	Records backup and storage	Total cost	Cost per establishment	Low estimate (−10%)	High estimate (+10%)
Very Small	2,856	2,077	227	39	2,343	0.8	0.7	0.9
Small	3,044	2,214	242	41	2,497	0.8	0.7	0.9
Subtotal	5,900	4,291	469	80	4,840	0.8	0.7	0.9
Large	400	291	32	5	328	0.8	0.7	0.9
Total	6,300	4,582	501	85	5,168	0.8	0.7	0.9

USDA, Economic Research Service, Food Availability (Per Capita) Data System—Per capita food availability data compiled reflect the amount of food available for human consumption in the United States, March 2009, *http://www.ers.usda.gov/Data/FoodConsumption.*

TABLE 3—ESTIMATE ANNUALIZED AND PRESENT VALUE OF THE TOTAL COST BY ESTABLISHMENT SIZE CLASS, ASSUMING CONSTANT DOLLARS

HACCP class	Number of establishment	Activities	1st year 2013	2nd-10th years 2014-22	Annualized cost at 3%	Annualized cost at 7%	Present value of total cost at 3%	Present value of total cost at 7%
Very Small	2,856	Recall-Procedures development & updating	2,077	278	483	517	4,118	3,634
		Documenting HACCP Reassessment	227	30	52	56	447	395
		Records backup and storage	39	5	9	10	76	67
		Subtotal	2,343	313	544	583	4,641	4,096
Small	3,044	Recall-Procedures development & updating	2,214	296	514	551	4,387	3,872
		Documenting HACCP Reassessment	242	32	56	60	477	421
		Records backup and storage	41	5	9	10	78	69
		Subtotal	2,497	333	579	621	4,942	4,361
Small and Very Small	5,900	Subtotal of Small & Very Small	4,480	646	1,123	1,204	9,582	8,457
Large	400	Recall-Procedures development & updating	291	36	65	70	555	491
		Documenting HACCP Reassessment	32	4	7	8	61	54
		Records backup and storage	5	1	1	2	12	11
		Subtotal	328	40	74	79	628	556
Total	6,300	Recall-Procedures development & updating	4,582	610	1,062	1,139	9,060	7,997
		Documenting HACCP Reassessment	501	66	116	124	985	870
		Records backup and storage	85	11	19	21	166	146
Total			5,168	687	1,197	1,283	10,211	9,013

C. Expected Benefits

The expected benefits likely to result from this final rule are improvements in the effectiveness of the nation's food safety system for meat and poultry products and improved protection of public health. These benefits are not monetized because quantified data on benefits attributable to this final rule are not available to FSIS. The expected benefits include:

HACCP Reassessment and Documentation of Reassessments

Under this final rule, establishments must document each reassessment, the reasons for any changes to the HACCP plan, or the reasons for not changing the HACCP plan. For annual reassessments, if the establishment determines that no changes are necessary, documentation of this determination is not necessary. These provisions will allow FSIS personnel to better verify and track that establishments are, in fact, reassessing those plans at least annually, as required by 9 CFR 417.4(a)(3), and that they are appropriately responding to their findings.

Notification Requirement

This final rule is a preventive measure that will result in FSIS being alerted to potential meat and poultry recall situations earlier than would otherwise be the case. Under this rule, establishments will be required to notify the local FSIS District Office within 24 hours of learning or determining that an adulterated or misbranded product received by or originating from the establishment has entered commerce. This notification, in turn, will allow FSIS to initiate its preliminary inquiries more quickly and to determine more quickly whether a recall is necessary.

Improve Recall Effectiveness With Documented Procedures

FSIS expects that this final rule will assist meat and poultry establishments during recalls. By requiring these establishments to prepare and maintain recall procedures for all products they produce, FSIS expects that establishments that do not currently have such plans will be able to act more effectively to remove adulterated or misbranded products from commerce. This added efficiency and effectiveness will help establishments to move quickly to disseminate information about the need to return the product to it and thus maximize the amount of recalled product they will actually recover. Table 4 gives a summary of the benefits discussed above.

TABLE 4—SUMMARY OF BENEFITS

Benefit related to:	Required actions:	Expected benefits:
Document Reassessment	• Establishments are to document all reassessments of HACCP plans. • Establishments are to make documentation of the HACCP plans available to inspection program personnel.	• Improved HACCP systems for establishments.
Notification Requirement	• Establishments are to notify local FSIS District Office within 24 hours of having reason to believe that an adulterated or misbranded product received or originating from the official establishment has entered commerce.	• FSIS will be alerted to potential meat or poultry recall situations earlier than otherwise is the case today. • FSIS will be able to begin more rapidly preliminary inquiries to determine whether a recall is necessary.

TABLE 4—SUMMARY OF BENEFITS—Continued

Benefit related to:	Required actions:	Expected benefits:
Improve Recall Effectiveness	• Establishments are to prepare and maintain recall procedures for all products they produce.	• Establishments will be able to act more effectively to remove adulterated or misbranded products from consumers. • Establishments will be able to move quickly to disseminate information about the need to return product to it. • Establishments will be able to maximize the amount of product they will be able to receive.

D. Regulatory Flexibility Act Analysis

The FSIS Administrator has certified that this final rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601).

These small entities number about 5,900 federally-inspected establishments. The average cost to small and very small businesses will be in the range of $700 to $900 (Table 2).

Based on data recorded in the PBIS (2011) [6] volume database, and slaughter volume recorded in the FSIS Animal Disposition Reporting System (ADRS, 2008) [7] database, and volume estimates of the USDA Economic Research Service (ERS, 2009) [8], these 5,900 small entities process about 12 percent or about 8 billion pounds of the U.S. meat and poultry food supply per annum. Further, FSIS estimated that the average processing volume per establishment of 5,900 small entities was about 1.4 million pounds (8,000,000,000/5,900) per annum. Thus, the average cost for the first year of this final rule to small entities will be less than one tenth of one cent (*e.g.,* $0.0006 = $800/1,400,000) of meat and poultry food products per pound. This is a relatively insignificant cost to the small entities because most of their meat and poultry food products are valued at more than $1.50 per pound. The average cost for the following years, based on annual recurring costs, decreases to less than one hundredth of one cent per pound.

E. Alternatives

The option of no rulemaking is unavailable. FSIS was directed to conduct this rulemaking by Congress. As discussed above, FSIS considered a longer time period (48 hours) for establishments to notify FSIS when they have reason to believe that adulterated or misbranded products of theirs may have entered commerce. This option was rejected in response to comments received. Also in response to comments, FSIS is providing a phased-in implementation period, with more time allowed for small and very small establishments than for larger establishments, rather than a uniform implementation period. This latter amendment should lessen the burden on smaller entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. When this final rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Requirements

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the information collection and recordkeeping requirements included in this rule have been submitted for approval to OMB.

Title: Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain HACCP Plan Reassessments.

Type of Collection: New.

Abstract: Under this final rule, FSIS is requiring three information collection activities. First, FSIS requires that official establishments notify the appropriate District Office that an adulterated or misbranded product received by or originating from the establishment has entered commerce, if the establishment believes or has reason to believe that this has happened. FSIS is requiring that this notification occur as quickly as possible, but within 24 hours of the establishment learning or determining that an adulterated or misbranded product received by or originating from it has entered commerce. Second, FSIS is requiring that establishments prepare and maintain written procedures for the recall of meat and poultry products produced and shipped by the establishment for use should it become necessary for the establishment to remove product from commerce. These written recall procedures have to specify how the establishment will decide whether to conduct a product recall and how the establishment will effect the recall, should it decide that one is necessary. Finally, FSIS is requiring that establishments document each reassessment of the establishment's HACCP plans. FSIS requires establishments to reassess their HACCP plans annually and whenever any changes occur that could affect the hazard analysis or alter the HACCP plan. Under this rule, establishments must document each reassessment, the reasons for any changes to the HACCP plan, or the reasons for not changing the HACCP plan. For annual reassessments, if the establishment determines that no changes are necessary, documentation of this determination is not necessary. The recall procedures and reassessment documentation will have to be made available for official review and copying.

Estimate of Burden of Average Hours per Response: 1.159.

Respondents: Official meat and poultry products establishments.

Estimated Number of Respondents: 6,300.

Estimated Number of Responses: 40,960.

Estimated Number of Responses per Respondent: 6.5.

Estimated Total Annual Burden on Respondents: 47,475.

Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection

[6] USDA, FSIS Performance Based Inspection System Volume Database 2011. The number of establishments is the number of Federally-inspected processing and slaughter establishments.

[7] USDA, FSIS Animal Disposition Reporting System Database 2008.

[8] USDA, Economic Research Service, Food Availability (Per Capita) Data System—Per capita food availability data compiled reflect the amount of food available for human consumption in the United States. March 2009, *http://www.ers.usda.gov/Data/FoodConsumption.*

Service, USDA, Room 6081, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250.

E-Government Act Compliance

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the Internet and other information technologies and providing increased opportunities for citizen access to government information and services, and for other purposes.

Executive Order 13175

This final rule has been carefully evaluated for potential tribal implications in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. FSIS has concluded based on its evaluation that this final rule will not have any direct or substantial effects on Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power or responsibilities between the Federal Government and Indian Tribes because there are currently no federally-inspected meat or poultry establishments owned or operated by Indian Tribes in tribal areas or on tribal reservations.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at 202–720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call 202–720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this rule online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/Interim_&_Final_Rules/index.asp*.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/News_&_Events/Email_Subscription/*. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

List of Subjects in 9 CFR Parts 304, 381, 417 and 418

Hazard Analysis and Critical Control Point (HACCP) Systems, Meat inspection, Poultry and poultry products inspection, Reporting and recordkeeping requirements, Recalls.

For the reasons discussed in the preamble, FSIS is amending 9 CFR Chapter III, as follows:

PART 304—APPLICATION FOR INSPECTION; GRANT OF INSPECTION

■ 1. The authority citation for part 304 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53

■ 2. In § 304.3, paragraph (a) is revised to read as follows:

§ 304.3 Conditions for receiving inspection.

(a) Before being granted Federal inspection, an establishment must have developed written sanitation Standard Operating Procedures, as required by part 416 of this chapter, and written recall procedures as required by part 418 of this chapter.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

■ 3. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451–470; 7 CFR 2.7, 2.18, 2.53

■ 4. In § 381.22, paragraph (a) is revised to read as follows:

§ 381.22 Conditions for receiving inspection.

(a) Before being granted Federal inspection, an establishment must have developed written sanitation Standard Operating Procedures, as required by part 416 of this chapter, and written recall procedures as required by part 418 of this chapter.

* * * * *

PART 417—HAZARD ANALYSIS AND CRITICAL CONTROL POINT (HACCP) SYSTEMS

■ 5. The authority citation for part 417 continues to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470, 601–695; 7 U.S.C. 1901–1906; 7 CFR 2.18, 2.53.

■ 6. In § 417.4, paragraph (a)(3) is redesignated as paragraph (a)(3)(i) and a new paragraph (a)(3)(ii) is added to read as follows:

§ 417.4 Validation, Verification, Reassessment.

* * * * *

(a) * * *

(3) *Reassessment of the HACCP plan.*

(i) * * *

(ii) Each establishment must make a record of each reassessment required by paragraph (a)(3)(i) of this section and must document the reasons for any changes to the HACCP plan based on the reassessment, or the reasons for not changing the HACCP plan based on the reassessment. For annual reassessments, if the establishment determines that no changes are needed to its HACCP plan, it is not required to document the basis for this determination.

* * * * *

■ 7. A new part 418 is added to read as follows:

PART 418—RECALLS

Sec.
418.1 [Reserved]
418.2 Notification.
418.3 Preparation and maintenance of written recall procedures.
418.4 Records.

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470, 601–695; 7 CFR 2.18, 2.53.

§ 418.1 [Reserved]

§ 418.2 Notification.

Each official establishment must promptly notify the local FSIS District Office within 24 hours of learning or determining that an adulterated or misbranded meat, meat food, poultry, or poultry product received by or

originating from the official establishment has entered commerce, if the official establishment believes or has reason to believe that this has happened. The official establishment must inform the District Office of the type, amount, origin, and destination of the adulterated or misbranded product.

§ 418.3 Preparation and maintenance of written recall procedures.

Each official establishment must prepare and maintain written procedures for the recall of any meat, meat food, poultry, or poultry product produced and shipped by the official establishment. These written procedures must specify how the official establishment will decide whether to conduct a product recall, and how the establishment will effect the recall, should it decide that one is necessary.

§ 418.4 Records.

All records, including records documenting procedures required by this part, must be available for official review and copying.

Done in Washington, DC, on May 1, 2012.

Alfred V. Almanza,

Administrator.

[FR Doc. 2012–10917 Filed 5–7–12; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–1066; Directorate Identifier 2011–NM–050–AD; Amendment 39–16917; AD 2012–01–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for certain Airbus Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes; and Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes. That AD currently requires repetitive inspections for cracking in Gear Rib 5 of the main landing gear (MLG) attachment fittings at the lower flange, and repair if necessary; and provides an optional spot-facing modification around certain fastener holes, which would terminate certain repetitive inspections. This new AD mandates the optional spot-facing modification. This AD was prompted by new cases of cracks discovered during scheduled maintenance checks. We are issuing this AD to prevent cracking of the Gear Rib 5 right-hand and left-hand attachment fitting at the lower flanges of the MLG, which could result in failed bolts penetrating through the rear spar and into a fuel tank, consequent fuel loss, and reduced structural integrity of the airplane.

DATES: This AD becomes effective June 12, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 12, 2012.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of January 5, 2011 (75 FR 74610, December 1, 2010).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 18, 2006 (71 FR 33994, June 13, 2006).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of April 12, 2000 (65 FR 12077, March 8, 2000).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of October 20, 1999 (64 FR 49966, September 15, 1999).

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

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on October 11, 2011 (76 FR 62673), and proposed to supersede AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Following the occurrence of cracks on the MLG [main landing gear] Rib 5 RH [right-hand] and LH [left-hand] attachment fitting lower flanges, DGAC [Direction Générale de l'Aviation Civile] France AD 2003–318(B) was issued to require repetitive inspections and, as terminating action, the embodiment of Airbus Service Bulletins (SB) A300–57–0235 and A300–57–6088 * * *.

Subsequently, new cases of cracks were discovered during scheduled maintenance checks by operators of A300B4 and A300–600 type aeroplanes on which the terminating action SB's were embodied. This condition, if not corrected, could affect the structural integrity of those aeroplanes.

To address and correct this condition, Airbus developed an inspection programme for aeroplanes modified in accordance with SB A300–57–0235 or A300–57–6088. This inspection programme was required to be implemented by DGAC France AD F–2005–113, original issue and later revision 1 [parallel to part of FAA AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)].

A new EASA [European Aviation Safety Agency] AD 2008–0111, superseding DGAC France AD F–2005–113R1, was issued to reduce the applicability. For aeroplanes already compliant with DGAC France AD F–2005–113R1, no further action was required.

Since EASA AD 2008–0111 issuance, Airbus reviewed the inspection programmes of SB A300–57A0246 and SB A300–57A6101 to introduce repetitive inspections including a new inspection technique for holes 47 and 54 and to reduce inspections threshold and intervals from 700 Flight Cycles (FC) to 400 FC until a revised terminating action is made available.

For the reasons stated above, EASA AD 2009–0081 superseded EASA AD 2008–0111 and required operators to comply with the new inspection programme introduced in Revisions 3 of Airbus SB A300–57A0246 and Airbus SB A300–57A6101.

EASA AD 2009–0081 R1 [which corresponds to FAA AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010)] has been published to introduce an optional terminating action which consisted of spot-facing the sensitive holes of the MLG Rib 5 (LH and RH) bottom flanges.

Later discussions with Airbus have demonstrated the necessity to require the spot-facing modification as a final solution (no longer optional). This new [EASA] AD retains the inspection requirements of EASA AD 2009–0081 R1, which is superseded, and requires the spot-facing of sensitive holes of the MLG Rib 5 (LH and RH) bottom flanges as terminating action.

Required actions include repairing discrepancies (e.g., cracking or a second oversize or greater fastener hole). You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The

commenter supports the NPRM (76 FR 62673, October 11, 2011).

Explanation of Changes Made to This AD

We have made the following changes to this AD. These changes have not changed the intent of any provisions specified in this AD.

- Revised certain headers throughout this AD.
- Redesignated Notes 1, 2, and 3 of the NPRM (76 FR 62673, October 11, 2011) as paragraphs (g)(3), (q)(1), and (q)(2) of this AD, respectively.
- Redesignated paragraph (n) of the NPRM (76 FR 62673, October 11, 2011) as paragraph (q)(3) of this AD, and redesignated subsequent paragraphs accordingly.
- We have revised paragraphs (g), (i), (o)(1), (o)(3), (o)(4), and (o)(5) of this AD to clarify the specific actions for which the specified service information is required.
- We have revised the headings of Tables 1, 2, 3, 4, 5, and 6 of this AD to clarify the purpose of the content in those tables.
- We have revised the wording in paragraphs (q)(1), (q)(2), (q)(3), and (q)(4) of this AD (Notes 2 and 3 and paragraphs (n) and (r) of the NPRM (76 FR 62673, October 11, 2011), respectively); this change has not changed the intent of these paragraphs.

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD with the changes described previously—and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (76 FR 62673, October 11, 2011) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (76 FR 62673, October 11, 2011).

Costs of Compliance

We estimate that this AD will affect about 155 products of U.S. registry.

The actions that are required by AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010), and retained in this AD take about 79 work-hours per product, at an average labor rate of $85 per work hour. Required parts cost about $10,270 per product. Based on these figures, the estimated cost of the currently required actions is $16,985 per product.

We estimate that it will take about 100 work-hours per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be $1,317,500, or $8,500 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM (76 FR 62673, October 11, 2011), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–16516 (75 FR 74610, December 1, 2010) and adding the following new AD:

2012–01–05 Airbus: Amendment 39–16917. Docket No. FAA–2011–1066; Directorate Identifier 2011–NM–050–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective June 12, 2012.

(b) Affected ADs

This AD supersedes AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010).

(c) Applicability

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD; except airplanes on which Airbus Modification 11912 or 11932 has been installed.

(1) Airbus Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57: Wings.

(e) Reason

This AD was prompted by new cases of cracks discovered during scheduled maintenance checks. We are issuing this AD to prevent cracking of the Gear Rib 5 right-hand and left-hand attachment fitting at the lower flanges of the main landing gear (MLG), which could result in failed bolts penetrating through the rear spar and into a fuel tank, consequent fuel loss, and reduced structural integrity of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the

compliance times specified, unless the actions have already been done.

(g) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (g) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). Perform a detailed inspection and a high-frequency eddy current (HFEC) inspection to detect cracks in Gear Rib 5 of the MLG attachment fittings at the lower flange, in accordance with the Accomplishment Instructions of any applicable service bulletin listed in table 1 and table 2 of this AD, at the time specified in paragraph (g)(1) or (g)(2) of this AD. After April 12, 2000 (the effective date of AD 2000–05–07, Amendment 39–11616 (65 FR 12077, March 8, 2000)), the service bulletins listed in table 2 of this AD must be used to accomplish the actions required by this paragraph. Repeat the inspections thereafter at intervals not to exceed 1,500 flight cycles, until the actions specified in paragraph (i), (j), or (l) of this AD are accomplished.

TABLE 1—REVISION 01 OF SERVICE BULLETINS FOR PARAGRAPH (g) OF THIS AD

Model—	Airbus Service Bulletin—	Revision—	Dated—
A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R and F4-605R airplanes.	A300-57-6087	01	March 11, 1998.
A300 B2-1C, B2K–3C, B2-203, B4-2C, B4-103, and B4-203 airplanes	A300–57–0234	01	March 11, 1998.

TABLE 2—OTHER REVISIONS OF SERVICE BULLETINS FOR PARAGRAPH (g) OF THIS AD

Model—	Airbus Service Bulletin—	Revision—	Dated—
A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, and F4-605R airplanes.	A300-57A6087	02, including Appendix 01	June 24, 1999.
		03, including Appendix 01	May 19, 2000.
		04, including Appendix 01	February 19, 2002.
		05, including Appendix 01	March 10, 2008.
A300 B2-1C, B2K–3C, B2-203, B4-2C, B4-103, and B4-203 airplanes.	A300-57A0234	02	June 24, 1999.
		03, including Appendix 01	September 2, 1999.
		04, including Appendix 01	May 19, 2000.
		05, including Appendix 01	February 19, 2002.

(1) For airplanes that have accumulated 20,000 or more total flight cycles as of March 9, 1998 (the effective date of AD 98–03–06, Amendment 39–10298 (63 FR 5224, February 2, 1998)): Inspect within 500 flight cycles after March 9, 1998.

(2) For airplanes that have accumulated less than 20,000 total flight cycles as of March 9, 1998 (the effective date of AD 98–03–06, Amendment 39–10298 (63 FR 5224, February 2, 1998)): Inspect prior to the accumulation of 18,000 total flight cycles, or within 1,500 flight cycles after March 9, 1998, whichever occurs later.

(3) For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(h) Retained Repair for Any Crack Found During Inspections Required by Paragraph (g) of This AD

This paragraph restates the requirements of paragraph (h) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). If any crack is detected during any inspection required by paragraph (g) of this AD, prior to further flight, accomplish the requirements of paragraph (h)(1) or (h)(2) of this AD, as applicable.

(1) If a crack is detected at one hole only, and the crack does not extend out of the spotface of the hole, repair in accordance with the Accomplishment Instructions of the applicable service bulletin in table 2 of this AD.

(2) If a crack is detected at more than one hole, or if any crack at any hole extends out of the spotface of the hole, repair in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, or the European Aviation Safety Agency (EASA) (or its delegated agent).

(i) Retained Terminating Modification for Repetitive Inspections Required by Paragraphs (g) and (j) of This AD

This paragraph restates the requirements of paragraph (i) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). Except as required by paragraph (l) of this AD, prior to the accumulation of 21,000 total flight cycles, or within 2 years after October 20, 1999 (the effective date of AD 99–19–26, Amendment 39–11313 (64 FR 49966, September 15, 1999)), whichever occurs later: Modify Gear Rib 5 of the MLG attachment fittings at the lower flange in accordance with the Accomplishment Instructions of the applicable service bulletin in table 3 of this AD. After July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)), Airbus Service Bulletin A300–57–6088, Revision 04, dated December 3, 2003 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes); and Airbus Service Bulletin A300–57–0235, Revision 04, dated March 13, 2003, or Revision 05, dated December 3, 2003 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); must be used to accomplish the actions required by this paragraph. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of paragraphs (g) and (j) of this AD.

TABLE 3—SERVICE BULLETINS FOR TERMINATING MODIFICATION REQUIRED BY PARAGRAPH (i) OF THIS AD

Model—	Airbus Service Bulletin—	Revision—	Dated—
A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes.	A300–57–6088	01, including Appendix 01	February 1, 1999.
		02	September 5, 2002.

TABLE 3—SERVICE BULLETINS FOR TERMINATING MODIFICATION REQUIRED BY PARAGRAPH (i) OF THIS AD—Continued

Model—	Airbus Service Bulletin—	Revision—	Dated—
		04	December 3, 2003.
A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.	A300–57–0235	01, including Appendix 01 03 04 05	February 1, 1999. September 5, 2002. March 13, 2003. December 3, 2003.

(j) Retained Additional Repetitive Inspections

This paragraph restates the requirements of paragraph (j) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). For airplanes on which the modification specified in paragraph (i) or (l) of this AD has not been done before July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)), perform a detailed and an HFEC inspection to detect cracks of the lower flange of Gear Rib 5 of the MLG at holes 43, 47, 48, 49, 50, 52, and 54, in accordance with the applicable service bulletin listed in table 4 of this AD. Perform the inspections at the applicable time specified in paragraph (j)(1), (j)(2), (j)(3), or (j)(4) of this AD. Repeat the inspections thereafter at intervals not to exceed 700 flight cycles until the terminating modification required by paragraph (l) of this AD is accomplished. Accomplishment of the inspections per paragraph (j) of this AD terminates the inspection requirements of paragraph (g) of this AD.

TABLE 4—SERVICE BULLETINS FOR REPETITIVE INSPECTIONS REQUIRED BY PARAGRAPH (j) OF THIS AD

Model—	Airbus Service Bulletin—	Revision—	Dated—
A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes.	A300–57A6087	04, including Appendix 01 05, including Appendix 01	February 19, 2002. March 10, 2008.
A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.	A300–57A0234	05, including Appendix 01	February 19, 2002.

(1) For Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes; and Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes that have accumulated 18,000 or more total flight cycles as of July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)): Within 700 flight cycles after July 18, 2006.

(2) For Model A300 B2–1C, B2K–3C, and B2–203 airplanes that have accumulated less than 18,000 total flight cycles as of July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)): Prior to the accumulation of 18,000 total flight cycles, or within 700 flight cycles after July 18, 2006, whichever occurs later.

(3) For Model A300 B4–2C, B4–103, and B4–203 airplanes that have accumulated less than 18,000 total flight cycles as of July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)): Prior to the accumulation of 14,500 total flight cycles, or within 700 flight cycles after July 18, 2006, whichever occurs later.

(4) For Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes that have accumulated less than 18,000 total flight cycles as of July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)): Prior to the accumulation of 11,600 total flight cycles, or within 700 flight cycles after July 18, 2006, whichever occurs later.

(k) Retained Crack Repair

This paragraph restates the requirements of paragraph (k) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). If any crack is detected during any inspection required by paragraph (j) of this AD, prior to further flight, accomplish the requirements of paragraphs (k)(1) and (k)(2) of this AD, as applicable.

(1) If a crack is detected at only one hole, and the crack does not extend out of the spotface of the hole, repair in accordance with Airbus Service Bulletin A300–57A0234, Revision 05, including Appendix 01, dated February 19, 2002 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or A300–57A6087, Revision 04, including Appendix 01, dated February 19, 2002, or A300–57A6087, Revision 05, including Appendix 01, dated March 10, 2008 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes).

(2) If a crack is detected at more than one hole, or if any crack at any hole extends out of the spotface of the hole, repair in accordance with a method approved by the Manager, International Branch, ANM–116, or the EASA (or its delegated agent).

(l) Retained Terminating Modification for Repetitive Inspections Required by Paragraphs (g) and (j) of This AD for Certain Airplanes

This paragraph restates the requirements of paragraph (l) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). For airplanes on which the terminating modification in paragraph (i) of this AD has not been accomplished before July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)): At the earlier of the times specified in paragraphs (l)(1) and (l)(2) of this AD, modify Gear Rib 5 of the MLG attachment fittings at the lower flange. Except as provided by paragraph (m) of this AD, do the modification in accordance with the applicable service bulletin identified in table 5 of this AD. This action terminates the repetitive inspections requirements of paragraphs (g) and (j) of this AD.

(1) Prior to the accumulation of 21,000 total flight cycles, or within 2 years after October 20, 1999 (the effective date of AD 99–19–26, Amendment 39–11313 (64 FR 49966, September 15, 1999)), whichever is later.

(2) Within 16 months after July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)).

TABLE 5—SERVICE BULLETINS FOR TERMINATING MODIFICATION REQUIRED BY PARAGRAPH (l) OF THIS AD

Model—	Airbus Service Bulletin—	Revision—	Dated—
A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes.	A300–57–6088	04	December 3, 2003.
A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.	A300–57–0235	04	March 13, 2003.
		05	December 3, 2003.

(m) Retained Modification

This paragraph restates the requirements of paragraph (m) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). Where the applicable service bulletin specified in paragraph (l) of this AD specifies to contact Airbus for modification instructions; or if there is a previously installed repair at any of the affected fastener holes; or if a crack is found when accomplishing the modification: Prior to further flight, modify in accordance with a method approved by the Manager, International Branch, ANM–116, or the EASA (or its delegated agent).

(n) Retained Exception for No Reporting

This paragraph restates the requirements of paragraph (o) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). Although the service bulletins identified in tables 1, 2, 3, 4, 5, and 6 of this AD specify to submit certain information to the manufacturer, this AD does not include such a requirement.

(o) Retained Requirements With Revised Service Information

This paragraph restates the requirements of paragraph (p) of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010). Unless already done, do the following actions.

(1) At the applicable time specified in paragraph (o)(2) of this AD, perform a detailed inspection for cracking at the locations specified in paragraphs (o)(1)(i), (o)(1)(ii), and (o)(1)(iii) of this AD, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57A0246, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or Airbus Mandatory Service Bulletin A300–57A6101, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes). As of the effective date of this AD Revision 04 of these service bulletins must be used to accomplish the actions required by this paragraph.

(i) The bottom flange and vertical web in the area between the wing rear spar/gear Rib 5 attachment and the forward reaction-rod pick-up lug.

(ii) On the inboard side, around the fastener holes at locations 43, 47 to 50, 52, and 54.

(iii) On the outboard side, the lower flange, the vertical web and around the fastener holes at locations 43, 47 to 50, 52 and 54.

(2) Do the inspection required by paragraph (o)(1) of this AD at the later of the times in paragraphs (o)(2)(i) and (o)(2)(ii) of this AD.

(i) Within 400 flight cycles after the accomplishment of the actions required by paragraph (i) or (l) of this AD, as applicable.

(ii) Within 400 flight cycles or 4 months after January 5, 2011 (the effective date of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010)), whichever occurs first.

(3) If no cracking is detected during the inspection required by paragraph (o)(1) of this AD, before further flight, perform a fluorescent penetrant inspection (FPI) at holes location 47 and 54, in the right-hand and left-hand MLG Rib 5 attachment fitting lower flange, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57A0246, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or Airbus Mandatory Service Bulletin A300–57A6101, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes). As of the effective date of this AD, Airbus Mandatory Service Bulletin A300–57A0246, Revision 04, including Appendices 1 and 2, dated September 9, 2009; or Airbus Mandatory Service Bulletin A300–57A6101, Revision 04, including Appendices 1 and 2, dated September 9, 2009; as applicable; must be used to accomplish the actions required by this paragraph.

(4) Thereafter, at intervals not to exceed 400 flight cycles, repeat the detailed and FPI inspections, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57A0246, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or Airbus Mandatory Service Bulletin A300–57A6101, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes); until the terminating action required by paragraph (p) of this AD has been accomplished. As of the effective date of this AD, Airbus Mandatory Service Bulletin A300–57A0246, Revision 04, including Appendices 1 and 2, dated September 9, 2009; or Airbus Mandatory Service Bulletin A300–57A6101, Revision 04, including Appendices 1 and 2, dated September 9, 2009; as applicable; must be used to accomplish the actions required by this paragraph.

(5) If any crack is detected during any of the inspections required by paragraphs (o)(1), (o)(3), and (o)(4) of this AD, and Airbus Mandatory Service Bulletin A300–57A0246, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or Airbus Mandatory Service Bulletin A300–57A6101, Revision 03, including Appendices 1 and 2, dated March 11, 2009, or Revision 04, including Appendices 1 and 2, dated September 9, 2009 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes); recommends contacting Airbus for appropriate action: Before further flight, contact Airbus for a repair solution, and do the repair; or repair the cracking using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, or EASA (or its delegated agent).

(p) New Terminating Action

Within 30 months after the effective date of this AD: Modify the spot-faces around all the fastener holes at locations 43, 47 to 50, 52, and 54 (except for spot-faces of holes which have been previously repaired) on the bottom flange MLG ribs, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0254, Revision 01, including Appendix 1, dated June 14, 2011 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or Airbus Mandatory Service Bulletin A300–57–6110, Revision 01, including Appendix 1, dated June 6, 2011 A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes). Accomplishing this modification terminates the repetitive inspection requirements of paragraph (o)(4) of this AD.

(q) Credit for Previous Actions

(1) This paragraph provides credit for initial detailed and HFEC inspections, as

required by the introductory text of paragraph (g) of this AD, if those inspections were performed before April 12, 2000 (the effective date of AD 2000–05–07, Amendment 39–11616 (65 FR 12077, March 8, 2000)), using Airbus Service Bulletin A300–57A0234 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes) or A300–57A6087, both dated August 5, 1997 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes).

(2) This paragraph provides credit for a modification, as required by paragraph (i) of this AD, if the modification was performed before April 12, 2000 (the effective date of AD 2000–05–07, Amendment 39–11616 (65 FR 12077, March 8, 2000)), using Airbus Service Bulletin A300–57–6088, dated August 5, 1998 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes); or Airbus Service Bulletin A300–57–0235, dated August 5, 1998 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes).

(3) This paragraph provides credit for the actions required by paragraphs (i) and (l) of this AD, if those actions were performed before July 18, 2006 (the effective date of AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006)), using the applicable service information listed in table 6 of this AD.

TABLE 6—PREVIOUS ISSUES OF CERTAIN SERVICE BULLETINS

Model—	Airbus Service Bulletin—	Revision—	Dated—
A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.	A300–57–0235	02, including Appendix 01	September 27, 1999.
		03	September 5, 2002.
A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes.	A300–57–6088	02	September 5, 2000.
		03	March 13, 2003.

(4) This paragraph provides credit for a modification of the spot-faces, as specified in paragraph (p) of this AD, if the modification was performed before the effective date of this AD using Airbus Mandatory Service Bulletin A300–57–0254, dated June 4, 2010 (for Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes); or Airbus Mandatory Service Bulletin A300–57–6110, dated June 7, 2010 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R and F4–605R airplanes).

(r) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, 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 International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD. AMOCs approved previously in accordance with AD 2000–05–07, Amendment 39–11616 (65 FR 12077, March 8, 2000); AD 2006–12–13, Amendment 39–14639 (71 FR 33994, June 13, 2006); and AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010); are approved as AMOCs for the corresponding provisions of this AD.

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

(s) Related Information

Refer to MCAI EASA Airworthiness Directive 2011–0029, dated February 24, 2011, and the service information specified in paragraphs (s)(1) through (s)(23) of this AD, for related information.

(1) Airbus Service Bulletin A300–57–0234, Revision 01, dated March 11, 1998.

(2) Airbus Service Bulletin A300–57A0234, Revision 02, dated June 24, 1999.

(3) Airbus Service Bulletin A300–57A0234, Revision 03, including Appendix 01, dated September 2, 1999.

(4) Airbus Service Bulletin A300–57A0234, Revision 04, including Appendix 01, dated May 19, 2000.

(5) Airbus Service Bulletin A300–57A0234, Revision 05, including Appendix 01, dated February 19, 2002.

(6) Airbus Service Bulletin A300–57–0235, Revision 01, including Appendix 01, dated February 1, 1999.

(7) Airbus Service Bulletin A300–57–0235, Revision 03, dated September 5, 2002.

(8) Airbus Service Bulletin A300–57–0235, Revision 04, dated March 13, 2003.

(9) Airbus Service Bulletin A300–57–0235, Revision 05, dated December 3, 2003.

(10) Airbus Mandatory Service Bulletin A300–57A0246, Revision 03, including Appendices 1 and 2, dated March 11, 2009.

(11) Airbus Mandatory Service Bulletin A300–57A0246, Revision 04, including Appendices 1 and 2, dated September 9, 2009.

(12) Airbus Mandatory Service Bulletin A300–57–0254, Revision 01, including Appendix 1, dated June 14, 2011.

(13) Airbus Service Bulletin A300–57–6087, Revision 01, dated March 11, 1998.

(14) Airbus Service Bulletin A300–57A6087, Revision 02, including Appendix 01, dated June 24, 1999.

(15) Airbus Service Bulletin A300–57A6087, Revision 03, including Appendix 01, dated May 19, 2000.

(16) Airbus Service Bulletin A300–57A6087, Revision 04, including Appendix 01, dated February 19, 2002.

(17) Airbus Service Bulletin A300–57A6087, Revision 05, including Appendix 01, dated March 10, 2008.

(18) Airbus Service Bulletin A300–57–6088, Revision 01, including Appendix 01, dated February 1, 1999.

(19) Airbus Service Bulletin A300–57–6088, Revision 02, dated September 5, 2002.

(20) Airbus Service Bulletin A300–57–6088, Revision 04, dated December 3, 2003.

(21) Airbus Mandatory Service Bulletin A300–57A6101, Revision 03, including Appendices 1 and 2, dated March 11, 2009.

(22) Airbus Mandatory Service Bulletin A300–57A6101, Revision 04, including Appendices 1 and 2, dated September 9, 2009.

(23) Airbus Mandatory Service Bulletin A300–57–6110, Revision 01, including Appendix 1, dated June 6, 2011.

(t) 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.

(2) The following service information was approved for IBR on June 12, 2012:

(i) Airbus Mandatory Service Bulletin A300–57–0254, Revision 01, including Appendix 1, dated June 14, 2011.

(ii) Airbus Mandatory Service Bulletin A300–57–6110, Revision 01, including Appendix 1, dated June 6, 2011.

(3) The following service information was approved for IBR January 5, 2011 (75 FR 74610, December 1, 2010):

(i) Airbus Mandatory Service Bulletin A300–57A0246, Revision 03, including Appendices 1 and 2, dated March 11, 2009.

(ii) Airbus Mandatory Service Bulletin A300–57A0246, Revision 04, including Appendices 1 and 2, dated September 9, 2009.

(iii) Airbus Mandatory Service Bulletin A300–57A6101, Revision 03, including Appendices 1 and 2, dated March 11, 2009.

(iv) Airbus Mandatory Service Bulletin A300–57A6101, Revision 04, including Appendices 1 and 2, dated September 9, 2009.

(v) Airbus Service Bulletin A300–57A6087, Revision 05, including Appendix 01, dated March 10, 2008. (Appendix 01 of this document was incorrectly identified as ''Appendix 05'' in the document citation specified in table 8 of AD 2010–23–26, Amendment 39–16516 (75 FR 74610, December 1, 2010); all other references to Appendix 01 of this document in AD 2010–23–26 were correct.)

(4) The following service information was approved for IBR July 18, 2006 (71 FR 33994, June 13, 2006):

(i) Airbus Service Bulletin A300–57A0234, Revision 04, including Appendix 01, dated May 19, 2000.

(ii) Airbus Service Bulletin A300–57A0234, Revision 05, including Appendix 01, dated February 19, 2002.

(iii) Airbus Service Bulletin A300–57A6087, Revision 03, including Appendix 01, dated May 19, 2000.

(iv) Airbus Service Bulletin A300–57A6087, Revision 04, including Appendix 01, dated February 19, 2002.

(v) Airbus Service Bulletin A300–57–0235, Revision 03, dated September 5, 2002.

(vi) Airbus Service Bulletin A300–57–0235, Revision 04, dated March 13, 2003.

(vii) Airbus Service Bulletin A300–57–0235, Revision 05, dated December 3, 2003.

(viii) Airbus Service Bulletin A300–57–6088, Revision 02, dated September 5, 2002.

(ix) Airbus Service Bulletin A300–57–6088, Revision 04, dated December 3, 2003.

(5) The following service information was approved for IBR on April 12, 2000 (65 FR 12077, March 8, 2000):

(i) Airbus Service Bulletin A300–57A0234, Revision 02, dated June 24, 1999.

(ii) Airbus Service Bulletin A300–57A0234, Revision 03, including Appendix 01, dated September 2, 1999.

(iii) Airbus Service Bulletin A300–57A6087, Revision 02, including Appendix 01, dated June 24, 1999.

(6) The following service information was approved for IBR on October 20, 1999 (64 FR 49966, September 15, 1999).

(i) Airbus Service Bulletin A300–57–0234, Revision 01, dated March 11, 1998.

(ii) Airbus Service Bulletin A300–57–0235, Revision 01, including Appendix 01, dated February 1, 1999.

(iii) Airbus Service Bulletin A300–57–6087, Revision 01, dated March 11, 1998.

(iv) Airbus Service Bulletin A300–57–6088, Revision 01, including Appendix 01, dated February 1, 1999.

(7) For service information identified in this AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

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

(9) 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 January 6, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–9189 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0417; Directorate Identifier 2012–NE–11–AD; Amendment 39–17045; AD 2012–09–10]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Pratt & Whitney Canada PT6A–38, –41, –42, –42A, –61, –64, –66, –66B, –110, –112, –114, –114A, –121, –135, and –135A series turboprop engines. This AD requires removal from service of certain part manufacturer approval (PMA) replacement Timken Alcor Aerospace Technologies, Inc. (TAATI) first stage sun gears and planet gears installed in the reduction gearbox. This AD was prompted by failures of certain first stage sun gears manufactured by TAATI. We are issuing this AD to prevent failure of the sun gear and planet gears which will result in an engine in-flight shut down, possible uncontained engine failure, aircraft damage, and serious injuries.

DATES: This AD becomes effective May 23, 2012.

We must receive comments on this AD by June 22, 2012.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

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 the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Paul Craig, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Suite 100, Lakewood, CA 90712; phone: 562–627–5252; fax: 562–627–5210; email: *paul.craig@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received two reports of sun gears, part number (P/N) E3028456, and installed in reduction gearboxes, failing during operation. We also received one report of a sun gear, P/N E3037304, showing premature wear and broken gear teeth during inspection. All three gear failures occurred between 60 and 127 hours of operation time-since-new. These conditions, if not corrected, could result in failure of the sun gear and planet gears in the propeller reduction gearbox assembly, which will result in an engine in-flight shut down, possible uncontained engine failure, aircraft damage, and serious injuries. We determined that the affected PMA replacement TAATI first stage sun gears and planet gears listed in this AD, would have been installed after December 22, 2008. The affected parts are listed as follows:

First stage sun gears P/N E3028456, all serial numbers (S/Ns), and the associated planet gears.

First stage sun gears P/N E3037304, all S/Ns, and the associated planet gears.

Planet gear sets P/N E3101455–02, all S/Ns, and the associated sun gears.

Planet gear sets P/N E3101525–02, all S/Ns, and the associated sun gears.

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 removal from service within 40 operating hours after the effective date of the AD, of the PMA replacement TAATI first stage sun gears and planet gears, as listed in the Discussion section above, and installed in the reduction gearbox assemblies of Pratt & Whitney Canada PT6A–38, –41, –42, –42A, –61, –64, –66, –66B, –110, –112, –114, –114A, –121, –135, and –135A series turboprop engines.

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 of the short compliance time required in this AD to start the inspections. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0417; Directorate Identifier 2012–NE–11–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 with FAA personnel concerning this AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

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

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

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 AD:

2012–09–10 Pratt & Whitney Canada: Amendment 39–17045; Docket No. FAA–2012–0417; Directorate Identifier 2012–NE–11–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 23, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pratt & Whitney Canada PT6A–38, –41, –42, –42A, –61, –64, –66, –66B, –110, –112, –114, –114A, –121, –135, and –135A series turboprop engines:

(1) That have had maintenance done to the power section module involving first stage sun gear or planet gear replacement since December 22, 2008; and

(2) That have any of the following Timken Alcor Aerospace Technologies, Inc. (TAATI) part manufacturer approval (PMA) replacement first stage sun gears or planet gear sets installed:

(i) First stage sun gears P/N E3028456, all serial numbers (S/Ns).

(ii) First stage sun gears P/N E3037304, all S/Ns.

(iii) Planet gear sets P/N E3101455–02, all S/Ns.

(iv) Planet gear sets P/N E3101525–02, all S/Ns.

(d) Unsafe Condition

This AD was prompted by failures of certain first stage sun gears, manufactured by TAATI. We are issuing this AD to prevent failure of the sun gear and planet gears in the propeller reduction gearbox assembly, which will result in an engine in-flight shut down, possible uncontained engine failure, aircraft damage, and serious injuries.

(e) Compliance

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

(2) Within 40 operating hours after the effective date of this AD, remove from service the following PMA replacement TAATI first stage sun gear and the planet gears from the propeller reduction gearbox assembly:

(i) First stage sun gears P/N E3028456, all S/Ns, and the associated planet gears.

(ii) First stage sun gears P/N E3037304, all S/Ns, and the associated planet gears.

(iii) Planet gear sets P/N E3101455–02, all S/Ns, and the associated sun gears.

(iv) Planet gear sets P/N E3101525–02, all S/Ns, and the associated sun gears.

(f) Installation Prohibition

After the effective date of this AD, do not install on any airplane, any engine or power section module with a TAATI PMA replacement first stage sun gear or a planet gear set, as listed in paragraph (c) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(h) Special Flight Permits

Special flight permits are not authorized.

(i) Related Information

For more information about this AD, contact Paul Craig, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Blvd., Suite 100, Lakewood, CA 90712; phone: 562–627–5252; fax: 562–627–5210; email: *paul.craig@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on May 3, 2012.

Peter A. White,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–11057 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0384; Directorate Identifier 2010–NM–058–AD; Amendment 39–17041; AD 2012–09–06]

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 certain The Boeing Company Model 737–700 series airplanes. This AD was prompted by reports that the aft seat leg fittings span the station (STA) 521.45 ''stay-out zone.'' This AD requires for certain airplanes, replacing the seat track pivot link assemblies, seat track sections, and floor panels. For certain airplanes, this AD also requires moving certain rows of passenger seats. For certain other airplanes, this AD also requires inspecting certain areas of the seat tracks for damage, and corrective actions if necessary. We are issuing this AD to prevent failure of the seat attachment structure and possible injury to passengers during an emergency landing.

DATES: This AD is effective June 12, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of June 12, 2012.

ADDRESSES: 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: Sarah Piccola, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6483; fax: 425–917–6590; email: *sarah.piccola@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM published in the **Federal Register** on April 25, 2011 (76 FR 22828). That NPRM proposed to require, for certain airplanes, replacing the seat track pivot link assemblies, seat track sections, and floor panels. For certain airplanes, that NPRM also proposed to require moving certain rows of passenger seats. For certain other airplanes, that NPRM also proposed to require inspecting certain areas of the seat tracks for damage, and corrective actions if necessary.

Explanation of Change to the AD

We reviewed the compliance times that were proposed and determined that the compliance time in paragraph (h)(1) of the NPRM (76 FR 22828, April 25, 2011) applies to all airplanes identified in paragraph (h) of this AD and the compliance time proposed in paragraph (h)(2) of the NPRM is unnecessary. We have therefore removed paragraphs (h)(1) and (h)(2) of the NPRM and revised paragraph (h) of this AD.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (76 FR 22828, April 25, 2011) and the FAA's response to each comment. Boeing supports the NPRM.

Request To Withdraw the Proposed AD (76 FR 22828, April 25, 2011)

AirTran Airways (ATA) (now owned by Southwest Airlines) and Southwest Airlines (SWA) requested that the NPRM (76 FR 22828, April 25, 2011) be withdrawn. ATA and SWA stated that the Model 737–700 series airplanes owned by ATA and transferred to SWA ownership have been or will be modified to have new B/E Aerospace seats installed in a different layout of passenger accommodation (LOPA). The LOPA for those B/E Aerospace seats does not have a seat leg fitting that spans the STA 521.45 ''stay-out zone.'' ATA stated that it accomplished the actions of Boeing Special Attention Service Bulletin 737–53–1286, dated November 20, 2008, or Revision 1, dated December 14, 2009, on 22 of its airplanes; those airplanes and the remaining 24 airplanes in its fleet would be modified to SWA's seat configuration before the effective date of the AD. ATA also stated that it sold three of the 49 airplanes listed in Boeing Special Attention Service Bulletin 737–25–1596, dated November 20, 2008. ATA and SWA stated that since the new seats are from a different seat manufacturer and will be installed in a different approved LOPA, the unsafe condition would no longer exist.

We disagree with the commenters' request to withdraw the proposed AD (76 FR 22828, April 25, 2011). Replacing the existing Recaro seat configuration with the B/E Aerospace configuration

would address the unsafe condition while that configuration is installed. However, the approval for the Recaro seats with the LOPA that has a seat leg fitting that spans the STA 521.45 ''stay-out zone'' would still exist. It would be possible, for example, for an operator that has purchased one of the three airplanes that ATA sold to convert the seats and LOPA back to the Recaro seats and the related LOPA that spans the STA 521.45 ''stay-out zone.'' In light of this, the unsafe condition is likely to exist or develop in the affected airplanes. As a result, we are issuing this AD to eliminate the unsafe condition by requiring that seat leg fittings do not span the ''stay-out zone.'' The AD is the appropriate vehicle for mandating such actions. We have not changed the AD in this regard.

Request To Revise Applicability of the Proposed AD (76 FR 22828, April 25, 2011)

ATA and SWA also requested that if the NPRM (76 FR 22828, April 25, 2011) is not withdrawn, that the proposed applicability be revised to apply only to airplanes with specific Recaro seats installed in a specific configuration. SWA stated that if the airplane does not have those specific Recaro seats installed with the foot spanning the STA 521.45 ''stay-out zone,'' then the unsafe condition does not exist and the AD should not apply. ATA also stated that having an AD include airplanes on which the modification to a different LOPA or the applicable service bulletins has been accomplished would result in applying for an alternative method of compliance (AMOC) each time a revision to that LOPA is issued. ATA stated that issuing AMOCs each time a LOPA is revised would produce an undue burden on both the airline and the FAA.

We partially agree. The applicability statement of this AD references certain service bulletins, one of which contains conditions as part of its effectivity. Part of the applicability statement in paragraph (c) of this AD contains an indirect reference to the conditional statement that the commenters requested, i.e., ''a passenger seat configuration that could result in a seat leg plunger being installed across a seat track pivot point * * *,'' as described in paragraph 1.A. of Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009. Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009, is referenced in paragraphs (c)(1) (as an applicability condition) and (g) (in the identification of affected airplanes) of this AD. When an airplane has been modified so that a seat leg plunger is not installed across that specific seat track pivot point, the actions required by paragraph (g) of this AD would not be required. The other service bulletins referenced in the proposed AD (76 FR 22828, April 25, 2011) do specify specific airplanes without conditional statements on whether certain seat configurations are installed. Also, we do not consider it appropriate to include various provisions in an AD applicable only to individual airplanes or to a single operator's seat configurations or unique use of an airplane. Once we issue this AD, any person may request approval of an AMOC under the provisions of paragraph (k) of this AD. We have not changed the AD in this regard.

Change to AMOC Paragraph

We have added paragraph (k)(3) to this final rule to provide operators with the option to apply for an AMOC that has been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle Aircraft Certification Office, to make those findings.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD as proposed—except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (76 FR 22828, April 25, 2011) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (76 FR 22828, April 25, 2011).

Costs of Compliance

We estimate that this AD will affect 50 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

TABLE—ESTIMATED COSTS

Boeing Service Bulletin	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
737–53–1286	96	$85	Up to $28,258	Up to $36,418	50	Up to $1,820,900.
737–25–1596	4	85	None	340	12	$4,080.
737–25–1598	3	85	None	255	1	255.
737–25–1599	3	85	None	255	14	3,570.

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):

2012–09–06 The Boeing Company: Amendment 39–17041; Docket No. FAA–2011–0384; Directorate Identifier 2010–NM–058–AD.

(a) Effective Date

This AD is effective June 12, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–700 series airplanes, certificated in any category; as identified in the service bulletins specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009.

(2) Boeing Special Attention Service Bulletin 737–25–1598, dated December 8, 2009.

(3) Boeing Special Attention Service Bulletin 737–25–1599, dated January 20, 2010.

(d) Subject

Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

(e) Unsafe Condition

This AD results from reports that the aft seat leg fittings span the station (STA) 521.45 ''stay-out zone.'' The Federal Aviation Administration is issuing this AD to prevent failure of the seat attachment structure and possible injury to passengers during an emergency landing.

(f) Compliance

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

(g) Modifying Seat Track Structure

For airplanes identified in Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009: Within 72 months after the effective date of this AD, replace, with new components, certain floor panels, seat track pivot link assemblies, and seat track sections with new components, and modify certain seat tracks, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009.

(h) Moving Seat Rows After Modifying Seat Track Structure

For airplanes identified in Boeing Special Attention Service Bulletin 737–25–1596, dated November 20, 2008: After accomplishing the requirements of paragraph (g) of this AD but within 72 months after the effective date of this AD, move certain seat rows in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1596, dated November 20, 2008.

(i) Moving Seat Rows and General Visual Inspection of Seat Tracks Using Boeing Service Bulletin 737–25–1598, Dated December 8, 2009

For airplanes identified in Boeing Special Attention Service Bulletin 737–25–1598, dated December 8, 2009: Within 72 months after the effective date of this AD, do a general visual inspection of certain areas of the seat tracks for damage, all applicable corrective actions, and move certain seat rows, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1598, dated December 8, 2009. Do all applicable corrective actions before further flight.

(j) Moving Seat Rows and General Visual Inspection of Seat Tracks Using Boeing Special Attention Service Bulletin 737–25–1599, Dated January 20, 2010

For airplanes identified in Boeing Special Attention Service Bulletin 737–25–1599, dated January 20, 2010: Within 72 months after the effective date of this AD, do a general visual inspection of certain areas of the seat tracks for damage, all applicable corrective actions, and move certain seat rows, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1599, dated January 20, 2010. Do all applicable corrective actions before further flight.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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. 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

For more information about this AD, contact Sarah Piccola, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6483; fax: 425–917–6590; email: *sarah.piccola@faa.gov.*

(m) 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.

(2) The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information:

(i) Boeing Special Attention Service Bulletin 737–25–1596, dated November 20, 2008.

(ii) Boeing Special Attention Service Bulletin 737–25–1598, dated December 8, 2009.

(iii) Boeing Special Attention Service Bulletin 737–25–1599, dated January 20, 2010.

(iv) Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009.

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

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

(5) 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 Renton, Washington, on April 29, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–10891 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–1169; Directorate Identifier 2010–NM–050–AD; Amendment 39–17040; AD 2012–09–05]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain 2–Fokker Services B.V.2–Model F.28 Mark 0100 airplanes. This AD was prompted by reports of failure of the main fitting on Messier-Dowty main landing gear (MLG) units due to fatigue cracking in the area of the filler and bleeder holes, and failure of the sliding member due to fatigue cracking at the area of the chrome run-out/lower radius of the sliding tube portion of the sliding member. This AD requires modification and re-identification of the MLG units, or replacement of the MLG unit with a modified one. We are issuing this AD to detect and correct fatigue cracking of the main fitting or sliding member on the MLG, which could lead to failure of the MLG and possibly loss of control of the airplane during landing rollout.

DATES: This AD becomes effective June 12, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 12, 2012.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 18, 2010 (75 FR 63042, October 14, 2010).

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 7, 2011 (76 FR 68668). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Since introduction of the F28 Mark 0100 aeroplane into airline service, there have been a number of occurrences with Messier-Dowty MLG [main landing gear] units where the main fitting failed, due to fatigue cracking in the area of the filler and bleeder holes, and occurrences where the sliding member failed, due to fatigue cracking at the area of chrome run-out/lower radius of the sliding tube portion of the sliding member.

Investigation has revealed that the most probable cause of both the main fitting and sliding member cracks is high compressive stress during braking at higher deceleration levels outside the regular fatigue load spectrum. Starting at deceleration stress levels somewhat below limit load, the high compressive stress locally exceeds the elasticity limit of the material, leaving a residual tensile stress at release of the heavy braking load. Subsequently, this local residual tensile stress results in a negative effect on the fatigue life of the component.

This condition, if not detected and corrected, could lead to failure of the MLG, possibly resulting in loss of control of the aeroplane during the landing rollout. To address this unsafe condition, the Civil Aviation Authority of the Netherlands (CAA–NL) issued AD NL–2005–012 (EASA approval 2005–6363) [which corresponds to FAA 2007–04–23, Amendment 39–14956 (72 FR 8615, February 27, 2007)] to require repetitive inspections of the sliding member (Fokker Services SBF100–32–144) and AD NL–2006–003 (EASA approval 2006–0041) to require repetitive inspections of the main fitting (Fokker Services SBF100–32–146). Messier-Dowty has now developed a modification, resulting in a strengthened sliding member and a strengthened main fitting, which is the terminating action for these repetitive inspections.

For the reasons described above, this [EASA] AD requires the modification and reidentification of the affected MLG units, or replacement of the affected MLG units with modified units.

This [EASA] AD has been revised to * * * state that modification of an aeroplane * * * also constitutes terminating action for the actions required by CAA–NL AD (BLA) 2002–115/2 dated October 8, 2004 [which partially corresponds to FAA AD 2008–20–03, Amendment 39–15682 (73 FR 56452, September 29, 2008)].

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

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (76 FR 68668, November 7, 2011) or on the determination of the cost to the public.

Explanation of Change Made to This AD

We have revised paragraph (h)(2) of this AD to correct a typographical error. This error resulted in a reference to paragraph (c) of this AD instead of paragraph (g) of this AD.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes and/or format changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (76 FR 68668, November 7, 2011) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (76 FR 68668, November 7, 2011).

Costs of Compliance

We estimate that this AD will affect 4 products of U.S. registry. We also estimate that it will take about 30 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $520,000 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $2,090,200, or $522,550 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

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.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM (76 FR 68668, November 7, 2011), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2012–09–05 Fokker Services B.V.: Amendment 39–17040. Docket No. FAA–2011–1169; Directorate Identifier 2010–NM–050–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective June 12, 2012.

(b) Affected ADs

This AD affects: AD 98–06–26, Amendment 39–10404 (63 FR 13502, March 20, 1998); AD 98–13–32, Amendment 39–10623 (63 FR 34581, June 25, 1998); AD 2004–14–01, Amendment 39–13710 (69 FR 41391, July 9, 2004); AD 2007–04–23, Amendment 39–14956 (72 FR 8615, February 27, 2007); AD 2008–20–03, Amendment 39–15682 (73 FR 56452, September 29, 2008); and AD 2010–21–12, Amendment 39–16472 (75 FR 63042, October 14, 2010).

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0100 airplanes, certificated in any category, all serial numbers, equipped with Messier-Dowty (formerly Dowty-Rotol, Dowty Aerospace Gloucester) main landing gear (MLG).

(d) Subject

Air Transport Association (ATA) of America Code 32: Landing Gear.

(e) Reason

This AD was prompted by reports of failure of the main fitting on Messier-Dowty MLG units due to fatigue cracking in the area of the filler and bleeder holes, and failure of the sliding member due to fatigue cracking at the area of the chrome run-out/lower radius of the sliding tube portion of the sliding member. We are issuing this AD to detect and correct fatigue cracking of the main fitting or sliding member on the MLG, which could lead to failure of the MLG and possibly loss of control of the airplane during landing rollout.

(f) Compliance

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

(g) Inspection for Part Numbers

Within 48 months after the effective date of this AD, do an inspection of the MLG to determine whether Messier-Dowty (formerly Dowty-Rotol, Dowty Aerospace Gloucester) MLG units having part number (P/N) 201072011, 201072012, 201072013, 201072014, 201072015, or 201072016 are installed on the airplane. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the MLG unit can be conclusively determined from that review. If any of those part numbers is found, do the requirements of paragraph (h) of this AD.

(h) Replacement or Modification and Re-Identification if Certain Part Numbers Are Found

If, during the inspection required by paragraph (g) of this AD, any Messier-Dowty (formerly Dowty-Rotol, Dowty Aerospace Gloucester) MLG units having P/N 201072011, 201072012, 201072013, 201072014, 201072015, or 201072016 are found, within 48 months after the effective date of this AD, do the actions specified in paragraph (h)(1) or (h)(2) of this AD.

(1) Replace each MLG unit having P/N 201072011, 201072012, 201072013, 201072014, 201072015, or 201072016, with a MLG unit having P/N 201072017, P/N 201072019, or P/N 201072021 (for left-hand), as applicable; or P/N 201072018, P/N 201072020 or P/N 201072022 (for right-hand), as applicable; in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–155, dated July 23, 2009, and do the actions required in paragraph (j) of this AD.

(2) Modify and re-identify each affected MLG unit identified in paragraph (g) of this AD, in accordance with the Accomplishment Instructions of Messier-Dowty Service Bulletin F100–32–112, dated July 17, 2009, and do the actions required in paragraph (j) of this AD.

(i) Parts Installation

As of the effective date of this AD, no person may install on any airplane a MLG unit having P/N 201072011, P/N 201072012, P/N 201072013, P/N 201072014, P/N 201072015, or P/N 201072016.

(j) Removing Placard and Airplane Flight Manual Amendment

After accomplishing the actions required by paragraph (h) of this AD, before further flight, remove the airplane flight manual amendment and placard that were installed as required by AD 2008–20–03, Amendment 39–15682 (73 FR 56452, September 29, 2008).

(k) Prior or Concurrent Actions

Prior to or concurrently with the action (replacement or modification) required by paragraph (h) of this AD, accomplish the following actions:

(1) Install the torque link spacer with changed outer diameter, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–097, dated September 30, 1995.

(2) Remove, if installed, the water spray deflectors, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–132, dated December 5, 2001.

(3) Replace all P/N AE70690E, P/N AE70691E, P/N AE99111E, and P/N AE99119E brake quick-disconnect couplings with improved units, in accordance with Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–156, Revision 1, dated June 29, 2009. Accomplishing the actions required by this

paragraph terminates the requirements of AD 2010–21–12, Amendment 39–16472 (75 FR 63042, October 14, 2010), for that airplane only.

(l) ADs Affected by Accomplishment of Paragraph (h) of This AD

Accomplishing the actions required by paragraph (h) of this AD terminates the requirements of the following ADs for that airplane only: AD 98–06–26, Amendment 39–10404 (63 FR 13502, March 20, 1998); AD 98–13–32, Amendment 39–10623 (63 FR 34581, June 25, 1998); AD 2007–04–23, Amendment 39–14956 (72 FR 8615, February 27, 2007); and AD 2008–20–03, Amendment 39–15682 (73 FR 56452, September 29, 2008).

(m) Other AD Affected by Accomplishment of Paragraph (h) of This AD

Accomplishing the actions required by paragraph (h) of this AD terminates the requirements of AD 2004–14–01, Amendment 39–13710 (69 FR 41391, July 9, 2004), for that airplane only.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. 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. The AMOC approval letter must specifically reference this AD.

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

(o) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2009–0269R1, dated March 11, 2010, and the service information identified in paragraphs (o)(1) through (o)(5) of this AD, for related information.

(1) Fokker Service Bulletin SBF100–32–097, dated September 30, 1995.

(2) Fokker Service Bulletin SBF100–32–132, dated December 5, 2001.

(3) Fokker Service Bulletin SBF100–32–155, dated July 23, 2009.

(4) Fokker Service Bulletin SBF100–32–156, Revision 1, dated June 29, 2009.

(5) Messier-Dowty Service Bulletin F100–32–112, dated July 17, 2009.

(p) Material Incorporated by Reference

(1) 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.

(2) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on June 12, 2012.

(i) Fokker Service Bulletin SBF100–32–097, dated September 30, 1995.

(ii) Fokker Service Bulletin SBF100–32–132, dated December 5, 2001.

(iii) Fokker Service Bulletin SBF100–32–155, dated July 23, 2009.

(iv) Messier-Dowty Service Bulletin F100–32–112, dated July 17, 2009.

(4) The following service information was approved for IBR November 18, 2010 (75 FR 63042, October 14, 2010).

(i) Fokker Service Bulletin SBF100–32–156, Revision 1, dated June 29, 2009.

(5) For Fokker service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; telephone +31 (0)252–627–350; fax +31 (0)252–627–211; email *technicalservices.fokkerservices@stork.com;* Internet *http://www.myfokkerfleet.com.*

(6) For Messier-Dowty service information identified in this AD, contact Messier Services Americas, Customer Support Center, 45360 Severn Way, Sterling, Virginia 20166–8910; telephone 703–450–8233; fax 703–404–1621; Internet *https://techpubs.services.messier-dowty.com.*

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

(8) 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 April 26, 2012.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–10829 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2012–0249; FRL–9669–7]

Designation of Areas for Air Quality Planning Purposes; California; Western Mojave Desert Ozone Nonattainment Area; Reclassification to Severe

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (CAA or Act), EPA is granting a request from the State of California to reclassify the Western Mojave Desert ozone nonattainment area from ''Moderate'' to ''Severe-15'' for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS). EPA is also reclassifying Indian country under the jurisdiction of the Twenty-Nine Palms Band of Mission Indians of California located within the boundaries of the Western Mojave Desert area in the same manner, following consultation with the Tribe, to maintain consistency with the classification of the surrounding areas under State jurisdiction.

DATES: *Effective Date:* This rule is effective on June 7, 2012.

ADDRESSES: EPA has established docket number, EPA–R09–OAR–2012–0249, for this action. 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: Doris Lo, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3959, *lo.doris@epa.gov.*

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

I. Reclassification of Western Mojave Desert to Severe-15 Ozone Nonattainment

Effective June 15, 2004, EPA designated and classified the ''Los

Angeles and San Bernardino Counties (Western Mojave Desert)'' area in California (Western Mojave Desert) under the CAA as ''Subpart 2/Moderate'' nonattainment for the 1997 8-hour ozone NAAQS.[1] See 69 FR 23858, at 23884 (April 30, 2004) and 40 CFR 81.305. Our classification of the Western Mojave Desert area as a ''Moderate'' ozone nonattainment area established a requirement that the area attain the 1997 8-hour ozone NAAQS as expeditiously as practicable, but no later than six years from the date of designation as nonattainment, i.e., June 15, 2010.

On February 14, 2008, the California Air Resources Board (CARB) submitted a request that EPA reclassify three California areas (including the Western Mojave Desert area) designated nonattainment for the 1997 8-hour ozone standard.[2] For the Western Mojave Desert ozone nonattainment area, CARB requested reclassification from ''Moderate'' to ''Severe-17.''[3] On March 14, 2012, CARB submitted a clarification requesting that EPA reclassify the Western Mojave Desert area from ''Moderate'' to ''Severe.''[4] Consistent with section 181(b)(3) of the CAA, we are granting the State's request and reclassifying the Western Mojave Desert area from ''Moderate'' to ''Severe-15'' nonattainment for the 1997 8-hour ozone NAAQS.[5] We are not establishing a schedule for plan submissions at this time and intend to do so in a subsequent action, if necessary.

Because the State of California does not have jurisdiction over Indian country located within its borders, CARB's request to reclassify the Western Mojave Desert area does not apply to Indian country under the jurisdiction of the Twenty-Nine Palms Band of Mission Indians of California, which is located within the boundaries of the Western Mojave Desert nonattainment area. EPA implements federal Clean Air Act programs, including reclassifications, in this area of Indian country consistent with our discretionary authority under sections 301(a) and 301(d)(4) of the Clean Air Act. EPA has consulted with the Twenty-Nine Palms Band of Mission Indians of California regarding CARB's request and the Tribe has agreed to reclassification of its tribal land within the Western Mojave Desert nonattainment area consistent with the surrounding areas under State jurisdiction.[6] Accordingly, we are reclassifying the entire Western Mojave Desert nonattainment area (both the portion under State jurisdiction and the portion under the Tribe's jurisdiction) from ''Moderate'' to ''Severe-15'' for the 1997 8-hour ozone NAAQS.

We are approving CARB's reclassification request under section 181(b)(3) of the Act, which provides for ''voluntary reclassification'' and states: ''The Administrator shall grant the request of any State to reclassify a nonattainment area in that State in accordance with table 1 of subsection (a) of this section to a higher classification. The Administrator shall publish a notice in the **Federal Register** of any such request and of action by the Administrator granting the request.'' The provision for voluntary reclassification has been brought forward as part of the transition from the 1-hour ozone standard to the 1997 8-hour ozone standard. See 40 CFR 51.903(b) (''A State may request a higher classification for any reason in accordance with section 181(b)(3) of the CAA'') and 40 CFR 51.903(a), Table 1. Because the plain language of section 181(b)(3) mandates that we approve such a request, EPA is granting CARB's request for voluntary reclassification under section 181(b)(3) for the Western Mojave Desert ozone nonattainment area, and EPA is reclassifying the area from ''Moderate'' to ''Severe-15'' for the 1997 8-hour ozone NAAQS. With respect to that portion of the Western Mojave Desert area that is under the jurisdiction of the Twenty-Nine Palms Band of Mission Indians of California, EPA has consulted with the Tribe and the Tribe has agreed to reclassification of the area from ''Moderate'' to ''Severe-15'' consistent with the surrounding areas under State jurisdiction. As a result of this action, Western Mojave Desert must now attain the 1997 8-hour ozone NAAQS as expeditiously as practicable, but no later than fifteen years from the date of designation as nonattainment, i.e., June 15, 2019. EPA will address in future rulemaking actions, as necessary, any issues relating to timing and content of plan submissions under this new classification.

EPA has determined that today's action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation where public notice and comment procedures are ''impracticable, unnecessary or contrary to the public interest.'' With respect to that portion of the Western Mojave Desert area that is under State jurisdiction, public notice and opportunity for comment prior to today's action are unnecessary because EPA's reclassification of the Western Mojave Desert area to ''Severe-15'' is mandated by the CAA and does not involve any exercise of discretion. Public notice and comment are also unnecessary with respect to our reclassification of Indian country under the jurisdiction of the Twenty-Nine Palms Band of Mission Indians of California located within the Western Mojave Desert area, because the Tribe has agreed to reclassification of these tribal lands consistent with the surrounding State lands.

II. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. With respect to lands under State jurisdiction, voluntary reclassifications under section 181(b)(3) of the CAA are based solely upon requests by the State and EPA is required under the CAA to grant them. These actions do not, in and of themselves, impose any new requirements on any sector of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently

[1] This action applies only to the classification of this ozone nonattainment area for purposes of the 1997 8-hour ozone NAAQS. EPA intends to take separate actions to designate and classify areas of the nation that meet or do not meet the 2008 8-hour ozone NAAQS.

[2] See February 14, 2008 letter from James N. Goldstene, Executive Officer, CARB, to Wayne Nastri, Regional Administrator, U.S. Environmental Protection Agency, Region 9. In addition to the Western Mojave Desert area, CARB requested that EPA reclassify the Ventura County and Sacramento Metro ozone nonattainment areas under CAA section 181(b)(3) to higher classifications for the 1997 8-hour ozone NAAQS. Pursuant to this request, EPA reclassified the Ventura County area from ''Moderate'' to ''Serious'' nonattainment effective June 19, 2008 (73 FR 29073, May 20, 2008), and reclassified the Sacramento Metro area from ''Serious'' to ''Severe-15'' nonattainment effective June 4, 2010 (75 FR 24409, May 5, 2010).

[3] CARB subsequently submitted a SIP revision for this area to address the attainment demonstration and related requirements for severe-17 ozone nonattainment areas. See July 22, 2008 letter and enclosures from James N. Goldstene, Executive Officer, CARB, to Wayne Nastri, Regional Administrator, U.S. Environmental Protection Agency, Region 9.

[4] See March 14, 2012 letter from James N. Goldstene, Executive Director, CARB, to Jared Blumenfeld, Regional Administrator, U.S. Environmental Protection Agency, Region 9.

[5] Section 181(b) of the CAA does not authorize EPA to grant a request for reclassification of a ''Moderate'' ozone nonattainment area to ''Severe-17.'' See, e.g., EPA's final rule reclassifying the San Joaquin Valley ozone nonattainment area, 66 FR 56476 at 56478 (November 8, 2001).

[6] See email dated April 11, 2012 from Marshall Cheung, Tribal EPA Director, Twenty-Nine Palms Band of Mission Indians of California, to Colleen McKaughan, Associate Director, EPA Region IX Air Division, Re: West Mojave Desert Reclassification or ''Bump-up.''

classified areas, and because those requirements are automatically triggered by classification, reclassification does not impose a materially adverse impact under Executive Order 12866. With respect to Indian country, reclassifications do not establish deadlines for air quality plans or plan revisions. For these reasons, 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).

In addition, I certify 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.*). This action 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), because EPA is required to grant requests by States for voluntary reclassifications and such reclassifications in and of themselves do not impose any federal intergovernmental mandate, and because tribes are not subject to implementation plan submittal deadlines that apply to states as a result of reclassifications.

Executive Order 13175 (65 FR 67249, November 9, 2000) requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects 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.'' One Indian tribe (the Twenty-Nine Palms Band of Mission Indians of California) has jurisdiction over Indian country located within the boundaries of the Western Mojave Desert area. EPA implements federal Clean Air Act programs, including reclassifications, in this area of Indian country consistent with our discretionary authority under sections 301(a) and 301(d)(4) of the Clean Air Act. EPA has concluded that this final rule might have tribal implications for the purposes of Executive Order 13175 but will not impose substantial direct costs upon the Tribe, nor does it preempt Tribal law. This final rule does not affect implementation of new source review for new or modified stationary sources proposed in Indian country within the boundaries of the Western Mojave Desert area because such sources are already subject to the permitting requirements that apply in ''Severe'' nonattainment areas for purposes of the 1-hour ozone NAAQS. This reclassification might affect projects proposed in this area of Indian country that require Federal permits, approvals, or funding under EPA's General Conformity rule because of the lower de minimis thresholds triggered by reclassification (25 tons per year for volatile organic compounds or oxides of nitrogen). Given the potential implications, EPA contacted tribal officials to provide an opportunity for meaningful and timely input into this action. As discussed in section I of this document, on April 11, 2012, the Tribe agreed to the reclassification of its tribal lands within the Western Mojave Desert area consistent with the surrounding State lands.

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 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 EPA interprets Executive Order 13045 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.

Reclassification actions do not involve technical standards and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. 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.*).

Executive Order 12898 (59 FR 7629, February 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. This reclassification action relates to ozone, a pollutant that is regional in nature, and is not the type of action that could result in the types of local impacts addressed in Executive Order 12898.

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. 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 July 9, 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 81

Environmental protection, Air pollution control, Intergovernmental relations, National parks, Ozone, Wilderness areas.

Dated: April 26, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 81—[Amended]

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

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

Subpart C—[Amended]

■ 2. Section 81.305 is amended in the table for ''California—Ozone (8-hour

Standard)'' by revising the entry for ''Los Angeles and San Bernardino Counties (Western Mojave Desert), CA'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—OZONE

(8-Hour Standard)

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Los Angeles and San Bernardino Counties (Western Mojave Desert), CA.	.....	Nonattainment ..	6/7/2012	Subpart 2/Severe-15.
Los Angeles County (part)	.....	Nonattainment ..	6/7/2012	Subpart 2/Severe-15.
That portion of Los Angeles County which lies north and east of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian; then north along the range line common to Range 8 West and Range 9 West; then west along the Township line common to Township 4 North and Township 3 North; then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West); then west along the Township line common to Township 7 North and Township 6 North; then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.				
San Bernardino County (part)	.....	Nonattainment ..	6/7/2012	Subpart 2/Severe-15.
That portion of San Bernardino County which lies north and east of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino-Los Angeles County boundary; And that portion of San Bernardino County which lies south and west of a line described as follows: latitude 35 degrees, 10 minutes north and longitude 115 degrees, 45 minutes west.				
* * *	*	*	*	*

* * * * *

[FR Doc. 2012–11076 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2004–0144; FRL–9346–9]

RIN 2070–ZA16

1-Naphthaleneacetic acid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of 1-naphthaleneacetic acid, potassium and sodium salts in or on potatoes. Stehekin, LLC petitioned EPA for clearance of use of this pesticide under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 8, 2012. Objections and requests for hearings must be received on or before July 9, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2004–0144. 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 OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open 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: Rose Mary Kearns, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703)–305–5611; email address: *kearns.rosemary@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 those engaged in the following activities:

- 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 to provide 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. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the harmonized test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2004–0144 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 9, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2004–0144, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online 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.

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of September 8, 2010 (75 FR 54629) (FRL–8843–3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a (d)(3), announcing the filing of a pesticide petition (PP 0F7687) by Stehekin, LLC, 1012 Good Lander Drive, Selah, Washington 98942. The petition requested that a tolerance exemption be established for residues of the fungicide 1-naphthaleneacetic acid (1-naphthaleneacetamide), on potatoes. That notice referenced a summary of the petition prepared by Stehekin, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon a revised petition which requested a tolerance and review of the data supporting the petition, EPA has determined that it is appropriate to establish a tolerance in association with the use of 1-naphthaleneacetic acid (1-naphthaleneacetamide) on potatoes.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.''

Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. * * *''

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for 1-naphthalneactic acid, its salts, ester, and acetamide which are collectively referred to as naphthalene acetates (NAA) including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with NAA follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Based on structural activity relationship and metabolism data, all forms of 1-naphthaleneacetic acid, its salts, ester, and acetamide are expected to exhibit similar toxicological effects. Therefore the Agency concluded that required toxicity testing on any form should serve for all members of this group of chemicals.

Naphthalene acetates have low acute toxicity via the oral, inhalation and dermal routes of exposure. 1-Naphthaleneacetic acid is not a skin irritant or a dermal sensitizer. The 1-naphthaleneacetic acid and its sodium salt were found to be irritating to the eye. Repeated exposure oral toxicity studies in rats and dogs resulted in decreased body weights and body weight gains accompanied by decreased food consumption.

The major target organs of subchronic and chronic oral exposure were the liver, stomach and lung. Repeated oral exposure also resulted in decreased hematocrit and hemoglobin along with reduced RBC count in rats and dogs and hypocellularity of the bone marrow in dogs.

There was no developmental toxicity at the highest dose of 1-naphthaleneacetic acid tested in the rat or in the rabbit, but developmental toxicity (decreased fetal weight and minor skeletal changes) were seen in rats orally gavaged with the sodium salt.

Reproductive effects of naphthaleneacetic acid sodium salt were limited to reduced litter survival and pup weight throughout lactation in both generations of offspring in a 2-generation reproduction study.

Naphthaleneacetic acid and it's acetamide and the ethyl ester were tested for mutagenic effects in a gene mutation bacterial assay, mouse lymphoma assay, and mouse erythrocyte micronucleus assay, mouse lymphoma assay, and mouse erythrocyte micronucleus assay and were not mutagenic. Additionally 1-naphthaleneacetic acid was tested for mitotic gene conversion and dominant lethality in rats and found to be negative.

Carcinogenicity studies of NAA in mice and in rats for the 1-naphthaleneacetic acid group showed no evidence of carcinogenicity. Specific information on the studies received and the nature of the adverse effects caused by NAA as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document ''Naphthalene Acetates HED Risk Assessment for Section 3 Proposed New Use on Potato Seed Pieces'' at pages 10 through 14 in docket ID number EPA–HQ–OPP–2004–0144.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for 1-naphthaleneaetic acid used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR 1-NAPHTHALENEACETIC ACID FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	An acute RfD for the general population subgroups was not selected because no effect attributable to a single (or few) day(s) oral exposure was observed in animal studies.		

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR 1-NAPHTHALENEACETIC ACID FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Chronic dietary (All populations).	NOAEL = 15 mg/kg/day. UF_A = 10x UF_H = 10x	Chronic RfD = 0.15 mg/kg/day. cPAD = 0.15 mg/kg/day	Chronic Toxicity—Dog. LOAEL = 75 mg/kg/day based on stomach lesions in 75% of the males and by slight sinusoidal histocytosis in the liver of 50% of the males.
Dermal short-term (1 to 30 days).	Dermal (or oral) study NOAEL = 300 mg/kg/day. UF_A = 10x UF_H = 10x	LOC for MOE = 100 ...	Dermal Toxicity Study-Rat. LOAEL = 1000 mg/kg/day based on reduced body weight gain and food efficiency.
Dermal intermediate-term (1 to 6 months).	Dermal (or oral) study NOAEL = 300 mg/kg/day. UF_A = 10x UF_H = 10x	LOC for MOE = 100 ...	Dermal Toxicity Study—Rat. LOAEL = 1000 mg/kg/day based on reduced body weight gain and food efficiency.
Inhalation short-term (1 to 30 days).	Inhalation (or oral) study NOAEL= 50 mg/kg/day (inhalation absorption rate = 100%). UF_A = 10x UF_H = 10x	LOC for MOE = 100 ...	Developmental Toxicity Study—Rat. LOAEL = 250 mg/kg/day based on decreased body weight gain during the gestation period.
Inhalation (1 to 6 months).	Inhalation (or oral) study NOAEL = 25 mg/kg/day (inhalation absorption rate = 100%). UF_A = 10x UF_H = 10x	LOC for MOE = 100 ...	Subchronic Study—Dog. LOAEL = for systemic toxicity = 150 mg/kg/day based on lesions of the GI tract and hypocellularity of the bone marrow.
Cancer (all routes)	A "not likely" human carcinogen.		

LOAEL = lowest observed adverse effect level. LOC = level of concern. MOE = margin of exposure. N/A = not applicable. NOAEL = no observed adverse effect level. PAD = population adjusted dose (a = acute, c = chronic). POD = Point of Departure = A data or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to NAA, EPA considered exposure under the petitioned-for tolerances as well as all existing tolerances in 40 CFR 180.155. EPA assessed dietary exposures from NAA in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for NAA; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food, EPA assumed tolerance level residues for all registered uses, 100% crop treated for all commodities with existing tolerances, and default processing factors.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that NAA does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for 1-naphthaleneacetic. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for NAA in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of 1-naphthaleneacetic acid. Further, information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the First Index Reservoir Screening Tool (FIRST) and Screening Concentration in Ground Water (SCI–GROW) models, estimated drinking water concentrations (EDWCs) of naphthaleneacetic acetates for peak and average concentrations of naphthalene acetates in surface water are 0.02 ppm and 0.003 ppm respectively. The modeled peak and average EDWCs for ground water is 0.00002 ppm.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For chronic dietary risk assessment, the water concentration of value .003

ppm was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). There is a potential for short-term residential exposure to NAA from ornamental uses.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found naphthalene acetates to share a common mechanism of toxicity with any other substances, and NAA does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that NAA does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is low concern (and no residual uncertainty) for prenatal and/or postnasal toxicity resulting from exposure to the NAA group of chemicals. The available data provided no indication of increased susceptibility (quantitative or qualitative) to rats or rabbits to *in utero* exposure to naphthalene acetates or to prenatal and postnatal exposure in rat reproduction studies.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. Acceptable developmental toxicity studies in the rat and rabbit, and an acceptable reproduction study in the rat are available. Recent changes to 40 CFR part 158 require acute and subchronic neurotoxicity and immunotoxicity studies. An immunotoxicity study is not available. However, the toxicology data base for NAA does not show any evidence of treatment-related effects on the immune system and the overall weight of evidence suggests that this chemical does not directly target the immune system. Consequently, the Agency does not believe that conducting a functional immunotoxicity study will result in a lower POD than that currently used for overall risk assessment, and therefore, an additional safety factor is not needed to account for lack of this study. The toxicity database does not show any indications of neurotoxicity or neuropathology (the liver, stomach, lung, and hematological parameters are the target organs based on repeat toxicity studies in rats, mice and dogs).

ii. There is no indication that NAA is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that NAA results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. EPA made conservative (protective) assumptions in dietary assessment and in the ground and surface water modeling used to assess exposure to NAA in drinking water. EPA made conservative (protective) assumptions in the residential handler assessment. Post-application exposure to residents is not expected.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, NAA is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to NAA, from food and water will utilize 2% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

There is potential for short-term residential exposure to NAA from ornamental uses. Oral, dermal and inhalation exposures cannot be combined for short-term aggregate risk assessment, however, because oral exposure endpoints are not based on common toxicological effects with either dermal or inhalation endpoints. Estimated dermal and inhalation MOEs for residential exposure to naphthalene acetates are 3,800 and 58,000 respectively. These estimated exposures are greater than the target MOE of 100 and therefore not of concern. Although a POD from an oral study was used to assess residential handler inhalation risks for NAA, the Agency does not believe this assessment is under-protective of adult handlers. Inhalation MOEs calculated for residential handlers were all >58,000, thus providing an ample margin of safety to account for any uncertainties in route-to-route extrapolation.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Intermediate-term exposure to NAA is not expected based on residential use patterns. Therefore, NAA is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies,

NAA is not expected to pose a cancer risk to humans.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to NAA residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement methodology (HPLC methods (Method NAA–AM 001 and Method NAA–AM–002) for determination of NAA in plant commodities have been submitted and reviewed. These methods have been subjected to successful independent laboratory validations. Acceptable recoveries were obtained from apples, olives and olive oil fortified with NAA at the method limit of quantitation (LOQ; 0.01 ppm) and at 1.0 ppm.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov*.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

No Codex, Canadian, or Mexican maximum residue limits (MRLs) have been established for residues of naphthalene acetates. Therefore, there are no trade issues with this action.

C. Revisions to Petitioned-for Tolerances

The applicant's petition requested an exemption from the requirement of a tolerance for this seed potato application but upon review of submitted information, the Agency determined that a potato tolerance is needed. In lieu of providing field trial data, a theoretical calculation was provided, to show that residues of 1-naphthaleneacetic acid on potatoes will be less than the analytical method's level of quantitation (0.01 ppm) when using the label application rates on potato seed pieces. The Agency determined that a tolerance at the level of quantitation is appropriate and that an exemption is not appropriate because some residues below the level of quantitation may be present and there is toxicological concern for NAA.

V. Conclusion

Therefore, tolerances are established for residues of 1-naphthaleneacetic acid and its conjugates calculated as 1-naphthaleneacetic acid from the application of 1-naphthaleneacetic acid, its ammonium, sodium, or potassium salts, ethyl ester, and acetamide in or on food commodities as follows: in or on potato at 0.01 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination With Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. 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 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 this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: April 27, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.155 is amended by alphabetically adding the following commodity to the table in paragraph (a) to read as follows:

§ 180.155 1–Naphthaleneacetic acid; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Potato	0.01
* * * * *	

* * * * *

[FR Doc. 2012–11117 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2012–0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

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

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

§ 67.11 [Amended]

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

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Benton County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1174			
Blossom Way Creek	At the Osage/Turtle Creek confluence	+1204	City of Rogers.
	Approximately 0.4 mile upstream of 1st Street	+1346	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Brush Creek	Approximately 1,530 feet upstream of the Little Sugar Creek confluence.	+1095	City of Little Flock, City of Rogers, Unincorporated Areas of Benton County.
	Approximately 1,600 feet upstream of State Highway 94 North	+1198	
Brush Creek Tributary	At the Brush Creek confluence	+1114	City of Little Flock.
	Approximately 0.37 mile upstream of the Brush Creek confluence.	+1131	
Cross Creek	Approximately 1,875 feet downstream of Willow Ridge Way	+1249	City of Rogers.
	At the upstream side of Mills Lane	+1313	
Cross Creek Tributary 1	At the Cross Creek confluence	+1267	City of Rogers.
	Approximately 1,625 feet upstream of West Drive	+1307	
Cross Creek Tributary 2	At the Cross Creek Tributary 1 confluence	+1267	City of Rogers.
	Approximately 150 feet upstream of West Drive	+1310	
East Flint Creek	At the Flint Creek confluence	+1201	Town of Springtown, Unincorporated Areas of Benton County.
	Approximately 1,830 feet upstream of Aubrey Long Road	+1211	
East Tributary of Blossom Way Creek.	At the Blossom Way Creek confluence	+1280	City of Rogers.
	Approximately 0.41 mile upstream of the Blossom Way Creek confluence.	+1303	
Flint Creek	Approximately 0.45 mile downstream of the North Flint Creek and East Flint Creek confluence.	+1193	Town of Springtown, Unincorporated Areas of Benton County.
	At the North Flint Creek and East Flint Creek confluence	+1201	
Little Osage Creek (downstream reach).	Approximately 0.71 mile downstream of Southwest Regional Airport Boulevard.	+1163	City of Bentonville, Unincorporated Areas of Benton County.
	At the Little Osage Creek Tributary 2 confluence	+1182	
Little Osage Creek (upstream reach).	Approximately 390 feet downstream of Brookside Road	+1219	City of Bentonville, City of Centerton.
	Approximately 600 feet upstream of the upstream crossing of West Fish Hatchery Road.	+1258	
Little Osage Creek Tributary 2	Approximately 210 feet downstream of Southwest Opal Road	+1182	City of Bentonville, Unincorporated Areas of Benton County.
	Approximately 0.5 mile downstream of Southwest I Street	+1268	
Little Osage Creek Tributary 2.1	At the Little Osage Creek Tributary 2 confluence	+1205	City of Bentonville, City of Centerton, Unincorporated Areas of Benton County.
	Approximately 1,510 feet upstream of Greenhouse Road	+1244	
Little Osage Creek Tributary 2.1.1.	At the Little Osage Creek Tributary 2.1 confluence	+1228	City of Centerton.
	Approximately 0.68 mile upstream of the Little Osage Creek Tributary 2.1 confluence.	+1257	
Little Osage Creek Tributary 2.1.2.	At the Little Osage Creek Tributary 2.1 confluence	+1237	City of Centerton, Unincorporated Areas of Benton County.
	Approximately 0.52 mile upstream of the Little Osage Creek Tributary 2.1 confluence.	+1254	
North Flint Creek	At the Flint Creek confluence	+1201	Town of Springtown, Unincorporated Areas of Benton County.
	Approximately 0.55 mile upstream of the Flint Creek confluence.	+1212	
Osage Tributary 1	At the Osage/Turtle Creek confluence	+1194	City of Bentonville, City of Rogers.
	At the downstream side of Riviera Road	+1257	
Osage Tributary 2	At the Osage Tributary 1 confluence	+1256	City of Bentonville, City of Rogers.
	Approximately 1,450 feet upstream of I–540	+1283	
Osage Tributary 3	At the Osage Tributary 1 confluence	+1269	City of Rogers.
	Approximately 1,550 feet upstream of I–540	+1284	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Osage Tributary 4	At the Osage/Turtle Creek confluence	+1189	City of Rogers, Unincorporated Areas of Benton County.
	Approximately 1,800 feet upstream of South Rainbow Road	+1270	
Osage/Turtle Creek	Approximately 0.47 mile downstream of Southgate Road	+1152	City of Cave Springs, City of Rogers, Unincorporated Areas of Benton County.
	Approximately 700 feet upstream of 5th Street	+1346	
Superior Tributary to Osage/Turtle Creek.	At the Osage/Turtle Creek confluence	+1288	City of Rogers.
	Approximately 50 feet downstream of Dixieland Road	+1309	
Tributary 1 to Blossom Way Creek.	At the Blossom Way Creek confluence	+1288	City of Rogers.
	At the downstream side of South 8th Street	+1331	
Tributary 2 to Blossom Way Creek.	At the Tributary 1 to Blossom Way Creek confluence	+1303	City of Rogers.
	Approximately 750 feet upstream of South 1st Street	+1333	
Turtle Creek Tributary	At the Osage/Turtle Creek confluence	+1276	City of Little Flock, City of Rogers.
	Approximately 1,580 feet upstream of 2nd Street	+1352	
Turtle Creek Tributary 1A	At the Turtle Creek Tributary confluence	+1324	City of Rogers.
	Approximately 1,050 feet upstream of West Easy Street	+1355	
Unnamed Tributary to Puppy Creek.	Approximately 370 feet upstream of West Monroe Avenue	+1273	City of Lowell.
	Approximately 300 feet upstream of Links Drive	+1285	
West Tributary to Blossom Way Creek.	At the Blossom Way Creek confluence	+1276	City of Rogers.
	Approximately 0.49 mile upstream of the Blossom Way Creek confluence.	+1303	

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

ADDRESSES

City of Bentonville
Maps are available for inspection at City Hall, 117 West Central Avenue, Bentonville, AR 72712.
City of Cave Springs
Maps are available for inspection at City Hall, 134 North Main Street, Cave Springs, AR 72718.
City of Centerton
Maps are available for inspection at City Hall, 290 Main Street, Centerton, AR 72719.
City of Little Flock
Maps are available for inspection at City Hall, 1500 Little Flock Drive, Rogers, AR 72756.
City of Lowell
Maps are available for inspection at City Hall, 216 North Lincoln Street, Lowell, AR 72745.
City of Rogers
Maps are available for inspection at City Hall, 301 West Chestnut Street, Rogers, AR 72756.
Town of Springtown
Maps are available for inspection at the Town Hall, 12055 Wasson Road, Springtown, AR 72734.
Unincorporated Areas of Benton County
Maps are available for inspection at the Benton County Administration Building, 215 East Central Avenue, Bentonville, AR 72712.

Putnam County, Indiana, and Incorporated Areas
Docket No.: FEMA–B–1171

Big Walnut Creek	Approximately 845 feet downstream of Oakalla Covered Bridge.	+656	Unincorporated Areas of Putnam County.
	Approximately 845 feet upstream of Houck Road (North County Road 25 East).	+692	

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

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
ADDRESSES			
Unincorporated Areas of Putnam County			
Maps are available for inspection at the Putnam County Planning and Zoning Department, Annex Building, 209 West Liberty Street, Room 3, Greencastle, IN 46135.			
Clark County, Kentucky, and Incorporated Areas Docket No.: FEMA–B–1171			
Boone Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 1.2 miles upstream of the Kentucky River confluence.	+590	Unincorporated Areas of Clark County.
Bull Run (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 0.8 mile upstream of the Kentucky River confluence.	+603	Unincorporated Areas of Clark County.
Cotton Creek (backwater effects from Kentucky River).	From the Upper Howard Creek confluence to approximately 0.6 mile upstream of the Upper Howard Creek confluence.	+602	Unincorporated Areas of Clark County.
Dumford Hollow (backwater effects from Kentucky River).	From the Kentucky River Tributary 1 confluence to approximately 1,352 feet upstream of the Kentucky River Tributary 1 confluence.	+604	Unincorporated Areas of Clark County.
Fourmile Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 1.4 miles upstream of the Kentucky River confluence.	+597	Unincorporated Areas of Clark County.
Indian Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 0.5 mile upstream of the Kentucky River confluence.	+600	Unincorporated Areas of Clark County.
Jouett Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 0.5 mile upstream of the Kentucky River confluence.	+591	Unincorporated Areas of Clark County.
Kentucky River	At the Boone Creek confluence	+590	Unincorporated Areas of Clark County.
	At the Red River confluence	+604	
Kentucky River Tributary 1 (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 0.5 mile upstream of the Kentucky River confluence.	+604	Unincorporated Areas of Clark County.
Lower Howard Creek	Approximately 3.4 miles upstream of Reservoir Lane	+852	City of Winchester, Unincorporated Areas of Clark County.
	Approximately 273 feet upstream of Colby Road	+961	
Lower Howard Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 1 mile upstream of the Kentucky River confluence.	+592	Unincorporated Areas of Clark County.
Lower Howard Creek Tributary H7 (backwater effects from Lower Howard Creek).	From the Lower Howard Creek confluence to approximately 712 feet upstream of the Lower Howard Creek confluence.	+891	Unincorporated Areas of Clark County.
Red River (overflow effects from Kentucky River).	At the Kentucky River confluence	+604	Unincorporated Areas of Clark County.
	Approximately 1.2 miles upstream of Irving Road	+605	
Strodes Creek	Approximately 317 feet upstream of the Hancock Creek confluence.	+869	City of Winchester, Unincorporated Areas of Clark County.
	Approximately 0.9 mile upstream of Pioneer Drive	+952	
Strodes Creek Tributary S1	From the Strodes Creek confluence to approximately 1,554 feet upstream of the Strodes Creek confluence.	+928	City of Winchester, Unincorporated Areas of Clark County.
Strodes Creek Tributary S2 (backwater effects from Strodes Creek).	From the Strodes Creek Tributary S1 confluence to approximately 540 feet upstream of the Strodes Creek Tributary S1 confluence.	+928	City of Winchester, Unincorporated Areas of Clark County.
Strodes Creek Tributary S5 (backwater effects from Strodes Creek).	From the Strodes Creek confluence to approximately 1,385 feet upstream of the Strodes Creek confluence.	+926	City of Winchester, Unincorporated Areas of Clark County.
Twomile Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 0.8 mile upstream of the Kentucky River confluence.	+596	Unincorporated Areas of Clark County.
Upper Howard Creek (backwater effects from Kentucky River).	From the Kentucky River confluence to approximately 1.9 miles upstream of the Kentucky River confluence.	+602	Unincorporated Areas of Clark County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Upper Howard Creek Tributary 3 (backwater effects from Kentucky River).	From the Upper Howard Creek confluence to approximately 1,559 feet upstream of the Upper Howard Creek confluence.	+602	Unincorporated Areas of Clark County.

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

ADDRESSES

City of Winchester

Maps are available for inspection at City Hall, 32 Wall Street, Winchester, KY 40392.

Unincorporated Areas of Clark County

Maps are available for inspection at the Clark County Courthouse, 34 South Main Street, Winchester, KY 40391.

Menifee County, Kentucky, and Incorporated Areas
Docket No.: FEMA–B–1021

Licking River (Cave Run Lake)	At the Buck Creek confluence	+765	Unincorporated Areas of Menifee County.
	At the North Fork Licking River confluence	+765	

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

ADDRESSES

Unincorporated Areas of Menifee County

Maps are available for inspection at the Menifee County Courthouse, 12 Main Street, Frenchburg, KY 40322.

Scott County, Missouri, and Incorporated Areas
Docket No.: FEMA–B–1152

Headwater Diversion Channel (backwater effects from Mississippi River).	From the Cape Girardeau County boundary to approximately 1.33 miles upstream of the Cape Girardeau County boundary.	+350	Unincorporated Areas of Scott County.
Mississippi River	At the Mississippi County boundary	+335	Unincorporated Areas of Scott County.
	At the Alexander County boundary	+351	
Ramsey Creek Diversion Channel (backwater effects from Mississippi River).	From the confluence with Headwater Diversion Channel to approximately 3.6 miles upstream of the confluence with Headwater Diversion Channel.	+350	City of Scott City, Unincorporated Areas of Scott County.

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

ADDRESSES

City of Scott City

Maps are available for inspection at 215 Chester Avenue, Scott City, MO 63780.

Unincorporated Areas of Scott County

Maps are available for inspection at 131 South Winchester Street, Benton, MO 63736.

Sanders County, Montana, and Incorporated Areas
Docket No.: FEMA–B–1185

Clark Fork River	Approximately 0.9 mile downstream of Montana Highway 200	+2480	Unincorporated Areas of Sanders County.
	Approximately 0.5 mile upstream of Montana Highway 200	+2495	
Flathead River	Approximately 0.4 mile upstream of the Clark Fork River confluence.	+2492	Unincorporated Areas of Sanders County.
	Approximately 3.8 miles upstream of the Clark Fork River confluence.	+2494	
Hot Springs Creek	Approximately 0.5 mile downstream of Camas Road	+2792	Town of Hot Springs.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 0.5 mile upstream of Hot Springs Creek Road ..	+2990	

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

ADDRESSES

Town of Hot Springs
Maps are available for inspection at the Town Hall, 109 Main Street, Hot Springs, MT 59845.

Unincorporated Areas of Sanders County
Maps are available for inspection at the Sanders County Courthouse, 1111 Main Street, Thompson Falls, MT 59873.

Lebanon County, Pennsylvania (All Jurisdictions)
Docket No.: FEMA–B–1185

Killinger Creek	Approximately 0.59 mile downstream of Brandt Road	+413	Township of North Londonderry.
	Approximately 0.52 mile downstream of Brandt Road	+415	
Little Swatara Creek	At the Swatara Creek confluence	+408	Borough of Jonestown.
	Approximately 1,000 feet upstream of South Lancaster Street	+408	
Quittapahilla Creek	Approximately 750 feet downstream of U.S. Route 422	+393	Borough of Cleona, Township of Annville, Township of North Annville, Township of South Lebanon.
	Approximately 700 feet upstream of U.S. Route 422	+473	
Swatara Creek	Approximately 0.8 mile upstream of Ono Road	+397	Borough of Jonestown, Township of East Hanover, Township of North Annville, Township of Union.
	Approximately 0.24 mile upstream of I–81	+448	
Tributary B	Approximately 85 feet downstream of West Main Avenue	+458	Borough of Myerstown.
	Approximately 105 feet downstream of U.S. Route 422	+468	

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

ADDRESSES

Borough of Cleona
Maps are available for inspection at the Borough Hall, 140 West Walnut Street, Cleona, PA 17042.
Borough of Jonestown
Maps are available for inspection at the Borough Building, 295 South Mill Street, Jonestown, PA 17038.
Borough of Myerstown
Maps are available for inspection at the Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.
Township of Annville
Maps are available for inspection at the Township Hall, 36 North Lancaster Street, Annville, PA 17003.
Township of East Hanover
Maps are available for inspection at the East Hanover Township Building, 1117 School House Road, Annville PA 17003.
Township of North Annville
Maps are available for inspection at the North Anville Township Building, 1020 North Route 934, Annville, PA 17003.
Township of North Londonderry
Maps are available for inspection at the North Londonderry Township Building, 655 East Ridge Road, Palmyra, PA 17078.
Township of South Lebanon
Maps are available for inspection at the South Lebanon Township Building, 1800 South 5th Avenue, Lebanon, PA 17042.
Township of Union
Maps are available for inspection at the Union Township Building, 3111 State Route 72, Jonestown, PA 17038.

Navarro County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1145

Harris Branch of Richland Creek	Approximately 1,300 feet upstream of Southwest County Road 1070.	+406	City of Corsicana, Unincorporated Areas of Navarro County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 1,600 feet downstream of West Cowhead Road	+435	
Harris Branch of Richland Creek Tributary 1.	Just upstream of the confluence with Harris Branch of Richland Creek.	+417	City of Corsicana.
	Approximately 900 feet upstream of the confluence with Harris Branch of Richland Creek.	+422	
Harris Branch of Richland Creek Tributary 2.	Just upstream of the confluence with Harris Branch of Richland Creek.	+423	City of Corsicana.
	Approximately 1,150 feet upstream of the confluence with Harris Branch of Richland Creek.	+425	
Harris Branch of Richland Creek Tributary 3.	Just upstream of the confluence with Harris Branch of Richland Creek.	+423	City of Corsicana.
	Approximately 0.28 mile upstream of the confluence with Harris Branch of Richland Creek.	+430	
Harris Branch of Richland Creek Tributary 5.	Just upstream of the confluence with Harris Branch of Richland Creek.	+424	City of Corsicana.
	Approximately 0.44 mile upstream of the confluence with Harris Branch of Richland Creek.	+432	
Little Harris Branch	Just upstream of the confluence with Harris Branch of Richland Creek.	+406	City of Corsicana, Unincorporated Areas of Navarro County.
	Approximately 0.58 mile upstream of the confluence with Harris Branch of Richland Creek.	+424	
Little Mesquite Branch	Approximately 1,500 feet downstream of the confluence with Mesquite Branch.	+384	City of Corsicana.
	Approximately 750 feet downstream of I–45	+403	
Post Oak Creek	Approximately 750 feet upstream of County Road 10	+347	Unincorporated Areas of Navarro County.
	Approximately 900 feet upstream of the confluence with Post Oak Creek Tributary 7.	+416	
Post Oak Creek Tributary 5	Just upstream of Burlington Northern Santa Fe Railroad	+416	City of Corsicana.
	Just upstream of Forrest Lane	+427	
Post Oak Creek Tributary 7	Approximately 250 feet downstream of Bowie Circle	+414	City of Corsicana, Unincorporated Areas of Navarro County.
	Approximately 775 feet upstream of Ryan Drive	+440	
Town Branch	Approximately 550 feet upstream of 24th Street	+454	City of Corsicana.
	Approximately 900 feet upstream of 24th Street	+457	
Tributary of Little Mesquite Branch.	Just upstream of the confluence with Little Mesquite Branch	+330	City of Corsicana.
	Approximately 825 feet upstream of U.S. Route 287	+409	

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

ADDRESSES

City of Corsicana

Maps are available for inspection at City Hall, 200 North 12th Street, Corsicana, TX 75110.

Unincorporated Areas of Navarro County

Maps are available for inspection at the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, TX 75110.

Preston County, West Virginia, and Incorporated Areas

Docket No.: FEMA–B–1166

Back Run	At the confluence with Deckers Creek	+1698	Unincorporated Areas of Preston County.
	Approximately 1,670 feet upstream of the confluence with Deckers Creek.	+1702	
Barnes Run	At the confluence with Cherry Run	+1702	Unincorporated Areas of Preston County.
	Approximately 450 feet upstream of State Route 26	+2075	
Barnes Run Tributary 2	At the confluence with Barnes Run	+1750	Unincorporated Areas of Preston County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 0.9 mile upstream of the confluence with Barnes Run.	+1976	
Big Sandy Creek	Approximately 310 feet downstream of the confluence of Glade Run.	+1507	Town of Brandonville, Unincorporated Areas of Preston County.
	Approximately 300 feet upstream of County Highway 4/2	+1550	
Big Sandy Creek Tributary 1	At the confluence with Big Sandy Creek	+1530	Unincorporated Areas of Preston County.
	Approximately 0.9 mile upstream of County Highway 8	+1791	
Bull Run	Approximately 580 feet upstream of the confluence with the Cheat River.	+923	Unincorporated Areas of Preston County.
	Approximately 420 feet upstream of County Highway 21	+1419	
Bull Run Tributary 1	At the confluence with Bull Run	+1325	Unincorporated Areas of Preston County.
	Approximately 1.4 miles upstream of County Highway 21/2	+1743	
Cheat River	Approximately 1.9 miles downstream of the Albright Power Plant Dam.	+1198	Town of Rowlesburg, Unincorporated Areas of Preston County.
	At the Tucker County boundary	+1483	
Cherry Run	Approximately 250 feet downstream of the confluence of Barnes Run.	+1699	Unincorporated Areas of Preston County.
	Approximately 1.8 miles upstream of County Highway 5/2	+2272	
Cherry Run Tributary 1	At the confluence with Cherry Run	+1969	Unincorporated Areas of Preston County.
	Approximately 1,560 feet downstream of County Highway 5	+2069	
Cherry Run Tributary 2	At the confluence with Cherry Run	+1972	Unincorporated Areas of Preston County.
	Approximately 0.8 mile upstream of the confluence with Cherry Run Tributary 2A.	+2099	
Cherry Run Tributary 2A	At the confluence with Cherry Run Tributary 2	+2045	Unincorporated Areas of Preston County.
	Approximately 0.5 mile upstream of the confluence with Cherry Run Tributary 2.	+2091	
Cherry Run Tributary 3	At the confluence with Cherry Run	+2017	Unincorporated Areas of Preston County.
	Approximately 1.1 miles upstream of the confluence with Cherry Run.	+2236	
Deckers Creek	At the downstream Monongalia County boundary	+1488	Town of Masontown, Town of Rowlesburg, Unincorporated Areas of Preston County.
	At the upstream Monongalia County boundary	+1861	
Deckers Creek Tributary 1	At the confluence with Deckers Creek	+1709	Unincorporated Areas of Preston County.
	Approximately 300 feet upstream of Zinn Chapel Road	+1741	
Dillan Creek	At the confluence with Deckers Creek	+1701	Unincorporated Areas of Preston County.
	Approximately 0.8 mile upstream of Dillan Creek Road	+1749	
Dillan Creek Tributary 1	At the confluence with Dillan Creek	+1701	Unincorporated Areas of Preston County.
	Approximately 0.9 mile upstream of County Highway 7/4	+1831	
Dillan Creek Tributary 2	At the confluence with Dillan Creek	+1701	Unincorporated Areas of Preston County.
	Approximately 1.9 miles upstream of the confluence with Dillan Creek.	+1919	
Glade Run	At the confluence with Big Sandy Creek	+1508	Unincorporated Areas of Preston County.
	Approximately 1.7 miles upstream of County Highway 6	+1814	
Glade Run East	At the confluence with Big Sandy Creek	+1531	Unincorporated Areas of Preston County.
	Approximately 960 feet upstream of County Highway 26/63	+2202	
Glade Run Tributary 1	At the confluence with Glade Run	+1655	Unincorporated Areas of Preston County.
	Approximately 0.5 mile upstream of County Highway 6/1	+1716	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Glade Run Tributary 2	At the confluence with Glade Run	+1667	Unincorporated Areas of Preston County.
	Approximately 0.6 mile upstream of County Highway 6/1	+1834	
Hog Run	At the confluence with Cherry Run	+1838	Unincorporated Areas of Preston County.
	Approximately 0.8 mile upstream of the confluence with Hog Run Tributary 3.	+2062	
Hog Run Tributary 1	At the confluence with Hog Run	+2019	Unincorporated Areas of Preston County.
	Approximately 1,830 feet upstream of State Route 26	+2077	
Hog Run Tributary 2	At the confluence with Hog Run	+2036	Unincorporated Areas of Preston County.
	Approximately 1,820 feet upstream of State Route 26	+2061	
Hog Run Tributary 3	At the confluence with Hog Run	+2040	Unincorporated Areas of Preston County.
	Approximately 1,190 feet upstream of State Route 26	+2082	
Kanes Creek	At the confluence with Deckers Creek	+1701	Town of Reedsville, Unincorporated Areas of Preston County.
	Approximately 0.6 mile upstream of County Highway 56	+1781	
Little Sandy Creek	At the confluence with Big Sandy Creek	+1537	Unincorporated Areas of Preston County.
	Approximately 0.44 mile upstream of County Highway 8	+1544	
Little Wolf Creek	At the confluence with Wolf Creek	+1460	Unincorporated Areas of Preston County.
	Approximately 300 feet upstream of County Highway 110	+1596	
Maple Run	Approximately 570 feet upstream of the confluence with the Youghiogheny River.	+2425	Unincorporated Areas of Preston County.
	Approximately 0.9 mile upstream of County Highway 116/2	+2645	
Middle Run	At the confluence with Bull Run	+1329	Unincorporated Areas of Preston County.
	Approximately 1.8 miles upstream of the confluence with Bull Run.	+1724	
Mill Run	At the confluence with Cherry Run	+1864	Unincorporated Areas of Preston County.
	Approximately 1.6 miles upstream of the confluence with Mill Run Tributary 2.	+2387	
Mill Run Tributary 1	At the confluence with Mill Run	+1971	Unincorporated Areas of Preston County.
	Approximately 1.2 miles upstream of the confluence with Mill Run.	+2177	
Mill Run Tributary 2	At the confluence with Mill Run	+2054	Unincorporated Areas of Preston County.
	Approximately 640 feet upstream of County Highway 112	+2246	
Piney Run	At the confluence with Cherry Run	+1843	Unincorporated Areas of Preston County.
	Approximately 1.2 miles upstream of County Highway 5	+1869	
Saltlick Creek	At the confluence with the Cheat River	+1399	Town of Rowlesburg, Unincorporated Areas of Preston County.
	Approximately 0.7 mile upstream of F Road	+2000	
Spruce Run	At the confluence with Saltlick Creek	+1580	Unincorporated Areas of Preston County.
	Approximately 2.1 miles upstream of County Highway 86	+1796	
Swamp Run	At the confluence with Dillan Creek	+1701	Unincorporated Areas of Preston County.
	Approximately 0.5 mile upstream of Herring Road	+1745	
Wolf Creek	At the confluence with the Cheat River	+1449	Unincorporated Areas of Preston County.
	Approximately 0.5 mile upstream of County Highway 110	+1542	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.

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

Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Brandonville
Maps are available for inspection at the Brandonville Town Hall, 37 Poplar Street, Bruceton Mills, WV 26525.
Town of Masontown
Maps are available for inspection at the Water Works Building, 51 North Main Street, Masontown, WV 26542.
Town of Reedsville
Maps are available for inspection at the Town Hall, 207 South Robert Stone Way, Reedsville, WV 26547.
Town of Rowlesburg
Maps are available for inspection at the Community Building, 44 Poplar Street, Rowlesburg, WV 26425.
Unincorporated Areas of Preston County
Maps are available for inspection at the Preston County Office of Emergency Management, 300 Rich Wolfe Drive, Kingwood, WV 26537.

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

Dated: April 18, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–10994 Filed 5–7–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2012–0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

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

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

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

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

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

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

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

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

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

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

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
St. Clair County, Alabama, and Incorporated Areas Docket Nos.: FEMA–B–1142 and FEMA–B–1193			
Big Black Creek	Approximately 1.9 miles downstream of Whites Chapel Parkway.	+581	City of Trussville, Town of Argo, Town of Margaret, Town of Moody, Unincorporated Areas of St. Clair County.
	Approximately 3.1 miles upstream of County Road 6	+648	
Coosa River	At the Fishing Creek confluence	+477	Town of Ragland, Town of Riverside.
	Approximately 5.5 miles downstream of Neely Henry Dam	+486	
Dye Creek	At Golf Course Road	+480	City of Pell City, Unincorporated Areas of St. Clair County.
	Approximately 0.8 mile upstream of 16th Street	+591	
Kelly Creek	Approximately 0.4 mile upstream of the Shelby County boundary.	+466	Town of Moody, Unincorporated Areas of St. Clair County.
	Approximately 0.6 mile upstream of State Route 174	+764	
Kerr Branch	Approximately 0.5 mile downstream of Kelly Creek Road	+685	Town of Moody.
	Approximately 0.3 mile upstream of Kelly Creek Road	+695	
Little Black Creek	Approximately 110 feet downstream of Acmor Road	+594	Town of Margaret, Town of Moody, Unincorporated Areas of St. Clair County.
	Approximately 2.5 miles upstream of the railroad	+860	
Middle Black Creek	Approximately 1.0 mile downstream of the railroad bridge	+601	Town of Argo, Town of Margaret, Town of Odenville, Unincorporated Areas of St. Clair County.
	Approximately 3.8 miles upstream of County Road 6	+727	

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

ADDRESSES

City of Pell City
Maps are available for inspection at 1905 1st Avenue North, Pell City, AL 35125.

City of Trussville
Maps are available for inspection at 131 Main Street, Trussville, AL 35173.

Town of Argo
Maps are available for inspection at 8885 Gadsden Highway, Argo, AL 35173.

Town of Margaret
Maps are available for inspection at 125 School Street, Margaret, AL 35112.

Town of Moody
Maps are available for inspection at 670 Park Avenue, Moody, AL 35004.

Town of Odenville
Maps are available for inspection at 183 Alabama Street, Odenville, AL 35120.

Town of Ragland
Maps are available for inspection at 220 Fredia Street, Suite 102, Ragland, AL 35131.

Town of Riverside
Maps are available for inspection at 379 Depot Street, Riverside, AL 35135.

Unincorporated Areas of St. Clair County
Maps are available for inspection at 165 5th Avenue, Suite 100, Ashville, AL 35953.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Desha County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1087			
Canal No. 18	Approximately 1.0 mile downstream of the Missouri Pacific Railroad.	+137	Unincorporated Areas of Desha County.
	Approximately 1,300 feet upstream of State Highway 1	+142	
Canal No. 19	Approximately 0.5 mile downstream of U.S. Route 165	+157	Unincorporated Areas of Desha County.
	Approximately 1,300 feet upstream of U.S. Route 165	+157	
Ditch No. 6	Just upstream of Burnett Street	+164	Unincorporated Areas of Desha County.
	Just upstream of State Highway 159	+164	
Little Bayou Macon	Approximately 556 feet upstream from the confluence with Canal No. 18.	+137	Unincorporated Areas of Desha County.
	Approximately 2.0 miles upstream of State Highway 1	+141	
	Just upstream of County Road 324	+141	
	Approximately 0.5 mile upstream of State Highway 4	+142	

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

ADDRESSES

Unincorporated Areas of Desha County

Maps are available for inspection at 608 Robert Moore Avenue, Arkansas City, AR 71630.

Saline County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1204			
Upper Depot Creek	Approximately 1,000 feet downstream of Sidell Road	+349	Unincorporated Areas of Saline County.
	At the upstream side of Sidell Road	+356	

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

ADDRESSES

Unincorporated Areas of Saline County

Maps are available for inspection at 200 North Main Street, Room 117, Benton, AR 72015.

East Baton Rouge Parish, Louisiana, and Incorporated Areas Docket No.: FEMA–B–1184			
North Branch Wards Creek	Approximately 0.46 mile upstream of I–10 North	+30	City of Baton Rouge, Unincorporated Areas of East Baton Rouge Parish.
	Approximately 1,600 feet upstream of Albert Drive	+52	
Redwood Creek	Approximately 900 feet downstream of Plank Road	+92	City of Zachary, Unincorporated Areas of East Baton Rouge Parish.
	Approximately 500 feet upstream of Port-Hudson Pride Road.	+101	
Sheet flow between McCarroll Drive and North Jefferson Place Circle.	At North Jefferson Place Circle	#1	City of Baton Rouge, Unincorporated Areas of East Baton Rouge Parish.
	At the intersection of Richards Drive and McCarroll Drive	#1	
Shoe Creek	Approximately 0.58 mile downstream of Hooper Road	+59	City of Central.
	Approximately 600 feet upstream of Gurney Road	+67	
Shoe Creek Tributary 1	Approximately 1,200 feet downstream of Hooper Road	+60	City of Central.
	At the downstream side of Hooper Road	+60	
Shoe Creek Tributary 1A	At the Shoe Creek Tributary 1 confluence	+60	City of Central.
	Approximately 1,500 feet upstream of the Shoe Creek Tributary 1 confluence.	+60	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Upper White Bayou	Approximately 0.66 mile downstream of Zachary-Slaughter Highway.	+94	City of Zachary, Unincorporated Areas of East Baton Rouge Parish.
	Approximately 450 feet downstream of Brian Road	+111	

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

ADDRESSES

City of Baton Rouge

Maps are available for inspection at the Department of Public Works Flood Office, 100 Saint Ferdinand Street, Baton Rouge, LA 70802.

City of Central

Maps are available for inspection at the Central Municipal Service Center, 22801 Greenwell Springs Road, Suite 3, Greenwell Springs, LA 70739.

City of Zachary

Maps are available for inspection at the Annex Building, 4650 Main Street, Zachary, LA 70791.

Unincorporated Areas of East Baton Rouge Parish

Maps are available for inspection at the City of Baton Rouge Department of Public Works Flood Office, 100 Saint Ferdinand Street, Baton Rouge, LA 70802.

Madison Parish, Louisiana, and Incorporated Areas
Docket Nos.: FEMA–B–1109 and FEMA–B–1196

Brushy Bayou	At the downstream side of I–20	+80	City of Tallulah, Village of Richmond.
	At the upstream side of I–20	+81	
Bayou Macon	Just upstream of Atkins Road	+75	Unincorporated Areas of Madison Parish.
	Just downstream of Bryant Road	+79	
Cypress Bayou	Approximately 0.7 mile downstream of I–20	+81	Village of Delta, Village of Mound.
	Approximately 428 feet upstream of U.S. Route 80	+85	
Ditch L–7CC–1	Approximately 682 feet upstream of the Lower Roundaway Bayou confluence.	+77	City of Tallulah, Unincorporated Areas of Madison Parish, Village of Richmond.
	At the downstream side of State Route 601	+83	
Ditch L–7CC–2	Approximately 440 feet downstream of I–20	+78	Unincorporated Areas of Madison Parish, Village of Richmond.
	At the downstream side of Burnside Road	+78	
Mississippi River	Approximately 0.9 mile downstream of I–20	+102	Village of Delta.
	Approximately 2.0 miles upstream of I–20	+103	

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

ADDRESSES

City of Tallulah

Maps are available for inspection at 204 North Cedar Street, Tallulah, LA 71282.

Unincorporated Areas of Madison Parish

Maps are available for inspection at the Madison Parish Police Jury, 100 North Cedar Street, Tallulah, LA 71282.

Village of Delta

Maps are available for inspection at 200 1st Street, Delta, LA 71233.

Village of Mound

Maps are available for inspection at the Madison Parish Police Jury, 100 North Cedar Street, Tallulah, LA 71282.

Village of Richmond

Maps are available for inspection at 598 Wood Street, Richmond, LA 71282.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Ray County, Missouri, and Incorporated Areas Docket Nos.: FEMA–B–1087 and FEMA–B–1184			
Crooked River	Approximately 2,700 feet downstream of State Highway 10.	+692	Unincorporated Areas of Ray County.
	Approximately 10,500 feet upstream of State Highway 10	+697	
Fire Branch Crooked River	Approximately 1,125 feet upstream of West 196th Street	+818	Unincorporated Areas of Ray County.
	Approximately 2,450 feet upstream of West 196th Street	+828	
Fishing River	Approximately 100 feet downstream of West 60th Street	+713	City of Orrick, Unincorporated Areas of Ray County.
	Approximately 3,500 feet upstream of West 88th Street	+721	
Keeney Creek	Approximately 2,350 feet upstream of the confluence with the Fishing River.	+712	City of Orrick, Unincorporated Areas of Ray County.
	Approximately 3,000 feet upstream of West 73rd Street	+740	
Missouri River	Approximately 700 feet downstream of the Lafayette County boundary.	+689	City of Camden, City of Fleming, City of Hardin, City of Henrietta, Unincorporated Areas of Ray County.
	At the Clay County boundary	+717	
Tributary B	Approximately 7,500 feet upstream of Bollinger Road	+786	Unincorporated Areas of Ray County.
	Approximately 10,000 feet downstream of State Highway V.	+789	
West Fork Crooked River	Approximately 1,000 feet downstream of State Highway 13.	+729	City of Richmond.
	Approximately 400 feet upstream of State Highway 13	+733	

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

ADDRESSES

City of Camden
Maps are available for inspection at 105 Walnut Street, Camden, MO 64017.

City of Fleming
Maps are available for inspection at the Ray County Courthouse, 100 West Main Street, Richmond, MO 64085.

City of Hardin
Maps are available for inspection at 100 East Main Street, Hardin, MO 64035.

City of Henrietta
Maps are available for inspection at 406 Main Street, Henrietta, MO 64036.

City of Orrick
Maps are available for inspection at 207 West South Front Street, Orrick, MO 64077.

City of Richmond
Maps are available for inspection at 205 Summit Street, Richmond, MO 64085.

Unincorporated Areas of Ray County
Maps are available for inspection at the Ray County Courthouse 100 West Main Street, Richmond, MO 64085.

Delaware County, New York (All Jurisdictions) Docket No.: FEMA–B–1076			
Bear Brook	From the confluence with Sands Creek	+938	Town of Hancock.
	To approximately 150 feet upstream of County Route 67	+946	
Beaver Kill	From the confluence with East Branch Delaware River Reach 1.	+1008	Town of Colchester, Town of Hancock.
	To approximately 0.9 mile upstream of State Route 17 at the county boundary.	+1257	
Charlotte Creek	From the confluence with the Susquehanna River	+1102	Town of Davenport, Town of Harpersfield.
	To approximately 1.1 miles upstream of Johnson Road	+1327	
Delaware River	From approximately 5.7 miles downstream of Lordville Road.	+841	Town of Hancock, Village of Hancock.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	To the confluence of East Branch Delaware River and West Branch Delaware River.	+904	
East Branch Delaware River Reach 1.	From the confluence with the Delaware River and East Branch Delaware River Reach 1.	+904	Town of Colchester, Town of Hancock, Village of Hancock.
	To approximately 1,550 feet upstream of State Route 30	+1107	
East Branch Delaware River Reach 2.	From approximately 0.6 mile downstream of Fair Street ...	+1308	Town of Middletown, Village of Margaretville.
	To approximately 0.5 mile downstream of Fair Street	+1308	
East Brook	From the confluence with West Branch Delaware River	+1212	Town of Walton, Village of Walton.
	To approximately 0.9 mile upstream of Brook Dam Road	+1288	
Little Delaware River	From the confluence with West Branch Delaware River	+1346	Town of Delhi.
	To approximately 220 feet downstream of Arbor Hill Road	+1346	
Ouleout Creek	From approximately 1.56 miles upstream of East Sidney Lake Dam.	+1198	Town of Franklin.
	To approximately 1.6 miles upstream of East Sidney Lake Dam.	+1198	
Sands Creek	From the confluence with West Branch Delaware River	+913	Town of Hancock, Village of Hancock.
	To the confluence with Bear Brook	+938	
Steele Brook	From the confluence with West Branch Delaware River	+1358	Village of Delhi.
	To approximately 630 feet downstream of Elm Street	+1358	
Susquehanna River	From approximately 0.7 mile downstream of State Route 8.	+987	Town of Davenport, Town of Sidney, Village of Sidney.
	To approximately 0.6 mile downstream of County Highway 47.	+1102	
Third Brook	From the confluence with West Brook	+1208	Town of Walton, Village of Walton.
	To approximately 1.1 miles upstream of Ogden Street	+1391	
Vly Creek	Approximately 2,625 feet downstream of County Route 37	+1558	Village of Fleischmanns.
	To approximately 2,550 feet downstream of County Route 37.	+1559	
West Branch Delaware River ...	From the confluence with the Delaware River	+904	Town of Delhi, Town of Deposit, Town of Hamden, Town of Hancock, Town of Kortright, Town of Tompkins, Town of Walton, Village of Delhi, Village of Hancock, Village of Walton.
	To approximately 1.1 miles upstream of Hoag Cross Road	+1410	
West Brook	From the confluence with West Branch Delaware River	+1208	Town of Walton, Village of Walton.
	To approximately 1.4 miles upstream of Walton-Sidney Road.	+1368	

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

ADDRESSES

Town of Colchester
Maps are available for inspection at the Colchester Town Building Department, 72 Tannery Road, Downsville, NY 13755.

Town of Davenport
Maps are available for inspection at the Davenport Town Hall, 11790 State Highway 23, Davenport Center, NY 13751.

Town of Delhi
Maps are available for inspection at the Delhi Town Building Code Office, 3 Elm Street, Delhi, NY 13753.

Town of Deposit
Maps are available for inspection at the Town Hall, 3 Elm Street, Deposit, NY 13754.

Town of Franklin
Maps are available for inspection at the Town Hall, 554 Main Street, Franklin, NY 13775.

Town of Hamden
Maps are available for inspection at the Town Hall, Route 10 and Covert Hollow Road, Hamden, NY 13782.

Town of Hancock

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

Maps are available for inspection at the Hancock Town Hall, 661 West Main Street, Hancock, NY 13783.

Town of Harpersfield

Maps are available for inspection at the Town Hall, 25399 State Highway 23, Harpersfield, NY 13786.

Town of Kortright

Maps are available for inspection at the Kortright Town Hall, 51702 State Highway 10, Bloomville, NY 13739.

Town of Middletown

Maps are available for inspection at the Middletown Town Hall, 42339 State Highway 28, Margaretville, NY 12455.

Town of Sidney

Maps are available for inspection at the Sidney Town Civic Center, 21 Liberty Street, Suite 1, Sidney, NY 13838.

Town of Tompkins

Maps are available for inspection at the Tompkins Town Hall, 148 Bridge Street, Trout Creek, NY 13847.

Town of Walton

Maps are available for inspection at the Walton Town Hall, 129 North Street, Walton, NY 13856.

Village of Delhi

Maps are available for inspection at the Delhi Village Building Enforcement Office, 9 Court Street, Delhi, NY 13753.

Village of Fleischmanns

Maps are available for inspection at the Village Hall, 1017 Main Street, Fleischmanns, NY 12430.

Village of Hancock

Maps are available for inspection at the Hancock Village Hall, 85 East Front Street, Hancock, NY 13783.

Village of Margaretville

Maps are available for inspection at the Village Hall, 773 Main Street, Margaretville, NY 12445.

Village of Sidney

Maps are available for inspection at the Sidney Village Hall, 21 Liberty Street, Sidney, NY 13838.

Village of Walton

Maps are available for inspection at the Walton Village Hall, 21 North Street, Walton, NY 13856.

Garfield County, Oklahoma, and Incorporated Areas
Docket No.: FEMA–B–1029

Boggy Creek Tributary (West Branch).	Approximately 481 feet upstream of the confluence of Boggy Creek Tributary (West Branch) and Boggy Creek Tributary.	+1298	City of Enid.
	Approximately 885 feet upstream of the confluence of Boggy Creek Tributary (West Branch) and Boggy Creek Tributary.	+1301	
Tributary A to Boggy Creek Tributary.	Approximately 663 feet upstream of the confluence of Tributary A to Boggy Creek Tributary and Boggy Creek Tributary.	+1309	City of Enid.
	Approximately 1,168 feet upstream of the confluence of Tributary A to Boggy Creek Tributary and Boggy Creek Tributary.	+1313	

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

ADDRESSES

City of Enid

Maps are available for inspection at 401 Owen Garriott Road, Enid, OK 73702.

Cambria County, Pennsylvania (All Jurisdictions)
Docket No.: FEMA–B–1130

Chest Creek	Approximately 0.38 mile downstream of the railroad	+1723	Township of Chest, Township of Elder.
	Approximately 1,240 feet upstream of Ridge Avenue	+1733	
Clapboard Run	Approximately 670 feet upstream of Martin Road	+1923	Township of Richland.
	Approximately 710 feet upstream of Martin Road	+1923	
Clearfield Creek	Approximately 130 feet upstream of Liberty Street	+1623	Township of Allegheny, Township of Gallitzin.
	Approximately 375 feet upstream of the confluence with Clearfield Creek Tributary A.	+1626	
Conemaugh River	Approximately 510 feet downstream of the confluence with Laurel Run No. 4.	+1154	Township of Lower Yoder.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 395 feet downstream of the confluence with Laurel Run No. 4.	+1154	
Fox Run	Approximately 1,560 feet upstream of 8th Street	+1503	Township of Susquehanna.
	Approximately 1,790 feet upstream of 8th Street	+1505	
Laurel Run Tributary A	Approximately 120 feet downstream of the confluence with Laurel Run No. 2.	+1607	Township of Croyle.
	Approximately 100 feet downstream of the confluence with Laurel Run No. 2.	+1608	
Little Conemaugh River	Approximately 790 feet downstream of the confluence with South Branch Little Conemaugh River.	+1469	Township of Conemaugh, Township of East Taylor.
	Approximately 765 feet downstream of the confluence with South Branch Little Conemaugh River.	+1469	
Little Conemaugh River	Approximately 295 feet upstream of the railroad	+1536	Township of Croyle.
	Approximately 520 feet upstream of the railroad	+1537	
Little Conemaugh River	Approximately 0.49 mile upstream of the railroad	+1560	Township of Summerhill.
	Approximately 0.51 mile upstream of the railroad	+1560	
Little Conemaugh River	Approximately 715 feet upstream of the railroad	+1761	Township of Portage.
	Approximately 1,475 feet upstream of the railroad	+1767	
Little Conemaugh River	Approximately 1,555 feet downstream of the confluence with Bear Rock Run.	+1861	Township of Washington.
	Approximately 1,480 feet downstream of the confluence with Bear Rock Run.	+1862	
Little Paint Creek	Approximately 0.77 mile upstream of Bridge Street	+1734	Township of Richland.
	Approximately 0.79 mile upstream of Bridge Street	+1735	
North Branch Little Conemaugh River.	Approximately 815 feet downstream of Evergreen Road	+1555	Township of Summerhill.
	Approximately 105 feet downstream of Evergreen Road	+1556	
Paint Creek	Approximately 0.47 mile downstream of Scalp Avenue	+1548	Township of Richland.
	Approximately 0.44 mile downstream of Scalp Avenue	+1552	
Sams Run	Approximately 260 feet upstream of Belmont Street	+1808	Township of Richland.
	Approximately 375 feet upstream of Belmont Street	+1810	
Solomon Run	Approximately 1,730 feet upstream of Widman Street	+1387	Township of Stonycreek.
	Approximately 1,750 feet upstream of Widman Street	+1390	
South Branch Blacklick Creek	Approximately 0.56 mile downstream of Chestnut Street	+1700	Township of Blacklick, Township of Jackson.
	Approximately 0.54 mile downstream of Chestnut Street	+1700	
South Fork Little Conemaugh River.	Approximately 0.76 mile downstream of Cedar Street	+1849	Township of Summerhill.
	Approximately 0.62 mile downstream of Cedar Street	+1862	
St. Clair Run	Approximately 1,200 feet downstream of Tremont Road	+1229	Township of Lower Yoder.
	Approximately 35 feet downstream of Tremont Road	+1260	
West Branch Susquehanna River.	Approximately 0.53 mile downstream of Redbud Street	+1437	Township of Susquehanna.
	Approximately 0.51 mile downstream of Redbud Street	+1437	
West Branch Susquehanna River.	Approximately 1,500 feet upstream of the confluence with Fox Run.	+1480	Township of Barr.
	Approximately 1,550 feet upstream of the confluence with Fox Run.	+1480	
West Branch Susquehanna River.	Approximately 285 feet upstream of the railroad	+1538	Township of Barr.
	Approximately 910 feet upstream of the railroad	+1549	

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

ADDRESSES

Township of Allegheny
Maps are available for inspection at the Allegheny Township Building, 107 Storm Road, Loretto, PA 15940.

Township of Barr
Maps are available for inspection at the Barr Township Building, 389 Moss Creek Road, Northern Cambria, PA 15714.

Township of Blacklick
Maps are available for inspection at the Blacklick Township Building, 138 Duman Road, Belsano, PA 15922.

Township of Chest
Maps are available for inspection at the Chest Township Building, 2658 Saint Lawrence Road, Flinton, PA 16640.

Township of Conemaugh

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

Maps are available for inspection at the Conemaugh Township Municipal Building, 104 Janie Street, Johnstown, PA 15902.

Township of Croyle

Maps are available for inspection at the Croyle Township Building, 1654 Railroad Street, Summerhill, PA 15958.

Township of East Taylor

Maps are available for inspection at the East Taylor Township Building, 1552 William Penn Avenue, Conemaugh, PA 15909.

Township of Elder

Maps are available for inspection at the Elder Township Building, 302 Scout Road, Hastings, PA 16646.

Township of Gallitzin

Maps are available for inspection at the Township Building, 245 Amsbry Street, Gallitzin, PA 16641.

Township of Jackson

Maps are available for inspection at the Jackson Township Building, 513 Pike Road, Johnstown, PA 15909.

Township of Lower Yoder

Maps are available for inspection at the Lower Yoder Township Building, 128 J Street, Johnstown, PA 15906.

Township of Portage

Maps are available for inspection at the Township Building, 416 Miller Shaft Road, Portage, PA 15946.

Township of Richland

Maps are available for inspection at the Richland Township Building, 322 Schoolhouse Road, Johnstown, PA 15904.

Township of Stonycreek

Maps are available for inspection at the Stonycreek Township Building, 1610 Bedford Street, Suite 3, Johnstown, PA 15902.

Township of Summerhill

Maps are available for inspection at the Summerhill Township Building, 114 Irvan Street, Beaverdale, PA 15958.

Township of Susquehanna

Maps are available for inspection at the Susquehanna Township Building, 508 Hillcrest Street, Northern Cambria, PA 15714.

Township of Washington

Maps are available for inspection at the Washington Township Building, 93 Jones Street, Lilly, PA 15938.

Aiken County, South Carolina, and Incorporated Areas
Docket No.: FEMA–B–1178

Abrams Branch	At the Dean Creek confluence	+255	Unincorporated Areas of Aiken County.
	Approximately 0.7 mile upstream of the Dean Creek confluence.	+263	
Beaverdam Branch	At the South Fork Edisto River confluence	+297	Unincorporated Areas of Aiken County.
	Approximately 1.3 miles upstream of the South Fork Edisto River confluence.	+317	
Beaverdam Creek	At the Shaws Creek confluence	+429	Unincorporated Areas of Aiken County.
	Approximately 1,210 feet upstream of the Shaws Creek confluence.	+435	
Boggy Gut	At the Upper Three Runs Creek confluence	+186	Unincorporated Areas of Aiken County.
	Approximately 1.5 miles upstream of Boggy Gut Road	+218	
Bradley Mill Branch	At the Shaws Creek confluence	+327	Unincorporated Areas of Aiken County.
	Approximately 0.8 mile upstream of Bradley Mill Road	+392	
Bridge Creek North	At the South Fork Edisto River confluence	+319	Unincorporated Areas of Aiken County.
	Approximately 0.56 mile upstream of Columbian Highway	+353	
Brogdon Branch	At the Shaws Creek confluence	+351	Unincorporated Areas of Aiken County.
	Approximately 1,550 feet upstream of the Shaws Creek confluence.	+381	
Bulls Branch	At the South Fork Edisto River confluence	+374	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the South Fork Edisto River confluence.	+379	
Burcalo Creek	At the South Fork Edisto River confluence	+252	Unincorporated Areas of Aiken County.
	Approximately 1.0 mile upstream of the South Fork Edisto River confluence.	+264	
Cedar Creek	At the South Fork Edisto River confluence	+263	Unincorporated Areas of Aiken County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 1.1 miles upstream of Upper Pond Road	+296	
Cedar Creek West	At the Upper Three Runs Creek confluence	+202	City of New Ellenton, Unincorporated Areas of Aiken County.
	Approximately 0.7 mile upstream of Oak Meadow Lane	+408	
Cedar Creek West Tributary 1	At the Cedar Creek West confluence	+229	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of the Cedar Creek West confluence.	+261	
Cedar Creek West Tributary 2	At the Cedar Creek West confluence	+234	City of New Ellenton, Unincorporated Areas of Aiken County.
	Approximately 670 feet upstream of Paddock Club Parkway.	+311	
Cedar Creek West Tributary 3	At the Cedar Creek West confluence	+243	City of New Ellenton, Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of Gamboa Place	+349	
Cedar Creek West Tributary 3.2	At the Cedar Creek West Tributary 3 confluence	+288	City of New Ellenton, Unincorporated Areas of Aiken County.
	Approximately 0.38 mile upstream of Club Drive	+330	
Cedar Creek West Tributary 4	At the Cedar Creek West confluence	+256	Unincorporated Areas of Aiken County.
	Approximately 950 feet upstream of Belle Mead Road	+292	
Cedar Creek West Tributary 5	At the Cedar Creek West confluence	+266	Unincorporated Areas of Aiken County.
	Approximately 1,540 feet upstream of the Cedar Creek West confluence.	+308	
Cedar Creek West Tributary 6	At the Cedar Creek West confluence	+273	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of Talatha Church Road	+309	
Cedar Creek West Tributary 7	At the Cedar Creek West confluence	+314	Unincorporated Areas of Aiken County.
	Approximately 350 feet upstream of Pintail Drive	+352	
Chavous Creek	At the Shaws Creek confluence	+277	Unincorporated Areas of Aiken County.
	Approximately 0.80 mile upstream of Mill Springs Drive	+312	
Chinquapin Creek	At the North Fork Edisto River confluence	+336	Unincorporated Areas of Aiken County.
	Approximately 600 feet upstream of Cocklebur Road	+520	
Clearwater Branch	At the Shaws Creek confluence	+300	Unincorporated Areas of Aiken County.
	Approximately 1,940 feet upstream of the Shaws Creek confluence.	+305	
Dairy Branch Tributary 1	At the Dairy Branch confluence	+352	Unincorporated Areas of Aiken County.
	Approximately 1,240 feet upstream of the Dairy Branch confluence.	+364	
Dean Creek	Approximately 1.4 miles downstream of No Bridge Road	+233	Unincorporated Areas of Aiken County.
	Approximately 0.9 mile upstream of Wagener Trail Road	+335	
Dry Branch	At the Hollow Creek West confluence	+217	Unincorporated Areas of Aiken County.
	Approximately 1,200 feet upstream of Dry Branch Road	+318	
Dry Branch Tributary 1	At the Dry Branch confluence	+251	Unincorporated Areas of Aiken County.
	Approximately 400 feet upstream of Gray Mare Hollow Road.	+272	
Dry Branch Tributary 2	At the Dry Branch confluence	+286	Unincorporated Areas of Aiken County.
	Approximately 1,870 feet upstream of the Dry Branch confluence.	+307	
Dry Branch Tributary 3	At the Dry Branch confluence	+307	Unincorporated Areas of Aiken County.
	Approximately 1,100 feet upstream of Ann Drive	+342	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Franklin Branch	At the Little Horse Creek confluence	+200	Unincorporated Areas of Aiken County.
	Approximately 1.7 miles upstream of the Little Horse Creek confluence.	+236	
Gopher Branch	At the Horse Creek confluence	+356	Unincorporated Areas of Aiken County.
	Approximately 680 feet upstream of the Horse Creek confluence.	+361	
Gully Creek	At the McTier Creek confluence	+338	Unincorporated Areas of Aiken County.
	Approximately 1,320 feet upstream of Uncle Duck Road	+410	
Hall Branch	At the Shaws Creek confluence	+426	Unincorporated Areas of Aiken County.
	Approximately 950 feet upstream of the Shaws Creek confluence.	+426	
Hightower Creek	Approximately 170 feet upstream of the Little Horse Creek confluence.	+222	Unincorporated Areas of Aiken County.
	Approximately 1,480 feet upstream of the Little Horse Creek confluence.	+234	
Hollow Creek East	At the North Fork Edisto River confluence	+241	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of Brim Road	+284	
Hollow Creek West	At the upstream side of Woodfield Road	+202	City of Aiken, Unincorporated Areas of Aiken County.
	Approximately 1,000 feet upstream of Woodside Plantation Drive.	+364	
Hollow Creek West Tributary 10	At the Hollow Creek West confluence	+269	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of Anderson Pond Road	+321	
Hollow Creek West Tributary 11	At the Hollow Creek West confluence	+274	City of Aiken, Unincorporated Areas of Aiken County.
	Approximately 200 feet upstream of Private Dam	+360	
Hollow Creek West Tributary 12	At the Hollow Creek West confluence	+270	Unincorporated Areas of Aiken County.
	Approximately 600 feet upstream of Private Dam	+325	
Hollow Creek West Tributary 12A.	At the Hollow Creek West confluence	+298	City of Aiken.
	Approximately 0.5 mile upstream of Private Dam	+329	
Hollow Creek West Tributary 13	At the Hollow Creek West confluence	+272	Unincorporated Areas of Aiken County.
	Approximately 1,850 feet upstream of the Hollow Creek confluence.	+309	
Hollow Creek West Tributary 15	At the Hollow Creek West confluence	+282	City of Aiken, Unincorporated Areas of Aiken County.
	Approximately 1,850 feet upstream of Private Dam	+334	
Hollow Creek West Tributary 3	Approximately 580 feet upstream of the Hollow Creek West confluence.	+174	Unincorporated Areas of Aiken County.
	Approximately 270 feet upstream of Chavous Road	+204	
Hollow Creek West Tributary 4	Approximately 250 feet upstream of the Hollow Creek West confluence.	+192	Unincorporated Areas of Aiken County.
	Approximately 870 feet upstream of Woodfield Road	+203	
Hollow Creek West Tributary 6	At the Hollow Creek West confluence	+230	Unincorporated Areas of Aiken County.
	Approximately 975 feet upstream of the Hollow Creek West confluence.	+253	
Hollow Creek West Tributary 7	At the Hollow Creek West confluence	+240	Unincorporated Areas of Aiken County.
	Approximately 1,260 feet upstream of the Hollow Creek West confluence.	+274	
Hollow Creek West Tributary 8	At the Hollow Creek West confluence	+250	Unincorporated Areas of Aiken County.
	Approximately 1,845 feet upstream of the Hollow Creek West confluence.	+265	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Hollow Creek West Tributary 9	At the Hollow Creek West confluence	+253	Unincorporated Areas of Aiken County.
	Approximately 1,410 feet upstream of the Hollow Creek West confluence.	+293	
Horse Branch	At the Horse Creek confluence	+313	Unincorporated Areas of Aiken County.
	Approximately 1,330 feet upstream of the Horse Creek confluence.	+314	
Horse Creek	At the upstream side of Augusta Road	+145	City of North Augusta, Town of Burnettown, Unincorporated Areas of Aiken County.
	Approximately 2.56 miles upstream of Old Friar Road	+440	
Horse Creek Tributary 3	At the Horse Creek confluence	+182	Town of Burnettown.
	Approximately 0.5 mile upstream of the Horse Creek confluence.	+201	
Horse Creek Tributary 4	At the Horse Creek confluence	+187	Unincorporated Areas of Aiken County.
	Approximately 0.6 mile upstream of Jefferson Davis Highway.	+252	
Horse Creek Tributary 5	At the Horse Creek confluence	+230	Unincorporated Areas of Aiken County.
	Approximately 1,944 feet upstream of the Horse Creek confluence.	+238	
Horsepen Creek	At the Little Horse Creek confluence	+279	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of Whaley Pond Road	+307	
Hunter Branch	At the South Fork Edisto River confluence	+235	Unincorporated Areas of Aiken County.
	Approximately 0.9 mile upstream of the South Fork Edisto River confluence.	+242	
Johnson Fork	At the Upper Three Runs Creek confluence	+180	Unincorporated Areas of Aiken County.
	Approximately 0.6 mile upstream of the Johnson Fork Tributary 1 confluence.	+313	
Johnson Fork Tributary 1	At the Johnson Fork confluence	+283	City of New Ellenton, Unincorporated Areas of Aiken County.
	Approximately 1,600 feet upstream of Forest Circle Road	+408	
Johnson Fork Tributary 1.1	At the Johnson Fork Tributary 1 confluence	+285	City of New Ellenton, Unincorporated Areas of Aiken County.
	Approximately 0.8 mile upstream of the Johnson Fork Tributary 1 confluence.	+323	
Jordan Creek	At the Dean Creek confluence	+261	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of the Dean Creek confluence.	+267	
Joyce Branch	At the Shaws Creek confluence	+302	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of the Shaws Creek confluence.	+307	
Little Horse Creek Tributary 1	Approximately 330 feet upstream of the Little Horse Creek confluence.	+153	Town of Burnettown.
	Approximately 1,800 feet upstream of the Little Horse Creek confluence.	+158	
Little Horse Creek Tributary 4	Approximately 350 feet upstream of the Little Horse Creek confluence.	+274	Unincorporated Areas of Aiken County.
	Approximately 1,420 feet upstream of the Little Horse Creek confluence.	+302	
Long Branch North	At the Shaws Creek confluence	+344	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of the Shaws Creek confluence.	+358	
Lotts Creek	At the South Fork Edisto River confluence	+289	Unincorporated Areas of Aiken County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 0.5 mile upstream of Whispering Pine Road.	+424	
Lotts Creek Tributary 1	At the Lotts Creek confluence	+415	Unincorporated Areas of Aiken County.
	Approximately 1,110 feet upstream of the Lotts Creek confluence.	+418	
Marrow Bone Swamp Creek	At the North Fork Edisto River confluence	+296	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the North Fork Edisto River confluence.	+300	
McTier Creek	At the South Fork Edisto River confluence	+310	Unincorporated Areas of Aiken County.
	Approximately 150 feet upstream of Old Shoals Road	+418	
Mill Creek	At the Tinker Creek confluence	+166	Unincorporated Areas of Aiken County.
	Approximately 1,880 feet upstream of the Tinker Creek confluence.	+170	
Mims Branch	Approximately 400 feet upstream of the Little Horse Creek confluence.	+162	City of North Augusta, Town of Burnettown, Unincorporated Areas of Aiken County.
	Approximately 0.66 mile upstream of the Little Horse Creek confluence.	+197	
Muddy Branch	At the South Fork Edisto River confluence	+296	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the South Fork Edisto River confluence.	+303	
North Fork Edisto River	Approximately 1.0 mile downstream of the Hollow Creek East confluence.	+235	Unincorporated Areas of Aiken County.
	Approximately 400 feet upstream of U.S. Route 10	+336	
Pitman Branch	At the Rocky Springs Creek confluence	+341	Unincorporated Areas of Aiken County.
	Approximately 1,020 feet upstream of the Rocky Springs Creek confluence.	+343	
Pond Branch	At the South Fork Edisto River confluence	+228	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of Oak Ridge Club Road	+235	
Redds Branch	At the Shaws Creek confluence	+300	Unincorporated Areas of Aiken County.
	Approximately 1,820 feet upstream of the Shaws Creek confluence.	+307	
Reedy Branch	At the Tinker Creek confluence	+172	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the Tinker Creek confluence.	+177	
Rocky Springs Creek	At the South Fork Edisto River confluence	+289	Unincorporated Areas of Aiken County.
	Approximately 1,400 feet upstream of Migrant Camp Road.	+373	
Rocky Springs Creek Tributary 5.	At the Rocky Springs Creek confluence	+361	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the Rocky Springs Creek confluence.	+363	
Sand River	At the Horse Creek confluence	+190	City of Aiken, Unincorporated Areas of Aiken County.
	At the downstream side of South Boundary Avenue Southwest.	+433	
Sand River Tributary 2 Tributary 1.	At the Sand River Tributary 2 confluence	+288	City of Aiken, Unincorporated Areas of Aiken County.
	Approximately 1.1 miles upstream of the Sand River Tributary 2 confluence.	+436	
Shaws Creek	At the South Fork Edisto River confluence	+261	Unincorporated Areas of Aiken County.
	Approximately 200 feet upstream of Luke Bridge Road	+433	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Shaws Creek Tributary 3	At the Shaws Creek confluence	+287	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of the Shaws Creek confluence.	+310	
South Fork Edisto River	Approximately 2.1 miles downstream of the Pond Branch confluence.	+222	Unincorporated Areas of Aiken County.
	Approximately 0.8 mile upstream of Mount Calvary Road	+405	
Tinker Creek	At the Upper Three Runs Creek confluence	+151	Unincorporated Areas of Aiken County.
	Approximately 5.5 miles upstream of the Reedy Branch confluence.	+211	
Town Creek	Approximately 1.1 miles upstream of Richardson's Lake Road.	+391	City of Aiken, Unincorporated Areas of Aiken County.
	Approximately 1.3 miles upstream of Richardson's Lake Road.	+414	
Town Creek Tributary 1	Approximately 300 feet upstream of the Town Creek confluence.	+178	Unincorporated Areas of Aiken County.
	Approximately 0.55 mile upstream of the Town Creek confluence.	+216	
Town Creek Tributary 11	Approximately 320 feet upstream of the Town Creek confluence.	+253	Unincorporated Areas of Aiken County.
	Approximately 950 feet upstream of the Town Creek confluence.	+268	
Town Creek Tributary 12	Approximately 890 feet upstream of the Town Creek confluence.	+257	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the Town Creek confluence.	+270	
Town Creek Tributary 14	Approximately 700 feet upstream of the Town Creek confluence.	+280	Unincorporated Areas of Aiken County.
	Approximately 1,580 feet upstream of the Town Creek confluence.	+286	
Town Creek Tributary 16	Approximately 120 feet downstream of Blue Roan Court	+287	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of Blue Roan Court	+367	
Town Creek Tributary 18	At the upstream side of Chestnut Brown Court	+288	Unincorporated Areas of Aiken County.
	Approximately 0.53 mile upstream of Blue Roan Court	+314	
Town Creek Tributary 2.1	Approximately 100 feet upstream of the Town Creek Tributary 2 confluence.	+239	Unincorporated Areas of Aiken County.
	Approximately 1,630 feet upstream of the Town Creek Tributary 2 confluence.	+298	
Town Creek Tributary 3.1	Approximately 160 feet upstream of the Town Creek Tributary 3 confluence.	+260	Unincorporated Areas of Aiken County.
	Approximately 1,270 feet upstream of the Town Creek Tributary 3 confluence.	+282	
Town Creek Tributary 3.3	Approximately 200 feet upstream of the Town Creek Tributary 3 confluence.	+290	Unincorporated Areas of Aiken County.
	Approximately 1,540 feet upstream of the Town Creek Tributary 3 confluence.	+325	
Town Creek Tributary 3.4	Approximately 540 feet upstream of the Town Creek Tributary 3 confluence.	+325	Unincorporated Areas of Aiken County.
	Approximately 0.6 mile upstream of the Town Creek Tributary 3 confluence.	+376	
Town Creek Tributary 5.1	Approximately 200 feet upstream of the Town Creek confluence.	+237	Unincorporated Areas of Aiken County.
	Approximately 550 feet upstream of Boyd Pond Road	+252	
Unknown Tributary to Town Creek Tributary 8.	Approximately 400 feet upstream of the Town Creek Tributary 8 confluence.	+348	Unincorporated Areas of Aiken County.
	Approximately 1,820 feet upstream of the Town Creek Tributary 8 confluence.	+361	
Unnamed Tributary 1 to Cedar Creek West.	At the Cedar Creek West confluence	+249	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of Cedar Meadows Drive.	+282	
Unnamed Tributary 1 to Hollow Creek West.	At the Hollow Creek West confluence	+160	Unincorporated Areas of Aiken County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 270 feet upstream of Chavous Road	+208	
Unnamed Tributary 1 to Little Horse Creek.	Approximately 400 feet upstream of the Little Horse Creek confluence.	+274	Unincorporated Areas of Aiken County.
	Approximately 1,900 feet upstream of the Little Horse Creek confluence.	+310	
Unnamed Tributary 1 to Town Creek.	Approximately 500 feet upstream of the Town Creek confluence.	+179	Unincorporated Areas of Aiken County.
	Approximately 1,620 feet upstream of the Town Creek confluence.	+194	
Unnamed Tributary 10 to Town Creek.	At the Town Creek confluence	+360	Unincorporated Areas of Aiken County.
	Approximately 1,300 feet upstream of the Town Creek confluence.	+396	
Unnamed Tributary 2 to Cedar Creek West.	At the Cedar Creek West confluence	+264	Unincorporated Areas of Aiken County.
	Approximately 1,250 feet upstream of Banks Mill Road Southeast.	+316	
Unnamed Tributary 2 to Hollow Creek West.	At the Hollow Creek West confluence	+162	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the Hollow Creek West confluence.	+195	
Unnamed Tributary 2 to Town Creek.	Approximately 250 feet upstream of the Town Creek confluence.	+182	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the Town Creek confluence.	+246	
Unnamed Tributary 3 to Town Creek.	Approximately 400 feet upstream of the Town Creek confluence.	+183	Unincorporated Areas of Aiken County.
	Approximately 1,615 feet upstream of the Town Creek confluence.	+244	
Unnamed Tributary 4 to Town Creek.	Approximately 310 feet upstream of the Town Creek confluence.	+236	Unincorporated Areas of Aiken County.
	Approximately 0.4 mile upstream of the Town Creek confluence.	+297	
Unnamed Tributary 5 to Town Creek.	Approximately 350 feet upstream of the Town Creek confluence.	+251	Unincorporated Areas of Aiken County.
	Approximately 1,500 feet upstream of the Town Creek confluence.	+284	
Unnamed Tributary 6 to Town Creek.	At the upstream side of Farmstead Drive	+301	Unincorporated Areas of Aiken County.
	Approximately 900 feet upstream of Farmstead Drive	+332	
Unnamed Tributary 7 to Town Creek.	Approximately 100 feet upstream of Farmstead Drive	+292	Unincorporated Areas of Aiken County.
	Approximately 900 feet upstream of Farmstead Drive	+320	
Unnamed Tributary 8 to Town Creek.	Approximately 560 feet upstream of the Town Creek confluence.	+295	Unincorporated Areas of Aiken County.
	Approximately 1,150 feet upstream of the Town Creek confluence.	+325	
Unnamed Tributary 9 to Town Creek.	Approximately 560 feet upstream of the Town Creek confluence.	+301	Unincorporated Areas of Aiken County.
	Approximately 1,840 feet upstream of the Town Creek confluence.	+342	
Upper Horse Creek	Approximately 360 feet upstream of the Little Horse Creek confluence.	+325	Unincorporated Areas of Aiken County.
	Approximately 1,525 feet upstream of the Little Horse Creek confluence.	+344	
Upper Three Runs Creek	Approximately 1.4 miles downstream of the Upper Three Runs Creek Tributary 9 confluence.	+144	Unincorporated Areas of Aiken County.
	Approximately 3.0 miles upstream of the Upper Three Runs Creek Tributary 8 confluence.	+252	
Upper Three Runs Creek Tributary 8.	At the Upper Three Runs Creek confluence	+219	Unincorporated Areas of Aiken County.
	Approximately 1,650 feet upstream of the Upper Three Runs Creek confluence.	+233	
Upper Three Runs Creek Tributary 9.	At the Upper Three Runs Creek confluence	+151	Unincorporated Areas of Aiken County.
	Approximately 0.5 mile upstream of the Upper Three Runs Creek confluence.	+159	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Wise Hollow	At the Cedar Creek West confluence	+333	Unincorporated Areas of Aiken County.
	Approximately 1,100 feet upstream of Private Drive	+450	
Wise Hollow Tributary 1	At the Wise Hollow confluence	+393	City of Aiken, Unincorporated Areas of Aiken County.
	Approximately 200 feet upstream of Pine Log Road	+474	
Womrath Creek	Approximately 950 feet downstream of Hamburg Road	+135	City of North Augusta, Unincorporated Areas of Aiken County.
	Approximately 100 feet upstream of Old Aiken Road	+208	

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

ADDRESSES

City of Aiken
Maps are available for inspection at 214 Park Avenue Southwest, Room 101, Aiken, SC 29801.

City of New Ellenton
Maps are available for inspection at 200 Main Street, New Ellenton, SC 29809.

City of North Augusta
Maps are available for inspection at 100 Georgia Avenue, North Augusta, SC 29841.

Town of Burnettown
Maps are available for inspection at 3144 Augusta Road, Warrenville, SC 29851.

Unincorporated Areas of Aiken County
Maps are available for inspection at 1680 Richland Avenue, Suite 130, Aiken, SC 29801.

Caldwell County, Texas, and Incorporated Areas
Docket Nos.: FEMA–B–1069 and FEMA–B–1210

Mebane Creek	Approximately 0.38 mile downstream of FM 20 (State Park Road).	+513	City of Lockhart, Unincorporated Areas of Caldwell County.
	Approximately 488 feet downstream of FM 20 (State Park Road).	+521	
Plum Creek	Just downstream of the Hays County boundary	+538	City of Uhland.
	Approximately 1,465 feet downstream of the Hays County boundary.	+540	
Town Branch	Approximately 981 feet downstream of Union Pacific Railroad.	+441	City of Lockhart, Unincorporated of Caldwell County Areas.
	At the upstream side of Union Pacific Railroad	+448	

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

ADDRESSES

City of Lockhart
Maps are available for inspection at 308 West San Antonio Street, Lockhart, TX 78644.

City of Uhland
Maps are available for inspection at 17 Cotton Gin Road, Uhland, TX 78640.

Unincorporated Areas of Caldwell County
Maps are available for inspection at 110 South Main Street, Lockhart, TX 78644.

Tom Green County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1043

Flooding Effects of Red Arroyo	Just upstream of Melrose Avenue	+1900	City of San Angelo.
	Just downstream of Burlington Road	+1922	

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

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

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

ADDRESSES

City of San Angelo

Maps are available for inspection at City Hall, 72 College Street, San Angelo, TX 76903.

Marion County, West Virginia, and Incorporated Areas
Docket No.: FEMA–B–1190

Bingamon Creek	At the West Fork River confluence	+902	Unincorporated Areas of Marion County.
	At the Harrison County boundary	+902	
Booths Creek	Approximately 40 feet upstream of the West Fork River confluence.	+886	Town of Monongah, Unincorporated Areas of Marion County.
	At the Harrison/Taylor County boundary	+959	
Tevebaugh Creek (backwater effects from West Fork River).	From approximately 400 feet upstream of the West Fork River confluence to approximately 1,300 feet upstream of the West Fork River confluence.	+897	Town of Worthington.

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

ADDRESSES

Town of Monongah

Maps are available for inspection at the Town Hall, 430 Bridge Street, Monongah, WV 26554.

Town of Worthington

Maps are available for inspection at the Town Hall, 247 Main Street, Worthington, WV 26591.

Unincorporated Areas of Marion County

Maps are available for inspection at the Marion County City Building, 200 Jackson Street, Fairmont, WV 26554.

Kenosha County, Wisconsin, and Incorporated Areas
Docket No.: FEMA–B–7756

Airport Creek	At the confluence with Pike Creek	+677	City of Kenosha, Unincorporated Areas of Kenosha County.
	Approximately 4,910 feet upstream of its confluence	+688	
Brighton Creek	At the confluence with the Des Plaines River	+695	Unincorporated Areas of Kenosha County, Village of Bristol.
	At the downstream side of State Highway 75	+789	
Center Creek	At the confluence with the Des Plaines River	+679	Village of Bristol.
	At the downstream side of State Highway 50	+705	
Des Plaines River	From the Wisconsin-Illinois State Line	+676	Unincorporated Areas of Kenosha County, Village of Bristol, Village of Pleasant Prairie.
	Approximately 1,190 feet from the Kenosha County-Racine County Line.	+706	
Dutch Gap Canal	From the Wisconsin-Illinois State Line	+575	Village of Bristol.
	At the downstream side of County Highway C	+579	
Jerome Creek	Approximately 1,575 feet downstream of 88th Avenue	+676	Village of Pleasant Prairie.
	Approximately 750 feet upstream of Johnson Road	+715	
Kenosha Branch	At the confluence with the Pike River	+593	City of Kenosha, Unincorporated Areas of Kenosha County.
	Approximately 700 feet upstream of 22nd Avenue	+619	
Kilbourn Road Ditch	At the confluence with the Des Plaines River	+679	Unincorporated Areas of Kenosha County, Village of Pleasant Prairie.
	Kenosha County-Racine County Line	+726	
Mud Lake Outlet	At the confluence with Dutch Gap Canal	+758	Village of Bristol.
	Approximately 2,500 feet upstream of 187th Street	+765	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Nelson Creek	At the confluence with Sorenson Creek	+600	Unincorporated Areas of Kenosha County.
	Kenosha County-Racine County Line	+616	
Pike Creek	Just upstream of State Highway 31	+645	City of Kenosha, Unincorporated Areas of Kenosha County.
	Just upstream of State Highway 50	+684	
Pike River	At the confluence with Lake Michigan	+584	City of Kenosha, Unincorporated Areas of Kenosha County.
	Just upstream of State Highway 31	+653	
Pleasant Prairie Tributary	Approximately 1,900 feet downstream of County Highway C.	+677	Village of Pleasant Prairie.
	Approximately 5,500 feet upstream of its confluence with the Des Plaines River.	+685	
Salem Branch	Approximately 150 feet upstream of its confluence with Brighton Creek.	+721	Unincorporated Areas of Kenosha County, Village of Paddock Lake, Village of Bristol.
	Approximately 2.37 miles upstream of its confluence with Brighton Creek.	+756	
Somers Branch	At the confluence with Pike Creek	+659	Unincorporated Areas of Kenosha County.
	Approximately 110 feet downstream of 12th Street	+704	
Sorenson Creek	At the confluence with the Pike River	+600	Unincorporated Areas of Kenosha County.
	At the Kenosha County-Racine County Line	+611	
Union Grove Industrial Tributary	At the confluence with the Des Plaines River	+706	Unincorporated Areas of Kenosha County.
	Kenosha County-Racine County Line	+739	
Unnamed Tributary No. 1E to Des Plaines River.	At the confluence with Unnamed Tributary No. 1 to Des Plaines River.	+676	Village of Bristol, Village of Pleasant Prairie.
	Approximately 1,700 feet upstream of Johnson Road	+726	
Unnamed Tributary No. 1 to Center Creek.	At the confluence with Center Creek	+684	Village of Bristol.
	Approximately 5,702 feet upstream of State Highway 50	+756	
Unnamed Tributary No. 1 to Des Plaines River.	From the Wisconsin-Illinois State Line	+675	Village of Pleasant Prairie.
	Approximately 5,400 feet upstream of Springbrook Road	+713	
Unnamed Tributary No. 1 to Hooker Lake.	At the confluence with Hooker Lake	+757	Unincorporated Areas of Kenosha County.
	Approximately 5,637 feet upstream of 89th Street	+813	
Unnamed Tributary No. 1 to Kilbourn Road Ditch.	At the confluence with Kilbourn Road Ditch	+679	Village of Pleasant Prairie.
	Approximately 3,800 feet upstream of its confluence with Kilbourn Road Ditch.	+686	
Unnamed Tributary No. 1 to Salem Branch Brighton Creek.	At the confluence with Salem Branch	+729	Village of Bristol.
	At the downstream side of 85th Street	+761	
Unnamed Tributary No. 13 to Kilbourn Road Ditch.	At the confluence with Kilbourn Road Ditch	+715	Unincorporated Areas of Kenosha County.
	At the upstream side of Frontage Road	+736	
Unnamed Tributary No. 15 to Kilbourn Road Ditch.	At the confluence with Kilbourn Road Ditch	+723	Unincorporated Areas of Kenosha County.
	Approximately 2,286 feet upstream of its confluence with Kilbourn Road Ditch.	+726	
Unnamed Tributary No. 1A to Des Plaines River.	At the confluence with Unnamed Tributary No. 1 to Des Plaines River.	+678	Village of Pleasant Prairie.
	At the Wisconsin-Illinois State Line	+715	
Unnamed Tributary No. 1B to Des Plaines River.	At the confluence with Unnamed Tributary No. 1 to Des Plaines River.	+683	Village of Pleasant Prairie.
	Just downstream of its confluence with Unnamed Tributary No. 1C to Des Plaines River.	+698	
Unnamed Tributary No. 1C to Des Plaines River.	At the confluence with Unnamed Tributary No. 1B to Des Plaines River.	+698	Village of Pleasant Prairie.
	Approximately 8,500 feet upstream of its confluence with Unnamed Tributary No. 1B.	+736	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Unnamed Tributary No. 1F to Des Plaines River.	At the confluence with Unnamed Tributary No. 1E to Des Plaines River.	+691	Village of Bristol, Village of Pleasant Prairie.
	Approximately 1,560 feet upstream of its confluence with Unnamed Tributary No. 1E to Des Plaines River.	+746	
Unnamed Tributary No. 2 to Des Plaines River.	At the confluence with Unnamed Tributary No. 1E to Des Plaines River.	+676	Village of Pleasant Prairie.
	Approximately 1,350 feet upstream of 120th Avenue	+748	
Unnamed Tributary No. 2 to Jerome Creek.	At the confluence with Jerome Creek	+680	Village of Pleasant Prairie.
	At the divergence from Unnamed Tributary No. 3 to Jerome Creek.	+681	
Unnamed Tributary No. 2 to Salem Branch Brighton Creek and Paddock Lake.	At the confluence with Salem Branch	+751	Unincorporated Areas of Kenosha County, Village of Paddock Lake.
	Approximately 968 feet upstream of State Highway 50	+794	
Unnamed Tributary No. 3 to Dutch Gap Canal.	At the confluence with Dutch Gap Canal	+759	Village of Bristol.
	Approximately 4,965 feet upstream of U.S. Route 45	+791	
Unnamed Tributary No. 3 to Jerome Creek.	At the confluence with Jerome Creek	+681	City of Kenosha, Village of Pleasant Prairie.
	At the downstream side of 70th Avenue	+688	
Unnamed Tributary No. 3 to Salem Brighton Creek and Montgomery Lake.	At the confluence with Salem Branch	+756	Unincorporated Areas of Kenosha County.
	Approximately 2,847 feet upstream of 84th Street	+801	
Unnamed Tributary No. 4 to Dutch Gap Canal.	At the confluence with Unnamed Tributary No. 3 to Dutch Gap Canal.	+763	Village of Bristol.
	Approximately 3,370 feet upstream of 107th Street	+772	
Unnamed Tributary No. 4 to Jerome Creek.	At the confluence with Jerome Creek	+681	Village of Pleasant Prairie.
	Approximately 5,000 feet upstream of Johnson Road	+715	
Unnamed Tributary No. 4 to Jerome Creek Overflow.	At the confluence with Jerome Creek	+682	Village of Pleasant Prairie.
	At the divergence from Unnamed Tributary No. 4 to Jerome Creek.	+690	
Unnamed Tributary No. 5 to Des Plaines River.	Approximately 500 feet downstream of County Highway H	+677	Village of Pleasant Prairie.
	Approximately 250 feet upstream of Johnson Road	+680	
Unnamed Tributary No. 5 to Kilbourn Road Ditch.	Approximately 670 feet upstream of 120th Avenue	+701	City of Kenosha, Unincorporated Areas of Kenosha County.
	At the downstream side of 128th Avenue	+736	
Unnamed Tributary No. 5B to Des Plaines River.	At the confluence with Unnamed Tributary No. 5 to Des Plaines River.	+679	Village of Pleasant Prairie.
	Approximately 1,700 feet upstream of its confluence with Unnamed Tributary No. 5 to Des Plaines River.	+685	
Unnamed Tributary No. 6 to Brighton Creek and League Lake.	At the confluence with Brighton Creek	+742	Unincorporated Areas of Kenosha County, Village of Paddock Lake.
	Approximately 1,681 feet upstream of 60th Street	+789	
Unnamed Tributary No. 7 to Des Plaines River.	Approximately 815 feet downstream of 120th Avenue	+676	Village of Bristol, Village of Pleasant Prairie.
	At the downstream side of 136th Avenue	+710	
Unnamed Tributary No. 8 to Kilbourn Road Ditch.	Approximately 670 feet upstream of the confluence with Kilbourn Road Ditch.	+710	Unincorporated Areas of Kenosha County.
	At the upstream side of Frontage Road	+724	
Unnamed Tributary No. 8 to Kilbourn Road Ditch Overflow.	Approximately 800 feet upstream of its confluence with Kilbourn Road Ditch.	+708	Unincorporated Areas of Kenosha County.
	Approximately 2,464 feet upstream of its confluence with Kilbourn Road Ditch.	+716	

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

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

ADDRESSES

City of Kenosha
Maps are available for inspection at City Hall, 625 52nd Street, Kenosha, WI 53140.

Unincorporated Areas of Kenosha County
Maps are available for inspection at the Kenosha County Courthouse, 912 56th Street, Kenosha, WI 53140.

Village of Bristol
Maps are available for inspection at the Village Hall, 19801 83rd Street, Bristol, WI 53104.

Village of Paddock Lake
Maps are available for inspection at the Paddock Lake Village Hall, 6969 236th Avenue, Salem, WI 53168.

Village of Pleasant Prairie
Maps are available for inspection at the Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.

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

Dated: April 18, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–10997 Filed 5–7–12; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51 and 54

[WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208; FCC 11–161]

Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support, Report and Order*, (*Order*), released on November 18, 2011. The Commission submitted revisions to information collections under control number 3060–0986 to the OMB for review and approval, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), 77 FR 13320, March 6, 2012, which were approved by the OMB on April 16, 2012. This notice is consistent with the *Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules once it receives OMB approval. This document also notifies Eligible Telecommunications Carriers and other stakeholders that information filed pursuant to § 54.313(a)(2) through (a)(6) and (h) of the Commission's rules must be filed by July 2, 2012.

DATES: *Effective date:* Sections 54.312(b)(3), 54.313(b), 54.313(h), 54.314 and 54.320(b), published at 76 FR 73830, November 29, 2011, are effective May 8, 2012.

Applicability date: Sections 54.305(f), 54.307(b) and (c), and 54.313 (a)(1) through (a)(6) are applicable May 8, 2012.

FOR FURTHER INFORMATION CONTACT: Alex Minard, Wireline Competition Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This document announces that, on April 13, 2012, OMB approved, for a period of six months, the information collection requirements contained in the Commission's *Order,* FCC 12–11, published at 77 FR 12952, March 2, 2012. The OMB Control Number is 3060–0986. The Commission publishes this document as an announcement of the effective date of the revision to §§ 54.312(b)(3), 54.313(b), 54.313(h), 54.314 and 54.320(b), and an announcement of the applicability dates of §§ 54.305(f), 54.307(b) and (c), and 54.313 (a)(1) through (a)(6) . If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Judith Boley-Herman, Federal Communications Commission, Room 1–B441, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–0986, in your correspondence. The Commission also will accept comments via email. Please send them to *PRA@fcc.gov*.

The Wireline Competition Bureau also recently released a Public Notice in WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208 that notifies Eligible Telecommunications Carriers and other stakeholders that information filed pursuant to §§ 54.313(a)(2) through (a)(6) and (h) of the Commission's rules must be filed by July 2, 2012.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on April 16, 2012, for the information collection requirements contained in the Commission's rules at 47 CFR 54.312(b)(3), 54.313(b), 54.313(h), 54.314 and 54.320(b), and an announcement of the applicability dates of §§ 54.305(f), 54.307(b) and (c), and 54.313 (a)(1) through (a)(6).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection

of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0986.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0986.

OMB Approval Date: April 16, 2012.

OMB Expiration Date: April 30, 2015.

Title: Competitive Carrier Line Count Report and Self-Certification as a Rural Carrier.

Form Number: Form 525.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or Tribal Government.

Number of Respondents and Responses: 4,934 respondents; 5,048 responses.

Estimated Time per Response: .50 hours to 80 hours.

Frequency of Response: On occasion, Quarterly, Annually, Third Party Disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, and 410.

Total Annual Burden: 163,435 hours.

Total Annual Cost: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. We note that the Universal Service Administrative Company (USAC), who administers the universal service program, must preserve the confidentiality of all data obtained from respondents and contributors to the universal service support program mechanisms; must not use the data except for purposes of administering the universal service support program; and must not disclose data in company-specific form unless directed to do so by the Commission. Also, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: In November 2011, the Commission adopted a Report and Order, *FCC 11–161,* 76 FR 73830, November 29, 2011, Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Life-line and Link-Up; and Universal Service Reform—Mobility Fund.

The order provides that existing high-cost support for price cap incumbent local exchange carriers will be frozen at 2011 levels. In addition, the order provides for up to $300 million annually in incremental support to those carriers, to be allocated by the use of a cost equation. Carriers accepting such incremental funding will be required to meet defined broadband deployment obligations. Eligible carriers will be required to notify the Commission, the universal service fund Administrator, as well as relevant state and Tribal authorities of the amount, if any, of funds they accept. Carriers accepting funding must certify that (a) the locations that will be served in satisfaction of the deployment requirement associated with its identified funds are shown as unserved by fixed terrestrial broadband on the then-current version of the National Broadband Map; (b) to the best of the carrier's knowledge, its identified locations are, in fact, unserved by fixed terrestrial broadband; (c) the carrier's current capital improvement plan did not already include plans to complete broadband deployment, without CAF Phase I incremental support, within the next three years to the locations to be counted to satisfy its deployment requirement; and (d) incremental support will not be used to satisfy any merger commitment or similar regulatory obligation. Carriers accepting funding will also be required to identify, for each location to be counted toward satisfaction of the carrier's deployment obligation, the following information: The location's census block information based on the Federal Information Processing Standard (FIPS) code, the carrier's NECA-assigned operating company code (OCN), the carrier's study area code (SAC), the wire center's eight-digit Common Language Location Identifier (CLLI) code, the latitude (to 6 decimal places), and the longitude (to 6 decimal places). Carriers accepting funding have the option of providing all of the required location-identifying information at the time they file their notice of acceptance of support, or, in the alternative, they may elect to only identify the census blocks and wire centers where they will deploy. Carriers electing this latter option must provide all required information for each location no later than one year after filing notices of acceptance for purposes of satisfying the carrier's deployment obligation. That is, carriers electing to initially provide only census block and wire center information must provide complete location information for all of their locations no later than one year after they file their notices of acceptance.

The order also adopts a rule to reduce, dollar-for-dollar, a carrier's high-cost loop support (for rate-of-return carriers) or Connect America Fund Phase I frozen high-cost support (for price cap carriers) to the extent that the carrier's local end user rate plus state regulated fees do not meet a specified urban rate floor. Accordingly, carriers will be required to report, on an annual basis, the local end user rates that fall below the specified urban rate floor, and the number of lines associated with each rate so that the universal service fund Administrator can calculate reductions in support.

The order also modifies § 54.307 of the Commission's rules, 47 CFR 54.307, (often called the ''identical support rule'') and related rules, which provide that competitive eligible telecommunications carriers receive the same per-line level of support as received by incumbent LECs serving the same areas. Competitive eligible telecommunications carriers, with limited exceptions, will not continue to receive support pursuant to the identical support rule and will have their support phased down over five years. (The limited exceptions relate to certain competitive eligible telecommunications carriers serving remote parts of Alaska and a single Tribally-owned competitive eligible telecommunications carrier. For these carriers, the phasedown is delayed by five years.) As a result, the Commission will be reducing the burdens associated with a number of collections in this control number, including line count filings for competitive ETCs and incumbent LECs serving competitive areas, disaggregation plans (which permit incumbent LECs to target support for the purpose of calculating per-line support amounts), and certifications for carriers serving Tribal lands and Alaska native regions. In addition, the Commission eliminates the ''own costs'' exception to the interim cap for competitive ETCs. The interim cap limited the total annual amount of high-cost support competitive ETCs in any state could receive to the amount competitive ETCs in that state received in March 2008 on an annualized basis. The ''own costs'' exception provided that competitive ETCs that showed that they met the support threshold in the

same manner as the incumbent LEC would not be subject to the cap. Eliminating the ''own costs'' exception does not alter the content of this information collection; it does, however, address and satisfy the terms of clearance in the May 2009 Notice of Office of Management and Budget Notice of Approval.

The order also revises the certifications that states (or ETCs that are not subject to state jurisdiction) are required to file annually with the Commission and the universal service fund Administrator to ensure that carriers use universal service support ''only for the provision, maintenance and upgrading of facilities and services for which the support is intended'' consistent with section 254(e) of the Act. Although the existing certifications are prospective only, the revised certification will ensure that carriers not only will use support in the next year for the intended purposes, but also have used support in the prior year for the intended purposes.

The order also eliminates eligibility for Safety Net Additive support for costs incurred after 2009. Accordingly, this collection is being revised to eliminate the requirement that carriers notify the Commission and USAC that they qualify for Safety Net Additive Support.

The order also eliminates the distinction between ''rural'' and ''non-rural'' carriers. Therefore, this collection is being revised to eliminate the reporting requirements for self-certification as a rural carrier.

The order also moves the recordkeeping requirement from 47 CFR 54.202(e) to new 47 CFR 54.320. It also increases the required document retention period from five to ten years and makes clear that carriers are subject to random compliance audits and other investigations and must make all documents and records available to the Commission, any of its Bureaus or Offices, the USF Administrator, and their respective auditors.

The order extends current federal annual reporting requirements to all ETCs, including those designated by states. Specifically, the order requires that all ETCs must include in their annual reports the information that is currently required by § 54.209(a)(1) through (a)(6)—specifically, a progress report on their five-year build-out plans; data and explanatory text concerning outages; unfulfilled requests for service; complaints received; certification of compliance with applicable service quality and consumer protection standards; and certification of its ability to function in emergency situations. All ETCs that receive high-cost support will file this information with the Commission, USAC, and the relevant state commission, relevant authority in a U.S. Territory, or Tribal government, as appropriate.

Finally, this submission eliminates the recordkeeping requirements from OMB Control Number 3060–0894. Upon OMB approval of this information collection revision, the Commission will voluntarily discontinue OMB Control Number 3060–0894.

The Commission plans to submit additional revisions or new collections for OMB review and approval to address other reforms adopted in the Order at a later date.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2012–10631 Filed 5–7–12; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 384 and 385

[Docket No. FMCSA–2007–27659]

RIN 2126–AB02

Commercial Driver's License Testing and Commercial Learner's Permit Standards

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), (DOT).

ACTION: Correcting amendments.

SUMMARY: FMCSA published a final rule in the **Federal Register** on Monday, May 9, 2011, that became effective on July 8, 2011. That final rule amended the commercial driver's license (CDL) knowledge and skills testing standards and established new minimum Federal standards for States to issue the commercial learner's permit (CLP). Since the final rule was published, FMCSA identified minor discrepancies regarding section references in existing regulatory text resulting from the final rule. This document corrects those section references.

DATES: This final rule is effective on May 8, 2012.

FOR FURTHER INFORMATION CONTACT: Robert Redmond, Office of Safety Programs, Commercial Driver's License Division, telephone (202) 366–5014 or email *robert.redmond@dot.gov.* Office hours are from 8:00 a.m. to 4:30 p.m.

SUPPLEMENTARY INFORMATION: This document corrects section references in a final rule amending the commercial driver's license (CDL) knowledge and skills testing standards, which was published in the **Federal Register** on Monday, May 9, 2011 (76 FR 26853).

List of Subjects

49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

49 CFR Part 385

Highway safety, Highways and roads, Motor carriers, Motor vehicle safety, Safety fitness procedures.

Accordingly, 49 CFR parts 384 and 385 are corrected by making the following correcting amendments:

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

■ 1. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301 et seq., and 31502; secs. 103 and 215 of Pub. L. 106–159, 113 Stat. 1753, 1767; and 49 CFR 1.73.

■ 2. Revise § 384.234 to read as follows:

§ 384.234 Driver medical certification recordkeeping.

The State must meet the medical certification recordkeeping requirements of § 383.73(b)(5) and (o) of this chapter.

PART 385—SAFETY FITNESS PROCEDURES

■ 3. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. 113, 504, 521(b), 5105(e), 5109, 5113, 13901–13905, 31136, 31144, 31148, and 31502; Sec. 350 of Pub. L. 107–87; and 49 CFR 1.73.

■ 4. Amend the Table to § 385.321 by revising Violation 7 to read as follows:

§ 385.321 What failures of safety management practices disclosed by the safety audit will result in a notice to a new entrant that its USDOT new entrant registration will be revoked?

* * * * *

TABLE TO § 385.321—VIOLATIONS THAT WILL RESULT IN AUTOMATIC FAILURE OF THE NEW ENTRANT SAFETY AUDIT

* * * * * * *	
7. § 383.37(b)-Knowingly allowing, requiring, permitting, or authorizing an employee to operate a commercial motor vehicle with a commercial learner's permit or commercial driver's license which is disqualified by a State, has lost the right to operate a CMV in a State or who is disqualified to operate a commercial motor vehicle.	Single occurrence.
* * * * * * *	

Issued on: April 19, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012–10931 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register

Vol. 77, No. 89

Tuesday, May 8, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

[NRC–2011–0012]

RIN 3150–AI92

Low-Level Radioactive Waste Management Issues

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meeting; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) plans to conduct a public meeting to discuss possible revisions to the regulatory framework for the management of commercial low-level radioactive waste (LLW). The purpose of this public meeting is to gather information and receive feedback from stakeholders and other interested members of the public concerning specific proposed revisions to the Commission's LLW regulations. Consistent with Commission direction, the NRC staff plans to hold a series of three public meetings in 2012 on the proposed revisions to the Commission's LLW regulations. This is the second of those public meetings.

DATES: The public meeting will be held on May 15, 2012, in Dallas, Texas. Comments on the issues and questions presented in Section V of the **SUPPLEMENTARY INFORMATION** section of this document should be submitted by July 31, 2012.

ADDRESSES: The public meeting will be held on May 15, 2012, from 8:00 a.m. to 4:00 p.m. at the Copper Hotel Conference Center & Spa, 12230 Preston Road, Dallas, Texas 75230. The NRC will accept written comments at the public meeting and welcomes active participation from those attending. You may access information and comment submissions related to this document, which the NRC possesses and are publicly available, by searching on *http://www.regulations.gov* under Docket ID NRC–2011–0012. You may submit comments by any of the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0012. Address questions about NRC dockets to Carol Gallagher; telephone: (301) 492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michael P. Lee, Ph.D., Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6887; email: *Mike.Lee@nrc.gov;* or Tarsha Moon, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6745; email: *Tarsha.Moon@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2011–0012 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly-available, by the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0012.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1– (800) 397–4209, (301) 415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2011–0012 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

The Commission's licensing requirements for the disposal of LLW in near-surface [approximately the uppermost 30 meters (100 feet)] facilities reside in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 61, ''Licensing Requirements for Land Disposal of Radioactive Waste.'' These regulations were published in the **Federal Register** on December 27, 1982 (47 FR 57446). The rule applies to any near-surface LLW disposal technology. The regulations emphasize an integrated systems approach to the disposal of commercial LLW, including site

selection, disposal facility design and operation, minimum waste form requirements, and disposal facility closure. To reduce the burden on society over the long periods of time contemplated for the control of the radioactive material, and thus lessen reliance on institutional controls, 10 CFR Part 61 emphasizes passive rather than active systems to limit and retard releases to the environment.

Development of 10 CFR Part 61 was based on several assumptions as to the types of wastes likely to go into a commercial LLW disposal facility. To better understand what the likely inventory of wastes available for disposal might be, the NRC conducted a survey of existing LLW generators. The survey, documented in Chapter 3 of NUREG–0782, Draft 10 CFR Part 61 Environmental Impact Statement (DEIS), ''Licensing Requirements for Land Disposal of Radioactive Waste'' (ADAMS Accession No. ML052590347)—revealed that there were about 37 distinct commercial waste streams consisting of about 25 radionuclides of potential regulatory interest. The specific waste streams in question were representative of the types of commercial LLW being generated at the time. In the Final 10 CFR Part 61 Environmental Impact Statement (FEIS), ''Final Environmental Impact Statement on 10 CFR Part 61 'Licensing Requirements for Land Disposal of Radioactive Waste','' (ADAMS Accession No. ML052590184) and designated NUREG–0945, it was reported that about half of the isotopes examined were bounding for the purposes of dose and those isotopes formed the basis for the 10 CFR Part 61 LLW waste classification system, described in Tables 1 and 2 of § 61.55. See Volume 1 of NUREG–0945, pages 5-37–5-39. Waste streams associated with the U.S. Department of Energy's (DOE's) nuclear defense complex were not considered as part of the survey, since disposal of those wastes, at that time, was to be conducted at DOE-operated sites.

Over the last several years there have been a number of developments that have called into question some of the key assumptions made in connection with the earlier 10 CFR Part 61 DEIS, including:

- The emergence of potential LLW streams that were not considered in the original 10 CFR Part 61 rulemaking, including large quantities of depleted uranium (DU), and possibly incidental wastes associated with the commercial reprocessing of spent nuclear fuel;
- The DOE's increasing use of commercial facilities for the disposal of defense-related LLW streams; and
- Extensive international operational experience in the management of LLW and intermediate-level radioactive wastes that did not exist at the time 10 CFR Part 61 was promulgated.

These developments will need to be considered if the staff undertakes a revision of 10 CFR Part 61.

III. Recent Commission Direction to the NRC Staff

In a March 18, 2009, staff requirements memorandum (SRM), SRM–SECY–08–0147,[1] the Commission directed the NRC staff to proceed with a 10 CFR Part 61 rulemaking to specify a requirement for a site-specific analysis for the disposal of large quantities of DU—including the technical requirements for such an analysis—and to develop a guidance document for public comment that outlines the parameters and assumptions to be used in conducting such site-specific analyses. In a second SRM, SRM SECY–10–0043,[2] the staff was directed to include blended LLW streams as part of this rulemaking initiative. Following the solicitation of early public input in 2009 (74 FR 30175; Docket ID NRC–2009–0257), the NRC staff subsequently developed a technical basis document for the rulemaking amendment (ADAMS Accession No. ML111040419), shared it with the NRC Agreement States, and proceeded to develop a proposed rulemaking package. In connection with the rulemaking effort, the NRC staff also proposed a two-tier approach for evaluating compliance with 10 CFR Part 61's overall system performance objectives: A quantitative assessment that extends to 20,000 years as well as a qualitative analysis that extends beyond 20,000 years to the time of peak dose. In May 2011, the NRC staff sought public feedback (76 FR 24831) on the preliminary proposed rulemaking language (ADAMS Accession No. ML111150205) and the technical basis for the time of compliance recommendation (ADAMS Accession No. ML111030586). (See *http://www.nrc.gov/about-nrc/regulatory/rulemaking/potential-rulemaking/uw-streams.html.*) Later in 2011, the staff also briefed the Advisory Committee on Reactor Safeguards (ACRS) on the preliminary proposed rulemaking language for which a Committee Letter Report dated September 22, 2011 (ADAMS Accession No. ML11256A191), was issued to the Commission.

More recently, in an SRM, dated January 19, 2012,[3] the Commission provided additional direction to the NRC staff concerning this particular rulemaking. Specifically, the NRC staff was directed to amend the existing draft rulemaking to include the following:

- Allowing licensees the flexibility to use International Commission on Radiological Protection dose methodologies in a site-specific performance assessment for the disposal of all radioactive waste.
- A two-tiered approach that establishes a compliance period that covers the reasonably foreseeable future and a longer period of performance that is not a priori and is established to evaluate the performance of the site over longer timeframes. The period of performance is developed based on the candidate site characteristics (waste package, waste form, disposal technology, cover technology and geo-hydrology) and the peak dose to a designated receptor.
- Flexibility for disposal facilities to establish site-specific waste acceptance criteria based on the results of the site's performance assessment and intruder assessment.
- A compatibility category for the elements of the revised rule that establish the requirements for site-specific performance assessments and the development of the site-specific waste acceptance criteria that ensures alignment between the States and Federal government on safety fundamentals, while providing the States with the flexibility to determine how to implement these safety requirements.

In the January 2012 SRM, the Commission also directed the NRC staff to engage stakeholders to discuss and finalize the NRC's approach to address the matters raised by the Commission. The Commission also noted that it would reserve judgment on the regulatory form these elements should take in any final rule following NRC staff evaluation of stakeholder input. Accordingly, the NRC staff planned to hold three public meetings in March, May, and July 2012 on the proposed revisions to 10 CFR Part 61. The first of those meetings was held in Phoenix, Arizona, on March 2, 2012 (77 FR 10401). After the NRC completes public outreach, the staff will prepare an amended technical basis document and

[1] See *http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2008/2008-0147srm.pdf.*

[2] See *http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2010/2010-0043srm.pdf.*

[3] See *http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2011/2011-0002comgeawdm-srm.pdf.*

start the formal rulemaking process. Changes will also need to be made to any 10 CFR Part 61 performance assessment guidance document to address the recent June 2012 direction. The completion date for submittal of a revised rulemaking package is currently July 19, 2013.

The Commission also directed the staff to gather information on the options presented in SECY–10–0165, dated December 27, 2010,[4] concerning the staff's approach to a risk-informing 10 CFR Part 61. Previously, the NRC staff sponsored an earlier workshop on SECY–10–0165, on March 4, 2011 (76 FR 10810). The staff intends to seek the public's views on various proposals for a risk-informed revision of 10 CFR Part 61.

IV. Emerging Issues Concerning 10 CFR Part 61

The NRC staff has also conducted other activities related to 10 CFR Part 61. These include revisions to the Commission's ''Policy Statement on Volume Reduction and Low-Level Radioactive Waste Management'' (76 FR 50500; August 15, 2011); and the ''Branch Technical Position on Concentration Averaging'' (76 FR 4739; January 26, 2011). Through the course of those stakeholder interactions, the staff received comments and suggestions relevant to the more comprehensive revision of 10 CFR Part 61. For example, stakeholders have recommended changes that would lengthen the period of institutional controls and allow a site-specific intruder assessment. Some stakeholders have questioned basic fundamental tenets of 10 CFR Part 61 including the need to protect the inadvertent intruder. The staff intends to seek the public's views on these and other stakeholder comments.

In addition, during the March 2, 2012, public meeting in Phoenix, Arizona, several stakeholders expressed an interest in expanding the scope of the ongoing 10 CFR Part 61 rulemaking beyond the Commission's current January 2012 direction. For example, the following specific suggestions were proposed in connection with any potentially expanded 10 CFR Part 61 rulemaking.

- Update the § 61.55 tables to include the latest dose conversion factors and dose methodologies.
- Expand the current duration of institutional controls in 10 CFR Part 61 from 100 to 300 years.
- Address the issue of the over-reporting of certain isotopes that are required to be identified by the 10 CFR Part 20 LLW manifest shipping report (60 FR 15649).
- Develop specific licensing criteria for the disposal of greater-than-Class C LLW.
- Develop screening criteria pertaining to the disposal of low-activity radioactive wastes.

V. NRC Public Meeting

The purpose of this public meeting is to gather information from stakeholders and other interested members of the public concerning the rulemaking proposals identified by the Commission in its January 2012 SRM. This overall approach is consistent with the NRC's openness policy and is consistent with the type of public outreach initiative originally used by the NRC staff to develop 10 CFR Part 61. The May 15, 2012, public meeting will be organized into two parts. In the first part, the NRC staff will seek public feedback on the pros and cons of the four technical issues specifically identified by the Commission in its January 2012 SRM. In the second part, the staff will identify other technical issues identified by stakeholders bearing on the 10 CFR Part 61 rule and seek public feedback on the merits of these possible additional changes that have been suggested in connection with other on-going LLW regulatory initiatives. The staff will also summarize the public comments received during the March 2, 2012, Public Meeting in Phoenix, Arizona. To the extent that members of the public might have comments on SECY–10–0165, the staff would also welcome public feedback on that topic.

The public meeting will be held on May 15, 2012, from 8:00 a.m. to 4:00 p.m. at the Cooper Hotel Conference Center & Spa, 12230 Preston Road, Dallas, Texas 75230. Pre-registration for this meeting is not necessary. Members of the public choosing to participate in this meeting remotely can do so in one of two ways—online, or via a telephone (audio) connection. Instructions for remote participation in this meeting follow.

Interested members of the public can also participate in this meeting via Webinar. The Webinar meeting registration link can be found at: *https://www1.gotomeeting.com/pjoin/679771561/105859216.* The Webinar ID is 679–771–561. After registering, instructions for joining the Webinar (including a teleconference number and pass code) will be provided via email. All participants will be in ''listen-only'' mode during the presentation. Participants will have a chance to pose questions either orally after the presentation or in writing during the Webinar.

To receive a call back, provide your phone number when you join the meeting, or call the following number and enter the access code:

Call-in toll-free number (US/Canada): 1–888–970–4129. The Webinar access code is 66725.

The agenda for the public meeting will be noticed no fewer than ten (10) days prior to the meeting on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm.* The last public meeting is tentatively planned for July 19, 2012, in Rockville, Maryland. For details on this meeting, please monitor the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm* or the Docket ID for the 10 CFR Part 61 rulemaking, NRC–2011–0012, on *www.regulations.gov.*

Questions about participation in the public meetings should be directed to the points of contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated at Rockville, Maryland, this 3rd day of May 2012.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2012–11160 Filed 5–7–12; 8:45 am]

BILLING CODE 7590–01–P

[4] See *http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2010/secy2010-0165/2010-0165scy.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0426; Directorate Identifier 2011–NM–087–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, –700, –800, –900, and –900ER series airplanes. This proposed AD was prompted by reports that certain seat

track bolts were found with severed head bolts due to fatigue. This proposed AD would require replacing titanium seat track bolts with corrosion resistant steel (CRES) bolts, repetitive inspections for cracking of the splice strap and forward seat track holes, and related investigative and corrective actions if necessary. This proposed AD also provides an optional terminating action for the repetitive inspections. We are proposing this AD to detect and correct missing or severed bolt heads, which, if not corrected, could result in the inability of the seat track to carry passenger loads, which could cause the seats to detach from the seat track, resulting in possible injury to passengers during an emergency landing.

DATES: We must receive comments on this proposed AD by June 22, 2012.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Patrick Gillespie, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6429; fax: 425–917–6590; email: *patrick.gillespie@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0426; Directorate Identifier 2011–NM–087–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received reports indicating that the seat track bolts at Station 727B, buttock lines (BL) 24.75 and 45.50 left and right sides, were found with severed bolt heads due to fatigue. Missing or severed bolt heads, if not detected and corrected, could result in the inability of the seat track to carry passenger loads, which could cause the seats to detach from the seat track, resulting in possible injury to passengers during an emergency landing.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011. That service information describes procedures for replacing titanium seat track bolts with CRES bolts, repetitive inspections for cracking of the splice strap and forward seat track holes, and related investigative and corrective actions if necessary.

Related investigative action includes detailed inspection and high frequency eddy current (HFEC) inspections for cracking in holes common to the splice strap and forward seat track.

Corrective actions include contacting Boeing for repair instructions, repairing, replacing missing or severed titanium seat track bolts with CRES bolts, and replacing a cracked splice strap with a new slice strap. Replacing the missing or severed seat track bolts and installing the new splice strap eliminates the need for the repetitive splice strap inspections at Station 727B, BL 24.75 and 45.50, left and right sides, on all airplanes.

For the inspections for cracking of the splice strap and forward seat track holes and replacement of missing or severed seat track bolts, the service information specifies an initial compliance time of before 7,000 total flight cycles or within 24 months after the issue date of the service bulletin, and a repetitive interval of 7,000 flight cycles.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed below.

Differences Between Proposed AD and Service Bulletin

Although Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011, specifies that operators may contact the manufacturer for disposition of certain repair conditions, this proposed AD would require operators to repair those conditions using a method approved by the FAA.

Although Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011, specifies the sequence of steps performed in that service bulletin can be changed, this proposed AD would require operators to perform the repair using the sequence of steps in that service bulletin.

Costs of Compliance

We estimate that this proposed AD affects 168 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace bolts and install new splice strap	18 work-hours × $85 per hour = $1,530	$1,991	$3,521	$591,528
Repetitive Inspection	3 work-hours × $85 per hour = $255	0	255	42,840

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

(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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2012–0426; Directorate Identifier 2011–NM–087–AD.

(a) Comments Due Date

We must receive comments by June 22, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–600, –700, –800, –900, and –900ER series airplanes, with passenger seats installed; certificated in any category; as identified in Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 53: Fuselage.

(e) Unsafe Condition

This AD was prompted by reports that certain seat track bolts were found with severed bolt heads due to fatigue. We are issuing this AD to detect and correct missing or severed bolt heads, which, if not corrected, could result in the inability of the seat track to carry passenger loads, which could cause the seats to detach from the seat track, resulting in possible injury to passengers during an emergency landing.

(f) Compliance

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

(g) Seat Track Bolt Replacement and Splice Strap Installation

Before the accumulation of 7,000 total flight cycles, or within 24 months after the effective date of this AD, whichever occurs later, replace titanium seat track bolts with corrosion resistant steel (CRES) bolts at both the left and right sides of buttock lines 24.75 and 45.50, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011. If a titanium seat track bolt is found missing from the structure during the accomplishment of the tasks required by this paragraph: Before further flight, do a high frequency eddy current (HFEC) inspection for cracking in the fastener holes and do a general visual inspection of the area, including the splice strap and forward seat track for damage, and replace missing bolts with new or serviceable CRES bolts, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011. If cracking or damage is found: Before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(h) Detailed and High Frequency Eddy Current Inspections

Before the accumulation of 7,000 total flight cycles, or within 24 months after the effective date of this AD, whichever occurs later: Do a detailed inspection and an HFEC inspection for cracking in the holes common to the splice strap and forward seat track at both the left and right sides of buttock lines 24.75 and 45.50, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011. Repeat the inspections thereafter at intervals not to exceed 7,000 flight cycles, until the actions specified in paragraph (i) of this AD have been done.

(1) If a crack is found in the splice strap during any inspection required by paragraph (h) of this AD: Before further flight, replace the seat track bolts and install a new splice strap part number (P/N) 146A5342–26 and retained angle at the affected location, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011.

(2) If a crack is found in the seat track during any inspection required by paragraph (h) of this AD, and Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011, specifies to contact Boeing for appropriate action: Before further flight, repair the seat track in accordance with a method approved by the Manager, Seattle ACO, FAA. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(i) Optional Terminating Action

Replacing the titanium seat track bolts with CRES bolts on both the left and right sides of buttock lines 24.75 and 45.50 at Station 727B, and installing a new splice strap P/N 146A5342–26, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1296, dated January 11, 2011, terminates the repetitive inspections required by paragraph (h) of this AD.

(j) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

(1) For more information about this AD, contact Patrick Gillespie, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6429; fax: 425–917–6590; email: *patrick.gillespie@faa.gov.*

(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.* 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.

Issued in Renton, Washington, on April 29, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–11019 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0427; Directorate Identifier 2011–NM–202–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A320–214 and-232 airplanes. This proposed AD was prompted by reports that medium-head fasteners were installed in lieu of shear-head fasteners on a certain upper panel which manufacturer fatigue and damage tolerance analyses demonstrated could have an affect on panel fatigue life. This proposed AD would require repetitive inspections for cracking of certain fasteners, and repairs if necessary. We are proposing this AD to detect and correct cracking which could result in the loss of structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by June 22, 2012.

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

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

For service information identified in this proposed AD, contact Airbus SAS–EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0427; Directorate Identifier 2011–NM–202–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2011–0176, dated September 13, 2011 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> A problem was reported during the installation of upper panels on Frame 35 in Airbus A320 final assembly line. Investigations revealed that medium head fasteners, Part Number (P/N) EN6114V3, were installed in lieu of shear head fasteners, P/N ASNA2657V3 and ASNA2043V3, which were previously used. Installation of these medium head fasteners leads to a deeper

countersink in the panel. Fatigue and damage tolerance analyses were performed, the results of which demonstrated that this installation could have a fatigue impact on two rows of fasteners between stringers (STGR) 5 and 6, and indicated the need for a specific inspection in this area.

This condition, if not detected and corrected, could impair the structural integrity of the affected aeroplanes.

For the reasons described above, this [EASA] AD requires repetitive special detailed [high frequency eddy current] inspections [for cracking] of the affected fasteners and, depending on findings, the accomplishment of associated corrective actions [repair].

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

Relevant Service Information

Airbus has issued Service Bulletin A320–53–1244, including Appendix 1, dated March 17, 2011. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 44 products of U.S. registry. We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $11,220, or $255 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2012–0427; Directorate Identifier 2011–NM–202–AD.

(a) Comments Due Date

We must receive comments by June 22, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A320–214 and –232 airplanes; certificated in any category; manufacturer serial numbers 3456, 3503, 3516, 3529, 3591, 3597, 3611, 3631, 3696, 3698, 3714, 3719, 3775, 3777, 3780, 3782, 3786, 3797, 3805, 3812, 3870, 3907, 3909, 3913, 3922, 3929, 3946, 3953, 3975, 3979, 3991, 4010, 4012, 4014, 4027, 4034, 4043, 4046, 4064, 4065, 4084, 4093, 4094, and 4097.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports that medium-head fasteners were installed in lieu of shear-head fasteners on a certain upper panel which manufacturer fatigue and damage tolerance analyses demonstrated could have an effect on panel fatigue life. We are issuing this AD to detect and correct cracking which could result in the loss of structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspection

At the later of the times in paragraphs (g)(1) and (g)(2) of this AD: Do a high frequency eddy current inspection for cracking of the 2 rows of 6 fasteners at frame 35 between stringers 5 and 6 on the left and right sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1244, excluding Appendix 1, dated March 17, 2011. Repeat the inspection thereafter at intervals not to exceed 28,100 flight cycles or 56,300 flight hours, whichever occurs first.

(1) Before the accumulation of 35,900 total flight cycles or 88,100 total flight hours, whichever occurs first.

(2) Within 30 days after the effective date of this AD.

(h) Corrective Action

If any crack is detected during any inspection required by paragraph (g) of this AD: Before further flight, repair the crack using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) or its delegated agent.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International

Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

Refer to MCAI EASA Airworthiness Directive 2011–0176, dated September 13, 2011; and Airbus Service Bulletin A320–53–1244, excluding Appendix 1, dated March 17, 2011; for related information.

Issued in Renton, Washington, on April 29, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–11023 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0428; Directorate Identifier 2011–NM–078–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A330–243, –243F, –342, and –343 airplanes. This proposed AD was prompted by reports of cracking of air intake cowls on Rolls-Royce Trent engines, worn and detached attachment links, and fractured thermal anti-ice (TAI) piccolo tubes. This proposed AD would require inspecting piccolo tubes, piccolo tube mount links, the aft side of the forward bulkhead, and outer boundary angles (OBA) for cracks, fractures, and broken links, and corrective actions if necessary. We are proposing this AD to prevent degraded structural integrity of the engine nose cowl and a broken piccolo tube, which could lead to in-flight damage of the engine and reduced thermal anti-ice performance.

DATES: We must receive comments on this proposed AD by June 22, 2012.

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

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

For Airbus service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* For Rolls-Royce service information identified in this proposed AD, contact Rolls-Royce Plc, Technical Publications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone 44 (0) 1332 245882; fax 44 (0) 1332 249936; Internet *http://www.Rolls-Royce.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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0428; Directorate Identifier 2011–NM–078–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2011–0062, dated April 4, 2011 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During shop visit, several primary assembly structures of A330 aeroplanes Trent 700 [engine] air intake cowl have been found with cracks in the forward bulkhead web, web stiffeners and outer boundary angles. Several attachment links have been found severely worn, and some had become detached. In 2 cases, the Thermal Anti Ice (TAI) Piccolo tube was found fractured. Investigations are still ongoing to determine the root cause(s).
>
> If not detected and corrected, a broken Piccolo tube in conjunction with forward bulkhead damage could ultimately lead to in flight detachment of the outer barrel, which would constitute an unsafe condition.
>
> For the reasons described above, this [EASA] AD requires to perform inspections of RR [Rolls-Royce] Trent 700 [engine] nose cowls and, depending on findings, to do the applicable corrective action(s). These inspections include internal inspection of Piccolo tube, detailed inspection of Piccolo

tube mount links, [boroscope] inspection of aft side of forward bulkhead and outer boundary angle [for cracks, fractures and broken links].

The degraded structural integrity of the engine nose cowl and a broken piccolo tube could lead to in-flight damage of the engine and reduced thermal anti-ice performance. The corrective action is specified as replacing the affected engine air intake cowl with a new or serviceable cowl. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A330–71–3025, including Appendices 01 and 02, dated January 10, 2011. Rolls-Royce has issued Service Bulletin RB.211–71–AG416, including Appendix 1, dated September 3, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. The interval for repetitive inspections of the OBA is between 450 flight cycles and 5,000 flight cycles depending on crack length; and the interval for the repetitive inspections of the forward bulkhead is between 400 flight cycles and 5,000 flight cycles depending on crack length.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

Figure A–FBBAA—Sheet 03 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011, specifies certain actions based on inspection findings of OBA cracking greater than 22 inches or bulkhead cracking greater than 13 inches. This proposed AD specifies the actions to be done for OBA cracking of 22 inches or greater and bulkhead cracking of 13 inches or greater.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 14 products of U.S. registry. We also estimate that it would take about 10 work-hours per engine to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $11,900 per engine, or $850 per engine.

In addition, we estimate that any necessary follow-on actions would take about 16 work-hours per engine for a cost of $1,360 per engine. We have received no definitive data that would enable us to provide material cost estimates for the on-condition actions specified in this proposed AD. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2012–0428; Directorate Identifier 2011–NM–078–AD.

(a) Comments Due Date

We must receive comments by June 22, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A330–243, –243F, –341, –342, and –343 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 71; Engine.

(e) Reason

This AD was prompted by reports of cracking of air intake cowls on Rolls-Royce Trent engines, worn and detached attachment links, and fractured thermal anti-ice (TAI) piccolo tubes. We are issuing this AD to prevent degraded structural integrity of the engine nose cowl and a broken piccolo tube, which could lead to in-flight damage of the engine and reduced thermal anti-ice performance.

(f) Compliance

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

(g) Piccolo Tube Inspection

At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, do a boroscope inspection of each air intake cowl assembly of each engine to detect cracked or fractured piccolo tubes, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025,

including Appendix 01, excluding Appendix 02, dated January 10, 2011. If any cracked or fractured piccolo tube is found: Before further flight, replace the affected engine air intake cowl with a new or serviceable cowl, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011.

(1) For any air intake cowl that has accumulated fewer than 5,000 flight cycles since its first installation on an airplane as of the effective date of this AD: Inspect within 24 months after the air intake cowl has accumulated 5,000 total flight cycles.

(2) For any air intake cowl that has accumulated 5,000 or more flight cycles since its first installation on an airplane as of the effective date of this AD: Inspect within 24 months after the effective date of this AD.

(h) Piccolo Link Inspection

If the inspection findings of paragraph (g) of this AD indicate no cracked or fractured piccolo tube: Before further flight, do a boroscope inspection of the piccolo tube links to detect broken links, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011. If no broken links are found: Before further flight, do the actions required by paragraph (i) of this AD.

(1) If 4 or more broken piccolo tube links are found: Before further flight, replace the affected engine air intake cowl with a new or serviceable cowl, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011.

(2) If 3 or fewer broken piccolo tube links are found and the opposite intake cowl of the same engine has accumulated 5,000 flight cycles or less since the cowl was first installed on an airplane: Before further flight, do the actions in Figure A–FBBAA–Sheet 03 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011, as required by paragraph (i) of this AD.

(3) If 3 or fewer broken piccolo tube links are found and the opposite intake cowl of the same engine has accumulated more than 5,000 total flight cycles since the cowl was first installed on an airplane: Before further flight, do a boroscope inspection of the piccolo tube links of the opposite intake cowl side to detect broken links, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011.

(i) If the inspection findings of the piccolo tube links of the opposite intake cowl side indicate no broken piccolo tube links: Before further flight, do the actions required by paragraph (i) of this AD, ''Repetitive Outer Boundary Angle and Forward Bulkhead Inspection.''

(ii) If the inspection findings of the piccolo tube links of the opposite intake cowl side indicate 1 or more broken piccolo tube links: Before further flight, do the actions specified in Note 01 of Figure A–FBBAA—Sheet 02 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011, at the time specified in Note 01 of Figure A–FBBAA—Sheet 02 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011, except for the instructions to ''See Sheet 03''. Where Note 01 of Figure A–FBBAA—Sheet 02 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011, specifies to ''See Sheet 03'' to do a detailed inspection of the outer boundary angle (OBA) and bulkhead as specified in Rolls-Royce Service Bulletin RB211–71–AG416, excluding Appendix 1, dated September 3, 2010: This AD requires the detailed inspection specified in Figure A–FBBAA—Sheet 03 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011, to be done in accordance with paragraph (i) of this AD.

(i) Repetitive Outer Boundary Angle and Forward Bulkhead Inspection

If the results of the inspection required by paragraph (h) of this AD indicate no broken piccolo tube links, or if the requirements in paragraph (h)(2) or (h)(3)(ii) of this AD specify to do the actions in Figure A–FBBAA—Sheet 03 Flow Chart of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011: Before further flight, do a boroscope inspection of the OBA and forward bulkhead to detect cracks or fractures, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011; and the Accomplishment Instructions of Rolls-Royce Service Bulletin RB.211–71–AG416, excluding Appendix 1, dated September 3, 2010.

(1) If the findings of the inspection are within the allowable damage limit, as specified in the Accomplishment Instructions of Rolls-Royce Service Bulletin RB.211–71–AG416, excluding Appendix 1, dated September 3, 2010: Do the actions in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD.

(i) Repeat the inspection of the OBA and forward bulkhead thereafter at the repeat interval specified in Part 3.B. of the Accomplishment Instructions of Rolls-Royce Service Bulletin RB.211–71–AG416, excluding Appendix 1, dated September 3, 2010.

(ii) Repeat the inspections specified in paragraphs (g) and (h) of this AD thereafter at intervals not to exceed 2,500 flight cycles.

(2) If the findings of the inspection are not within the allowable damage limit, as specified in the Accomplishment Instructions of Rolls-Royce Service Bulletin RB.211–71–AG416, excluding Appendix 1, dated September 3, 2010: Do the actions in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD.

(i) If any OBA crack is 22 inches or greater, or any forward bulkhead crack is 13 inches or greater: Before further flight, replace the affected engine air intake cowl with a new or serviceable cowl, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 2, dated January 10, 2011.

(ii) If any OBA crack is 15 inches or greater, but less than 22 inches, or any forward bulkhead crack is 9 inches or greater, but less than 13 inches: Within 100 flight cycles, replace the affected engine air intake cowl with a new or serviceable cowl, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011.

(j) Repetitive Inspections for Replaced Engine Air Intake Cowl

If any engine air intake cowl is replaced in accordance with the requirements of this AD with a cowl that has less than 5,000 flight cycles since the cowl was first installed on an airplane: Repeat the inspection required by paragraph (g) of this AD thereafter at the compliance time specified in paragraph (g)(1) of this AD.

(1) If any engine air intake cowl is replaced in accordance with the requirements of this AD with a cowl with 5,000 flight cycles or more since the cowl was first installed on an airplane: Repeat the inspections required by paragraphs (g) and (h) of this AD thereafter at intervals not to exceed 2,500 flight cycles.

(2) If any engine air intake cowl is replaced in accordance with the requirements of this AD with a cowl with 5,000 flight cycles or more since the cowl was first installed on an airplane: Repeat the inspections required by paragraph (i) of this AD thereafter at the intervals specified in the Accomplishment Instructions of Rolls-Royce Service Bulletin RB.211–71–AG416, excluding Appendix 1, dated September 3, 2010.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from

a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(l) Related Information

Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2011–0062, dated April 4, 2011; Airbus Mandatory Service Bulletin A330–71–3025, including Appendix 01, excluding Appendix 02, dated January 10, 2011; and Rolls-Royce Service Bulletin RB.211–71–AG416, excluding Appendix 1, dated September 3, 2010; for related information.

Issued in Renton, Washington, on April 29, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–11025 Filed 5–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2012–0003; Notice No. 128]

RIN 1513–AB85

Proposed Establishment of the Ancient Lakes of Columbia Valley Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the 162,762-acre ''Ancient Lakes of Columbia Valley'' viticultural area in Douglas, Grant, and Kittitas Counties in central Washington. The proposed viticultural area lies within the larger Columbia Valley viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: We must receive your comments on or before July 9, 2012.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2012–0003 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044–4412; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200E, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this notice, selected supporting materials, and any comments that TTB receives about this proposal at *http://www.regulations.gov* within Docket No. TTB–2012–0003. A link to that docket is posted on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 128. You also may view copies of this notice, all related petitions, maps, or other supporting materials, and any comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call 202–453–2270 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G St. NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated January 21, 2003, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas and lists the approved American viticultural areas.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of American viticultural areas. Such petitions must include the following:

- Evidence that the area within the proposed viticultural area boundary is nationally or locally known by the viticultural area name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed viticultural area;
- A narrative description of the features of the proposed viticultural area that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed viticultural area distinctive and distinguish it from adjacent areas outside the proposed viticultural area boundary;
- A copy of the appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed viticultural area, with the boundary of

the proposed viticultural area clearly drawn thereon; and

- A detailed narrative description of the proposed viticultural area boundary based on USGS map markings.

Ancient Lakes of Columbia Valley Petition

TTB received a petition from Joan R. Davenport, a professor of soil sciences at Washington State University, and Cameron Fries of White Heron Cellars, on behalf of the vintners and grape growers in the Ancient Lakes region of central Washington, proposing the establishment of the ''Ancient Lakes of Columbia Valley'' viticultural area. The proposed viticultural area contains 162,762 acres, 1,399 acres of which are dedicated to commercially-producing vineyards. The petition states that there are six wineries and six commercially-producing vineyards located within the proposed viticultural area. The petition also includes a map showing that the vineyards and wineries are dispersed throughout the proposed viticultural area. According to the petition, the distinguishing features of the proposed viticultural area include its topography, soils, climate, and geology. Unless otherwise noted, all information and data contained in the below sections concerning the name, boundary, and distinguishing features of the proposed viticultural area are from the petition for the proposed Ancient Lakes of Columbia Valley viticultural area and its supporting exhibits.

TTB notes that the proposed Ancient Lakes of Columbia Valley viticultural area lies completely within the existing Columbia Valley viticultural area (27 CFR 9.74). The proposed viticultural area does not overlap with any other existing or proposed viticultural area.

Name Evidence

The USGS Babcock Ridge map shows the ''Ancient Lake'' place name marking a cluster of three lakes located in the western half of the proposed Ancient Lakes of Columbia Valley viticultural area. According to the USGS Geographic Names Information System (GNIS), the ''Ancient Lake'' geographical name is also used for two other areas in Oregon. Given the multiple locations with the same name, TTB requested that the petitioners provide a geographical modifier to the ''Ancient Lakes'' name originally proposed by the petitioners. In response to TTB's request, the petitioners changed the proposed viticultural area name to ''Ancient Lakes of Columbia Valley'' to clarify the location of the proposed viticultural area and avoid any potential confusion with any other locations referred to as ''Ancient Lakes.'' Additionally, TTB notes that GNIS shows no other area located within the Columbia Valley region, including within the existing Columbia Valley viticultural area, that is designated as ''Ancient Lake'' or ''Ancient Lakes.''

''Ancient Lakes'' is a name commonly used by local residents and businesses for the general region near the cluster of three lakes appearing on the Babcock Ridge map. The petitioners submitted a newspaper article, area maps, and printed documentation of online news articles that demonstrate such usage. The newspaper article concerned a geological tour of the Quincy Valley and listed one of the tour stops as the ''incised coulees of the Ancient Lakes area'' (''Geological touring,'' Quincy Valley Post-Register, September 10, 2005). An online news article on desert recreation in Washington State from the Web site of The Oregonian newspaper is titled ''Ancient Lakes provide water for wildlife in Washington's sagebrush desert'' (OregonLive.com, March 31, 2010). The Wenatchee Area Wine Trail Map denotes an area surrounding several wineries as the ''Ancient Lakes Area.'' Also, a vacation guide map of Grant County, Washington, designates a cluster of three lakes within the proposed viticultural area as ''Ancient Lakes.''

The petition also includes a series of letters submitted by county and State government officials, a Member of Congress, and businesses within the general region of the proposed viticultural area, and area winemakers that support both the establishment of the proposed viticultural area and the use of the Ancient Lakes name.

Boundary Evidence

The proposed Ancient Lakes of Columbia Valley viticultural area is located within a bowl-shaped formation known as the Quincy Basin, which lies within the larger Columbia Valley region of central Washington. Most of the proposed viticultural area is within Grant County, with small parts in Douglas and Kittitas Counties. The proposed Ancient Lakes of Columbia Valley viticultural area is 12 miles from east-to-west and 22 miles from north-to-south, according to USGS maps. The Columbia River forms the western portion of the proposed boundary line. The Babcock Bench and Babcock Ridge formations, which run north and south along the eastern side of the river within the proposed viticultural area, rise sharply before descending to the lower slopes of the basin floor. The Potholes Coulee, a distinctive feature within the proposed viticultural area, juts from the Babcock Bench into the floor of the Quincy Basin. The coulee consists of two parallel, steep-sided canyons running west to east, perpendicular to the Babcock Bench. When viewed from above, the coulee has a horseshoe shape, with the Babcock Bench forming the bottom of the horseshoe. The coulee is dotted with lakes, including the cluster of three lakes identified as Ancient Lake on the USGS Babcock Ridge map.

Two east-to-west mountain ranges, Beezley Hills and Frenchman Hills, define the respective northern and southern edges of the Quincy Basin. These ranges also form the north and south portions of the boundary line of the proposed Ancient Lakes of Columbia Valley viticultural area.

The USGS maps show that the eastern portion of the proposed boundary line closely follows the north-to-south Frenchman Hills Wasteway. TTB notes that the wasteway is a manmade irrigation canal. The proposed eastern boundary line is in the region where the Beezley Hills begin to curve to the north and the Frenchman Hills begin to curve to the south, pulling away from their basin-forming shape and marking the eastern edge of the Quincy Basin.

The western portion of the proposed boundary line follows the western shoreline of the Columbia River in Kittitas County. The mountainous landscape to the west of the Columbia River (outside of the proposed viticultural area) marks the western edge of the Quincy Basin. Much of the land to the west of the Columbia River outside of the proposed viticultural area is designated as a wildlife refuge by the Washington State Department of Game and Wildlife, and, according to the petitioners, is unlikely to be available for agricultural purposes.

Distinguishing Features

The distinguishing features of the proposed Ancient Lakes of Columbia Valley viticultural area are topography, soils, and climate.

Topography

The proposed viticultural area is located within a distinctive landform locally referred to as the Quincy Basin. The basin has elevations lower than the surrounding area and slopes gently to the east. As previously noted the foothills of the Beezley Mountains and the Frenchman Hills form the northern and southern portions of the proposed boundary. The foothills of the Beezley Hills within the proposed viticultural area start at around 1,300 feet near the town of Quincy and rise to around 1,600 feet at the northern portion of the proposed boundary line. In the foothills

of the Frenchman Hills, the elevations begin around at 1,200 feet within the proposed viticultural area and rise to 1,912 feet at the peak marked Columbia on the USGS Vantage map, near the southern portion of the proposed boundary line.

The floor of the basin comprises most of the proposed viticultural area and is much flatter than most of the surrounding region. The Babcock Bench, Babcock Ridge, and the Potholes Coulee provide the only significant elevation changes and slope gradients within the basin. The Babcock Bench begins as a narrow band of nearly flat land within the proposed viticultural area, with an elevation of 570 feet at the edge of the river, and quickly rises to the east to form a steep and rugged terrain. At about the 1,100-foot elevation, the slopes of the Babcock Bench become even steeper and higher, forming the Babcock Ridge, with elevations up to 1,586 feet. A map submitted with the petition shows slope gradients of 54 to 63 percent on the Babcock Ridge. The eastern slopes of Babcock Ridge are less steep than the western slopes, with slope gradients of approximately 27 percent, and descend to the lower elevations of the Quincy Basin floor. The highest elevation on the Potholes Coulee is a 1,328-foot peak on the rim. The three lakes identified as Ancient Lake on the USGS map have an elevation of 821 feet at water level, which is one of the lowest elevations in the coulee. The floor of the Quincy Basin has a nearly flat topography and slopes downward gently and gradually towards the east from the Potholes Coulee and Babcock Ridge, with a sloping gradient of less than 4 percent.

To the north of the proposed viticultural area, the slope gradient is much steeper and the elevations are much higher. The Beezley Hills rise from the foothills to an elevation of 2,882 feet at Monument Hill. Slope gradients in the hills range from 27 to 54 percent, much steeper than the floor of the Quincy Basin within the proposed viticultural area.

To the east of the proposed viticultural area, the topography is nearly flat, similar to the floor of the Quincy Basin within the proposed viticultural area. However, the slight elevations of the region to the east of the proposed viticultural area have mostly western-facing slopes, in contrast to the mostly eastern-facing slopes of the basin floor within the proposed viticultural area. The terrain east of the proposed viticultural area also develops an upward slope with a gradient of approximately 11 percent. The change in slope and the increase in gradient mark the eastern edge of the Quincy Basin.

To the south of the proposed viticultural area are the Frenchman Hills, which form the southern edge of the Quincy Basin. Outside of the proposed viticultural area, the elevations of the Frenchman Hills begin to descend from a height of around 1,740 feet, transitioning into the feature known as the Royal Slope. The Royal Slope descends to approximately 1,000 feet and has slope gradients ranging from 4 to 11 percent.

To the west of the Babcock Bench and Columbia River, beyond the boundary of the proposed viticultural area, the terrain is rugged and steep, with slope gradients of between 27 to 54 percent. Elevations in this region start at 580 feet along the banks of the Columbia River and quickly rise to 2,765 feet at a peak on the West Bar map.

Soils

The proposed Ancient Lakes of Columbia Valley viticultural area contains 65 soil types (United States Department of Agriculture-Natural Resources Conservation Service (USDA–NCRS), *http://datagateway.nrcs.usda.gov*), with the most common 17 soils within the proposed viticultural area covering 88 percent of the land surface. The Ancient Lakes region soils are classified as Aridisols, which were formed in arid conditions and have a low presence of organic matter. Soils with low levels of organic matter are important in viticulture because they release less nitrogen, resulting in less vigorous vine growth and a more favorable fruit-to-canopy ratio.

The petition includes two tables that describe the soil composition of the proposed Ancient Lakes of Columbia Valley viticultural area and the areas due north, east, south, and west. The first table lists the seven most common soil series in the proposed viticultural area and the percentage (and rank) of the series in areas due north, east, south, and west. The second table lists the top five soil series in the areas surrounding the proposed viticultural area. The tables show significant contrasts in soils within and outside of the proposed Ancient Lakes of Columbia Valley viticultural area.

Soil	Proposed viticultural area	North	East	South	West
Quincy fine sand	18.49 (1)	0.71 (40)	36.5 (1)	7.41 (5)	0
Warden very fine sandy loam	11.65 (2)	0.07 (92)	0.11 (20)	0.42 (26)	0
Taunton silt loam and loamy fine sand	9.91 (3)	0	7.75 (4)	9.76 (3)	0
Scoon silt loam	8.92 (4)	0	1.76 (11)	7.55 (4)	0
Shano silt loam	6.63 (5)	0	0	3.69 (9)	0
Sagehill very fine sandy loam	5.36 (6)	0	0.06 (22)	0.42 (25)	0
Adkins very fine sandy loam	3.36 (7)	0	0	4.76 (7)	0

Rank	North	East	South	West
1	Toler ashy fine sandy loam	Quincy fine sand	Pits	Shin very cobbly ashy loam.
2	Esquatzel silt loam	Malaga gravelly sandy loam	Taunton silt loam and loamy fine sand.	Argaback very cobbly loam.
3	Ritzville silt loam	Timmerman coarse sandy loam	Scoon silt loam	Jumpe stony ashy loam.
4	Argaback very cobbly loam	Taunton loamy fine sand	Quincy fine sand	Tekison stony loam.
5	Bagdad silt loam	Prosser very fine sandy loam	Adkins very fine sandy loam	Malaga stony sandy loam.

To the north of the proposed Ancient Lakes of Columbia Valley viticultural area, the five most common northern soils are all Mollisols, which have high levels of organic matter that can contribute to more vigorous vine growth than the Aridisoils of the proposed viticultural area. The most common northern soil series shows influence

from volcanic activity. Volcanic soils tend to have water repellant characteristics and provide irrigation challenges.

To the east, Quincy fine sand and Taunton loamy fine sand are two of the five most common soils, similar to the proposed Ancient Lakes of Columbia Valley viticultural area. However, there are fewer soil types to the east than within the proposed viticultural area, and a higher percentage of the soils to the east are sandy soils. Soils high in sand have lower water holding capacities than less sandy soils.

To the south, all of the seven most common soils in the Ancient Lakes region are present; however, these soils account for only 24.72 percent of the soil composition. Schawana complex soils, which are not present within the proposed viticultural area, are the most dominant in the area to the south of the proposed viticultural area, comprising 15.43 percent of the soils. Schawana complex soils are described as very weakly developed soils with very shallow depths that are not particularly well suited for viticulture.

The region to the west contains none of the seven most common soils found within the proposed viticultural area. Two of the most common soils to the west are of volcanic origin, as indicated by the presence of ash. These soils, like the volcanic soils to the north of the proposed viticultural area, have low water holding capacities. The most common soils to the west also contain large quantities of stones and cobbles, which also have low water holding capacity.

Climate

The petition provides climatic data for the proposed Ancient Lakes of Columbia Valley viticultural area and the surrounding areas, including annual precipitation averages in inches, growing degree day (GDD) units,[1] and the number of consecutive days during which GDD accumulation was not interrupted by a day when the temperature did not exceed 50 degrees Fahrenheit (F). A base temperature of 50 degrees F is used because that is the base temperature used for calculating growing degree days. TTB notes that a continuous span of GDD unit accumulation contributes to consistent grape growth and achieving maturity before the onset of freezing temperatures.

The table below was derived from the data contained in the petition. The petition uses long-term weather station data from the Quincy (within the proposed viticultural area), Wenatchee (to the north), and Moses Lake (to the east) sites; 2009–10 data from the Royal City West (to the south) site;[2] and 2007–2010 data from the Wenatchee Heights (to the west) site[3] (the Washington Agricultural Weather Network Version 2.0, WSU Prosser, *www.weather.wsu.edu*).

Location	Proposed viticultural area	North	East	South	West
Precipitation in inches	6.49	10	7	7.03	8.18
GDD units	2,570	2,640	2,551	2,784	2,169
Number of continuous GDD days	182	186	175	153	152

The data in the table above show that the climate within the proposed Ancient Lakes of Columbia Valley viticultural area is distinguishable from the climate in surrounding areas. The area to the north of the proposed viticultural area has more precipitation, more GDD units, and more continuous GDD unit days. The area to the east is cooler, as shown by fewer GDD units and a shorter period of GDD unit days. The area to the south has a greater fluctuation in growing season temperatures than the proposed viticultural area; although daytime temperatures climb high enough above 50 degrees F to achieve a high total number of GDD units, temperatures also drop below 50 degrees F frequently enough to result in a shorter number of continuous GDD unit days. The area to the west receives more precipitation than the proposed viticultural area and is cooler, with fewer GDD units and a shorter period of continuous GDD unit days.

Comparison of the Proposed Ancient Lakes of Columbia Valley to the Existing Columbia Valley Viticultural Area

The proposed Ancient Lakes of Columbia Valley viticultural area lies entirely within, and is approximately 0.01 percent the size of, the Columbia Valley viticultural area. The 11.6 million acre Columbia Valley viticultural area was established by T.D. ATF–190, which published in the **Federal Register** (49 FR 44895) on November 13, 1984. T.D. ATF–190 describes the Columbia Valley as a large, treeless basin surrounding the Yakima, Snake, and Columbia Rivers in portions of Washington and Oregon. The topography of the Columbia Valley viticultural area was described as a rolling terrain, cut by rivers and broken by long, sloping, basaltic, east-west uplifts. In addition, T.D. ATF–190 states that the Columbia Valley viticultural area is dominated by major rivers and has a long, dry growing season characterized by an average growing season of 150 days or more; 2,000 GDD units or more; and 15 inches of rainfall or less annually.

The information submitted in the petition shows that the smaller proposed Ancient Lakes of Columbia Valley viticultural area generally has a climate that fits within the climate range of the larger Columbia Valley viticultural area as described in T.D. ATF–190, with low annual precipitation, a growing season of 180 days, and 2,570 GDD units. However, TTB notes that the relatively uniform distinguishing features of the smaller proposed Ancient Lakes of Columbia Valley viticultural area contrast to the more varied topography, soils, and climate of the expansive Columbia Valley viticultural area.

Like the Columbia Valley viticultural area, the proposed Ancient Lakes of Columbia Valley viticultural area is also a basin, ringed by the steep slopes of the Beezley Hills, the Babcock Bench, and the Frenchman Hills. However, the Columbia Valley viticultural area is marked by three major rivers, whereas

[1] In the Winkler climatic classification system, annual heat accumulation during the growing season, measured in annual GDD, defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth (''General Viticulture,'' by Albert J. Winkler, University of California Press, 1974, pages 61–64.)

[2] According to the petitioner, the Royal City West weather station went online in December 2008. The data included in the tables is for the only two complete years available from that station.

[3] According to the petitioner, the Wenatchee Heights weather station data is only available from 2006. The data included in the tables is for the only four complete years available from that station.

the water features of the proposed Ancient Lakes of Columbia Valley viticultural area include many small lakes and two manmade irrigation canals; the only major river in the proposed Ancient Lakes of Columbia Valley viticultural area is the Columbia River, which forms the western portion of the proposed boundary line. Additionally, the soil information provided in the petition for the proposed Ancient Lakes of Columbia Valley viticultural area shows that although the soil types found within the proposed boundary are present to some extent in the surrounding areas, they do not occur with the same frequency as within the proposed viticultural area.

TTB Determination

TTB concludes that the petition to establish the 162,762-acre Ancient Lakes of Columbia Valley viticultural area merits consideration and public comment, as invited in this notice.

Boundary Description

See the narrative boundary description of the petitioned-for viticultural area in the proposed regulatory text published at the end of this notice.

Maps

The petitioner provided the required maps, and TTB lists them below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. If TTB establishes this proposed viticultural area, its name, ''Ancient Lakes of Columbia Valley,'' will be recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using ''Ancient Lakes of Columbia Valley'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the viticultural area's name as an appellation of origin.

On the other hand, TTB does not believe that any single part of the proposed viticultural area name standing alone, that is, ''Ancient Lakes'' or ''Columbia Valley,'' would have viticultural significance in relation to this proposed viticultural area because: (1) According to Geographic Names Information Service, the ''Ancient Lakes'' area name refers to locations in Oregon as well as Washington, so TTB believes that a determination of ''Ancient Lakes'' as a term of viticultural significance could lead to consumer and industry confusion and should be avoided; and (2) ''Columbia Valley,'' standing alone, is locally and nationally known as referring to the established Columbia Valley viticultural area (27 CFR 9.74), which is already a term of viticultural significance under 27 CFR 4.39(i)(3), which states that ''[a] name has viticultural significance * * * when approved as a viticultural area * * *.'' Therefore, the proposed part 9 regulatory text set forth in this document specifies only ''Ancient Lakes of Columbia Valley'' as a term of viticultural significance for purposes of part 4 of the TTB regulations.

For a wine to be eligible to use a viticultural area name as an appellation of origin or a term of viticultural significance in a brand name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or term, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible to use the viticultural area name as an appellation of origin and that name or other term of viticultural significance appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name or other term of viticultural significance appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing a viticultural area name or other term of viticultural significance that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed viticultural area. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, topography, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Ancient Lakes of Columbia Valley viticultural area's location within the existing Columbia Valley viticultural area, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed viticultural area sufficiently differentiates it from the existing Columbia Valley viticultural area. TTB is also interested in comments whether the geographic features of the proposed viticultural area are so distinguishable from the surrounding Columbia Valley viticultural area that the proposed Ancient Lakes of Columbia Valley viticultural area should no longer be part of that viticultural area. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Ancient Lakes of Columbia Valley viticultural area on wine labels that include the term ''Ancient Lakes of Columbia Valley'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed area name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed viticultural area will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the viticultural area.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2012–0003 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 128 on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab at the top of the page.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044–4412.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice

No. 128 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

If you are commenting on behalf of an association, business, or other entity, your comment must include the entity's name as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

On the Federal e-rulemaking portal, Regulations.gov, TTB will post, and you may view, copies of this notice, selected supporting materials, and any electronic or mailed comments TTB receives about this proposal. A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 128. You may also reach the docket containing this notice and the posted comments received on it through the Regulations.gov search page at *http://www.regulations.gov.*

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5″ x 11″ page. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

2. Subpart C is amended by adding § 9.____ to read as follows:

§ 9.____ Ancient Lakes of Columbia Valley.

(a) *Name.* The name of the viticultural area described in this section is ''Ancient Lakes of Columbia Valley''. For purposes of part 4 of this chapter, ''Ancient Lakes of Columbia Valley'' is a term of viticultural significance.

(b) *Approved maps.* The 12 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Ancient Lakes of Columbia Valley viticultural area are titled:

(1) West Bar, Washington, 1966;

(2) Rock Island Dam, Washington, 1966;

(3) Appledale, Washington, 1966, photoinspected 1976;

(4) Monument Hill, Washington—Grant County, 1966;

(5) Ephrata SW, Washington—Grant County, 1956;

(6) Winchester, Washington—Grant County, 1966;

(7) Winchester SW, Washington—Grant County, 1966, photorevised 1978;

(8) Royal City, Washington—Grant County, provisional edition 1986 (formerly named Smyrna);

(9) Beverly NE, Washington—Grant County, 1965;

(10) Vantage, Washington, 1965, photorevised 1978;

(11) Ginkgo, Washington, 1953, photorevised 1978; and

(12) Cape Horn SE, Washington, 1966, photoinspected 1975.

(c) *Boundary.* The Ancient Lakes of Columbia Valley viticultural area is located in Douglas, Grant, and Kittitas Counties in central Washington. The boundary of the Ancient Lakes of Columbia Valley viticultural area is as described below:

(1) The beginning point is on the West Bar map where the western shoreline of the Columbia River in Kittitas County intersects with the north boundary line of section 8, T20N/R22E. Proceed east along the section boundaries for approximately 4.35 miles, over the Columbia River and into Douglas County, to the intersection of the line with the Grant and Douglas Counties common boundary line (concurrent with the R22E and R23E common line) at the northwest corner of section 12, T20N/R22E; then

(2) Proceed north along the Grant and Douglas Counties common boundary line for approximately 2.25 miles, onto the Rock Island Dam map, to the northwest corner of section 31, T21N/R23E; then

(3) Proceed east in a straight line along the section boundaries for approximately 12.1 miles, over the Appledale and Monument Hills maps, onto the Ephrata SW map to the intersection of the line with the R24E and R25E common line at the northwest corner of section 36, T21N/R24E; then

(4) Proceed south along the R24E and R25E common line for approximately 22.5 miles, over the Winchester and Winchester SW maps, onto the Royal City map, passing over the West Canal and into the Frenchman Hills, to the southwest corner of section 12, T17N/R24E (concurrent with the intersection of the R24E and R25E common line and a single transmission line); then

(5) Proceed west in a straight line along the section boundaries (marked for 3 sections by the single transmission line) for approximately 4 miles, onto the Beverly NE map, to the southwest corner of section 9, T17N/R24E; then

(6) Proceed north in a straight line along the section boundary for approximately 1 mile to the northwest corner of section 9, T17N/R24E; then

(7) Proceed west in a straight line along the section boundaries for approximately 7.9 miles, onto the Vantage map, crossing over Interstate Route 90 and Columbia River, to the western shoreline of the Columbia River, at Hole in the Wall in Kittitas County, section 6, T17N/R23E; and then

(8) Proceed north along the western shoreline of the meandering Columbia River for approximately 23.3 miles, crossing over the Ginkgo and Cape Horn SE maps, onto the West Bar map, and returning to the beginning point.

Signed: April 30, 2012.

John J. Manfreda,

Administrator.

[FR Doc. 2012–11069 Filed 5–7–12; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 162

[Docket No. USCG–2011–1086]

RIN 1625–AB84

Inland Waterways Navigation Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the inland waterways navigation regulations. Specifically, this rule proposes to redefine the geographical points which currently demarcate an area of the Detroit River in which certain vessels are restricted to speeds not greater than 12 statute miles per hour (10.4 knots).

DATES: Comments and related materials must reach the Coast Guard on or before July 9, 2012.

ADDRESSES: You may submit comments identified by docket number USCG–2011–1086 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulations.gov.*

(2) *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.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed 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 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. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–1086), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them 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. We may change this proposed rule in view of them.

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* at any time. Enter the docket number for this rulemaking (USCG–2011–1086) in the ''Keyword'' box, and click ''Search.'' You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the U.S. Coast Guard Sector Detroit, 110 Mount Elliott Avenue, Detroit, MI 48207, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://DocketsInfo.dot.gov.*

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one 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

Recently, representatives from the Lake Carriers' Association, the Lakes Pilots Association, the International Shipmasters Association, and the Canadian Shipowners Association made a request of the Coast Guard regarding 33 CFR part 162. Particularly, these groups requested that the Coast Guard amend, via federal rulemaking, 33 CFR 162.138(a)(1)(ii), which requires vessels on the Detroit River north of the Detroit River Light to operate at no more than 12 statute miles per hour. In response to the request, the Coast Guard's Ninth District Commander, in consultation with the Captain of the Port, Sector Detroit, Windsor Port Authority, Transport Canada, and the Canadian Coast Guard, assessed the necessity and utility of the aforementioned regulatory provision and determined that the southern point of the restricted speed area in 33 CFR 162.138(a)(1)(ii) should

be relocated to a point approximately 2.5 statute miles to the north at the D33 stationary light.

The speed restriction in 33 CFR 162.138(a)(1)(ii) requires vessels on the Detroit River north of the Detroit River Light from operating at no more than 12 statute miles per hour. This restriction serves two purposes. First, it is intended to prevent collisions and groundings. (See 33 CFR 162.130(a)). Second, it is intended to limit wake damage to vessels and shore structures (see 60 FR 35701–01). Because the Detroit River Light is several miles into Lake Erie and because the channel between the Detroit River Light and the D33 stationary light is roughly twelve-hundred yards wide, the Ninth District Commander has determined that limiting speed south of the D33 stationary light is not necessary to prevent wake damage or to prevent collisions and groundings. Thus, 33 CFR 162.138(a)(1)(ii), as currently written, serves as an unnecessary restriction on vessel operations. Moreover, this unnecessary restriction is exacerbated by the fact that upbound vessels must decelerate well in advance of the Detroit River Light in order to attain the maximum speed at the light itself.

Discussion of Proposed Rule

Because the Ninth District Commander has determined that 33 CFR 162.138, as currently written, unnecessarily restricts vessel operations, this rule proposes to reduce the size of the restricted speed area currently delineated in 33 CFR 162.138(a)(1)(ii). In particular, this rule proposes to relocate the southern point of the restricted speed area from the Detroit River Light to the D33 stationary light.

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.

It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will not adversely affect 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. Rather, relocating the southern point of the restricted speed area delineated in 33 CFR 162.138 (a)(1)(ii) will lessen restrictions on the public and on private industry.

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 will affect the following entities, some of which might be small entities: the owners and operators of vessels intending to transit between the Detroit River Light and the D33 stationary.

The proposed relocation of the southern point of the restricted speed area delineated in 33 CFR 162.138 (a)(1)(ii) will not have a significant economic impact on a substantial number of small entities for the following reason: This proposed amendment will lessen navigation restrictions on the public and private industry.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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 process. If this proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Adrian Palomeque, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9508, email *Adrian.F.palomeque@uscg.mil*. The Coast Guard will not retaliate against small entities that question or object to 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 expenditure, we do discuss the effects of this proposed 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 proposed 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 Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 023–01, 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 that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves amendments to navigation regulations and thus, is categorically excluded under paragraph 34(i) of the Commandant Instruction. A preliminary Categorical Exclusion Determination (CED) and a preliminary environmental analysis checklist are available in the docket where indicated under **ADDRESSES**.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects 33 CFR Part 162

Navigation (water), Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 162 as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; Department of Homeland Security Delegation No. 0170.1.

§ 162.138 [Amended]

2. In § 162.138(a)(1)(ii), remove the words ''Detroit River Light'' and in their place add the words ''D33 stationary light in the Detroit River entrance''.

Dated: April 18, 2012.

M.N. Parks,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2012–11016 Filed 5–7–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AN12

Schedule for Rating Disabilities; The Digestive System; Withdrawal

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Veterans Affairs (VA) hereby withdraws a proposed rule published in the **Federal Register** on July 5, 2011, that was intended to amend the Schedule for Rating Disabilities; The Digestive System. VA has determined, after conducting extensive medical research, the existence of new medical advances that more accurately and comprehensively address the current medical criteria, terminology, and science related to the digestive system. Therefore, the proposed rule is in part based upon outdated and partially incomplete or irrelevant information.

DATES: The proposed rule, published on July 5, 2011, at 76 FR 39160 is withdrawn as of May 8, 2012.

ADDRESSES: The docket for this withdrawn rulemaking is available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number). In addition, this docket may be viewed online through the Federal Docket Management System at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah W. Fusina, Regulations Staff (211D), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–9700. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 2, 1991, VA published an advance notice of proposed rulemaking in the **Federal Register** (56 FR 20168), notifying the public of VA's intent to revise and update the Schedule for Rating Disabilities (VASRD) that addresses the digestive system. A proposed rule, titled Schedule for Rating Disabilities; The Digestive System, was published in the **Federal Register** on July 5, 2011 (76 FR 39160), with the purpose of eliminating ambiguities in the prior Schedule for Rating Disabilities by including medical conditions missing from the current rating schedule and implementing current medical criteria and terminology that reflect recent medical advances. Since that time, however, VA has continued to conduct a comprehensive review of the VASRD that pertains to the digestive system, to include review by senior gastroenterologists and academicians from leading VA and non-VA medical centers. The current review of the Digestive System portion of the VASRD is in an advanced stage and nearing conclusion.

VA's ongoing review has identified several aspects of the proposed rule that can be revised and improved to better reflect the numerous modern advances in the field of gastroenterology that have greatly altered the landscape of treatment, diagnosis, and effect of diseases associated with the digestive system. The chapters on hepatic and gallbladder diseases must be updated to reflect such developments. For example, the schedule must reflect contemporary

understandings and management of such common conditions as inflammatory bowel disease and peptic ulcer disease, and recognize the relationship of irritable bowel syndrome to bacterial, viral, or parasitic disease. Furthermore, advancements in medicine and science have developed modern scoring and evaluation techniques to assess the level of severity of gastroenterological conditions, including cirrhosis and, in particular, rectum and anal impairment of sphincter control.

VA has determined that the proposed revision of the VASRD provisions concerning the Digestive System should take account of the information and considerations identified through VA's ongoing review of that system. Accordingly, VA is withdrawing the proposed rule published on July 5, 2011. VA will issue a new proposed rule to address revisions to the VASRD for the Digestive System and provide the opportunity for comment on the new rulemaking through the Notice of Proposed Rulemaking process.

For these reasons, VA hereby withdraws proposed rule RIN 2900–AN12.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on April 24, 2012, for publication.

Dated: May 3, 2012.

Robert C. McFetridge,

Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2012–11035 Filed 5–7–12; 8:45 am]

BILLING CODE 8230–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2011–0112; 4500030114]

RIN 1018–AX69

Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Northern Spotted Owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of public comment period; announcement of public meetings and public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), recently published a proposal to revise the designated critical habitat for the northern spotted owl (*Strix occidentalis caurina*), and announced the opening of a public comment period on the proposed revised rule through June 6, 2012. We now extend the public comment period to July 6, 2012. We are extending the public comment period to allow all interested parties an opportunity to comment simultaneously on the proposed revised rule and the soon-to-be-released draft economic analysis and draft environmental assessment on the proposed rule. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule. We also announce a public hearing and public information meetings on our proposed revised rule and associated documents.

DATES: *Written Comments:* The public comment period on the proposal to revise critical habitat for the northern spotted owl is extended to July 6, 2012. Please note comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. If you are submitting your comments by hard copy, please mail them by July 6, 2012, to ensure that we receive them in time to give them full consideration.

Public Information Meetings: We will hold five public information meetings at the following locations and times:

- Redding, California, on June 4, 2012, from 3 p.m. to 5 p.m., and from 6 p.m. to 8 p.m.;
- Tacoma, Washington, on June 12, 2012, from 3 p.m. to 5 p.m., and from 6 p.m. to 8 p.m.;
- Portland, Oregon, on June 20, 2012, from 2 p.m. to 4 p.m. This meeting will precede the public hearing at the same location and on the same date.

Public Hearing: We will hold a public hearing in Portland, Oregon, on Wednesday, June 20, 2012, from 6 p.m. to 8 p.m.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Search for Docket No. FWS–R1–ES–2011–0112, which is the docket number for this rulemaking, and follow the directions for submitting a comment.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R1–ES–2011–0112; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

(3) *At public information meetings or the public hearing:* Written comments will be accepted by Service personnel at any of the five scheduled public meetings or the public hearing. We will post all comments received on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Public Hearing: We will hold the public hearing in Room C–120 at the Oregon Convention Center, 777 NE Martin Luther King Blvd., Portland, Oregon; 503–235–7575.

Public Meetings: Public information meetings will be held at:

- University of Washington, Tacoma Campus, 1900 Commerce St., Jane Russell Commons, Tacoma, Washington; 253–692–4306;
- Redding Convention Center, 700 Auditorium Drive Redding, California 96001; 530–229–0036;
- Oregon Convention Center, Room C–120, 777 NE Martin Luther King Blvd., Portland, Oregon; 503–235–7575.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, Oregon 97266; telephone 503–231–6179; facsimile 503–231–6195. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Publication of Proposal To Revise Critical Habitat

The U.S. Fish and Wildlife Service (Service) has proposed to revise the designated critical habitat for the northern spotted owl (*Strix occidentalis caurina*) under the Endangered Species Act of 1973, as amended (Act). The proposed rule was published in the **Federal Register** on March 8, 2012 (77 FR 14062), and is available online at *www.regulations.gov* and at *http://www.gpo.gov/fdsys/pkg/FR-2012-03-08/pdf/2012-5042.pdf.* Consistent with the best scientific data available, the standards of the Act, and our regulations, we have initially identified, for public comment, approximately 13,962,449 acres (ac) (5,649,660 hectares (ha)) in 11 units and 63 subunits in California, Oregon, and Washington that

meet the definition of critical habitat. In addition, the Act provides the Secretary with the discretion to exclude certain areas from the final designation after taking into consideration economic impacts, impacts on national security, and any other relevant impacts of specifying any particular area as critical habitat. We have identified, and are considering, a number of specific alternatives in this proposed rulemaking based on potential exclusions from the final rule. First, of the total area identified, we propose to exclude from the final designation approximately 2,631,736 ac (1,065,026 ha) of National Park lands, Federal Wilderness Areas, and other Congressionally reserved natural areas, as well as 164,776 ac (66,682 ha) of State Park lands. Second, we propose to exclude from a final designation approximately 936,816 ac (379,116 ha) of State and private lands that have a Habitat Conservation Plan, Safe Harbor Agreement, conservation easement, or similar conservation protection. And third, we are considering exclusion of an additional 838,344 ac (339,266 ha) of other non-Federal lands from the final designation.

These specific alternatives will be considered on an individual basis or in any combination thereof. In addition, the final designation may not be limited to these alternatives, but may also consider other exclusions as a result of continuing analysis of relevant considerations (scientific, economic, and other relevant factors, as required by the Act) and the public comment process. In particular, we solicit comments from the public on the physical and biological features currently identified in this proposal as being essential for the conservation of the species, whether all of the areas identified meet the definition of critical habitat, whether other areas would meet that definition, whether to make the specific exclusions we have proposed, and whether there are other areas that are appropriate for exclusion.

Forthcoming Publication of the Draft Economic Analysis and Draft Environmental Assessment

We are preparing an economic analysis to assess the economic impacts of the proposed critical habitat and related factors, as required in section 4(b)(2) of the Act. In addition, we are preparing, at our discretion, an environmental assessment under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* We anticipate announcing the availability of both of these documents in the **Federal Register** and on our Web site (*http://www.fws.gov/oregonfwo/*—click on the link ''Spotted Owl Main Information Site'') on or about May 24, 2012. At that time we will seek public review and comment. Copies of the draft economic analysis and draft environmental assessment will be available for downloading from our Web site (*http://www.fws.gov/oregonfwo/*—click on the link ''Spotted Owl Main Information Site'') or by contacting the Oregon Fish and Wildlife Office directly (see **FOR FURTHER INFORMATION CONTACT** section). In addition, the draft economic analysis and draft environmental assessment will be available for downloading from the Internet at *http://www.regulations.gov* (see **ADDRESSES,** above). During the development of a final designation, we will consider economic and other relevant impacts, public comments, and other new information, as well as areas that may be excluded from the final critical habitat designation under section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19.

Public Comment

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

(1) Specific information regarding:

(a) The amount and distribution of northern spotted owl habitat;

(b) What areas were occupied at the time of listing and contain features essential to the conservation of the species such that they should be included in the designation and why;

(c) Whether these essential features may require special management considerations or protection and what special management considerations or protection may be needed in critical habitat areas we are proposing;

(d) What areas not occupied at the time of listing are essential for the conservation of the species and why;

(e) Whether we have identified any areas occupied at the time of listing, but that do not contain features essential to the conservation of the species, and that therefore should not be included in the designation; and

(f) Whether we have identified any areas that may not have been occupied at the time of listing and that are not essential to the conservation of the species, such that they should not be included in the designation.

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

(3) Our proposed approach to effects determinations for the purposes of conducting consultation under section 7(a)(2) of the Act, in particular the application of a 500-ac (200-ha) scale as a screen for a determination of not likely to adversely affect, as described in the section ''Determinations of Adverse Effects and Application of the 'Adverse Modification' Standard.''

(4) Assistance in the identification of any private lands that are not expressly identified as intended for inclusion within critical habitat and that may have inadvertently been included within the designation, due to mapping and modeling limitations, as described in the section ''Proposed Revised Critical Habitat Designation.''

(5) Information on the potential impacts of climate change on the northern spotted owl and proposed critical habitat, and whether special management needs or protections may be needed to address this issue in the critical habitat areas we are proposing.

(6) Any probable economic, national security, or other relevant impacts of designating any area as critical habitat, and in particular, any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts. We particularly request information and comments on what activities may occur and the effects to those activities in the proposed revised critical habitat areas. Such information could include:

(a) The extent of possible activities, including temporal and spatial scale, relative to the critical habitat area within which they occur.

(b) The impact of possible activities on the habitat's likelihood of serving its intended conservation function or purpose.

(c) The consistency of possible activities with the intent of the Revised Recovery Plan for the Northern Spotted Owl or other landscape-level conservation plans.

(7) Whether the benefits of excluding the private and State lands with active conservation agreements (HCPs, SHAs, and other formal agreements) and Congressionally reserved natural areas (e.g., wilderness areas, national scenic areas, national parks) that are proposed for exclusion outweigh the benefits of including them in critical habitat.

(8) Whether the benefits of excluding any other particular area from critical habitat outweigh the benefits of including that area in critical habitat under section 4(b)(2) of the Act, after

considering both the potential impacts and benefits of the proposed revised critical habitat designation. We are considering the possible exclusion of non-Federal lands, especially areas in private ownership, in particular, and whether the benefits of exclusion may outweigh the benefits of inclusion of those areas. We, therefore, request specific information on:

(a) The benefits of including any specific areas in the final designation and supporting rationale.

(b) The benefits of excluding any specific areas from the final designation and supporting rationale.

(c) Whether any specific exclusions may result in the extinction of the species and why.

(d) For private lands in particular, we are interested in information regarding the potential benefits of including private lands in critical habitat versus the benefits of excluding such lands from critical habitat. This information does not need to include a detailed technical analysis of the potential effects of designated critical habitat on private property. In weighing the potential benefits of exclusion versus inclusion of private lands, the Service may consider whether existing partnership agreements provide for the management of spotted owl habitat. We may consider, for example, the status of conservation efforts, the effectiveness of any conservation agreements to conserve the species, and the likelihood of the conservation agreement's future implementation. There may be broad public benefits of encouraging collaborative efforts and encouraging local and private conservation efforts, and these broad benefits are important considerations in our evaluation.

(9) Our process used for identifying those areas that meet the definition of critical habitat for the northern spotted owl, including the assumptions incorporated into the habitat modeling process, as described more fully in the section ''Criteria Used to Identify Critical Habitat'' and also in our supporting documentation (Dunk *et al.* 2012).

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

(11) Specific information on ways to improve the clarity of this rule as it pertains to completion of consultations under section 7 of the Act.

Our final determination concerning revised critical habitat for the northern spotted owl will take into consideration all written comments we receive during all comment periods, comments from peer reviewers, comments received during the public meetings, comments and public testimony received during the public hearing, and any additional information we receive in response to the forthcoming notice of availability of the draft economic analysis and draft environmental assessment. The comments will be included in the public record for this rulemaking, and we will fully consider them in the preparation of our final determination. On the basis of peer reviewer and public comments, as well as any new information we may receive, we may, during the development of our final determination, find that areas within the proposed designation do not meet the definition of critical habitat, that some modifications to the described boundaries are appropriate, or that areas may or may not be appropriate for exclusion under section 4(b)(2) of the Act.

If you previously submitted comments or information on this proposed rule, please do not resubmit them. We will incorporate them into the public record as part of this comment period, and will fully consider them in the preparation of our final determination.

You may submit your written comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. Verbal testimony may also be presented during the public hearing (see **DATES** and **ADDRESSES** sections). We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov*. If you submit your comment via U.S. mail, you may request at the top of your document that we withhold personal information such as your street address, phone number, or email address from public review; however, we cannot guarantee that we will be able to do so.

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

Public Information Meetings and Public Hearing

We are holding five public information meetings and one public hearing on the dates listed in the **DATES** section at the locations listed in the **ADDRESSES** section. We are holding the public hearing to provide interested parties an opportunity to present verbal testimony (formal, oral comments) or written comments regarding the proposed critical habitat designation and the soon-to-be-released associated draft economic analysis and draft environmental assessment. A formal public hearing is not, however, an opportunity for dialogue with the Service or its contractors; it is only a forum for accepting formal verbal testimony. In contrast to the hearing, the public information meetings allow the public the opportunity to interact with Service staff and contractors, who will be available to provide information and address questions on the proposed rule and its associated assessments. We cannot accept verbal testimony at any of the public information meetings; verbal testimony can only be accepted at the public hearing. Anyone wishing to make an oral statement at the public hearing for the record is encouraged to provide a written copy of their statement to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Speakers can sign up at the hearing if they desire to make an oral statement. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us.

Persons with disabilities needing reasonable accommodations to participate in the public hearing or public meetings should contact Paul Henson, Field Supervisor, Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). Reasonable accommodation requests should be received at least 3 business days prior to the meeting or hearing to help ensure availability; at least 2 weeks prior notice is requested for American sign language or English as a second language interpreter needs.

Authors

The primary authors of this notice are the staff of the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service.

Authority

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

Dated: May 1, 2012.

Rachel Jacobson,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2012–11059 Filed 5–7–12; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 77, No. 89

Tuesday, May 8, 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

Office of the Secretary

Request for Nominations of Members for the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces the solicitation for nominations to fill 9 vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board.

DATES: All nomination materials should be mailed in a single, complete package and postmarked by June 29, 2012.

ADDRESSES: All nomination packages must be sent to: Thomas Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, Attn: NAREEE Advisory Board.

FOR FURTHER INFORMATION CONTACT: J. Robert Burk, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, 1400 Independence Avenue SW., Room 3870, South Building, Washington, DC 20250–2255, telephone: 202–720–3684; fax: 202–720–6199; email: *Robert.Burk@usda.gov*.

SUPPLEMENTARY INFORMATION: Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) was amended by the Farm Security and Rural Investment Act of 2008 by deleting six members to the National Agricultural Research, Extension, Education, and Economics Advisory Board, which totals 25 members. Since the Advisory Board's inception by congressional legislation in 1996, each member has represented a specific category related to farming or ranching, food production and processing, forestry research, crop and animal science, land-grant institutions, non-land grant college or university with a historic commitment to research in the food and agricultural sciences, food retailing and marketing, rural economic development, and natural resource and consumer interest groups, among many others. The Board was first appointed by the Secretary of Agriculture in September 1996 and one-third of its members were appointed for a one, two, and three-year term, respectively. The terms for 9 members who represent specific categories will expire September 30, 2012. Nominations for a 3-year appointment for these 9 vacant categories are sought. All nominees will be carefully reviewed for their expertise, leadership, and relevance to a category.

The 9 slots to be filled are:

Category A. National Farm Organization;
Category C. Food Animal Commodity Producer;
Category I. National Human Health Association;
Category N. Non-Land Grant College or University w/historic commitment to research in food and agricultural sciences;
Category O. Hispanic-serving Institutions;
Category Q. Transportation of Food and Agricultural Products to domestic and foreign markets;
Category R. Food Retailing and Marketing Interests;
Category S. Food and Fiber Processors;
Category X. Private Sector Organization involved in International Development.

Individuals and organizations who wish to nominate experts for this or any other USDA advisory committee should submit a letter to the Secretary listing these individuals' names and business address, phone, and email contact information. These individuals may be contacted now or in the future to determine their interest in serving as a committee member.

Candidates who wish to be considered for membership on the National Agricultural Research, Extension, Education, and Economics Advisory Board should submit an AD–755 application form and resume to the Secretary of Agriculture. Cover letters should be addressed to the Secretary of Agriculture. The application form and more information about advisory committees can be found at *www.usda.gov/advisory_committees.xml*.

Nominations for one individual who fits several of the categories listed above, or for more than one person who fits one category, will be accepted. In your nomination letter, please indicate the specific membership category for each nominee. Each nominee must fill out a form AD–755, ''Advisory Committee Membership Background Information.'' All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Advisory Board take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Appointments to the National Agricultural Research, Extension, Education, and Economics Advisory Board will be made by the Secretary of Agriculture.

Done at Washington, DC, this 30 day of April 2012.

Ann Bartuska,

Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 2012–11044 Filed 5–7–12; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan-Misty Fiords Ranger District; Tongass National Forest; Alaska; Saddle Lakes Timber Sale Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Forest Service, U.S. Department of Agriculture will prepare an Environmental Impact Statement (EIS) on a proposal to construct roads and harvest timber in the Saddle Lakes

area of Revillagigedo Island, Ketchikan-Misty Fiords Ranger District, Tongass National Forest. The proposed action would harvest almost 33 million board feet (MMBF) of timber on about 2,613 acres and would construct up to 19 miles of road.

DATES: Comments concerning this project should be received by June 7, 2012. Additional opportunity for formal comments will be accepted after release of the Draft Environmental Impact Statement, which is expected to be published in January 2013.

ADDRESSES: Send or hand-deliver written comments to the Ketchikan-Misty Fiords Ranger District, Attn: Saddle Lakes Timber Sale, 3031 Tongass Avenue, Ketchikan, Alaska 99901; telephone (907) 225–2148. The FAX number is (907) 225–8738. Comments may be sent via email to: *comments-alaska-tongass-ketchikan-mistyfiord@fs.fed.us* with Saddle Lakes on the subject line. In all correspondence, please include your name, address, and organization name if you are commenting as a representative of an organization.

FOR FURTHER INFORMATION CONTACT: Jeff DeFreest, District Ranger, Ketchikan-Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901, telephone (907) 228–4100; or Rob Reeck, Planning Staff Officer, telephone (907) 228–4114, or Linda Pulliam, Interdisciplinary Team Leader, telephone (907) 228–4124, also at the Ketchikan-Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This EIS will tier to the 2008 Tongass Land and Resource Management Plan Final EIS. The project area is administered by the Ketchikan-Misty Fiords Ranger District of the Tongass National Forest, Ketchikan, Alaska and occurs in Value Comparison Units (VCUs) 746, 747, and 753 between George and Carroll Inlets.

The project area is located about 14 miles northeast of Ketchikan, Alaska, on Revillagigedo Island. Portions of the North Revilla (526) and Carroll (535) Inventoried Roadless Areas lie within the project area. Land Use Designations (LUDs) for the 38,460 acre project area include Timber Production (15,328 acres), Modified Landscape (16,062 acres), Old-Growth Habitat (3,566 acres), and Non-National Forest Land (3,505 acres).

Purpose and Need for Action

The purpose of the Saddle Lakes Project is to respond to the goals and objectives identified by the Forest Plan to guide timber management to support the local and regional economies of Southeast Alaska, while moving the project area towards the desired conditions of the Forest Plan, and to facilitate the transition to a sustainable wood product industry based on young-growth managment.

The underlying need for the Saddle Lakes Project comes from the Forest Service's obligation, subject to appropriations, applicable law, and to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, to seek to provide a supply of timber from the Tongass that meets market demand annually and for the planning cycle.

This project is essential to provide an orderly flow of timber to large and small timber purchasers, mill operators, and value-added wood product industries in Southeast Alaska who contribute to the local and regional economies. The project will help provide a reliable supply of timber that will support local jobs and facilitate a sustainable wood product industry.

Proposed Action

The proposed action would harvest almost 33 MMBF of timber on about 2,613 acres and would construct up to 19 miles of road, with around 9.3 miles of National Forest system and 9.2 miles of temporary (non-system) road. All new road construction would be closed to motorized use after timber harvest. Existing log transfer facilities at Shelter Cove and Coon Cove could be used.

The proposed action would not harvest timber or construct roads in inventoried roadless areas. Harvest would include helicopter, ground based, and cable yarding systems, and include even-aged and uneven-aged harvest prescriptions. All proposed activities would meet the standards and guidelines of the Forest Plan.

Possible Alternatives

Scoping comments will be used by the Forest Service to develop a range of alternatives in response to significant issues that are identified. A no-action alternative will be analyzed during the alternative process.

Responsible Official

The responsible official for the decision on this project is Forrest Cole, Forest Supervisor, Tongass National Forest, Federal Building, 648 Mission Street, Ketchikan, Alaska 99901.

Nature of Decision To Be Made

The responsible official will decide: (1) The estimated timber volume to make available from the project, as well as the location, design, and scheduling of timber harvest, road construction and reconstruction, and silvicultural practices used; (2) access management measures; (3) mitigation measures and monitoring requirements; and (4) whether there may be a significant restriction on subsistence uses.

Preliminary Issues

Preliminary concerns identified by the interdisciplinary team include (1) Designing an economical timber sale; (2) designing the timber sale to meet the scenic integrity objectives for visual priority routes; (3) the effects of timber harvest and road construction on wildlife habitat and travel corridors, and (4) designing the timber sale to avoid, minimize, or mitgate effects to rare and sensitive plants.

Permits or Licenses Required

All necessary permits will be obtained prior to project implementation, and may include the following:

(1) State of Alaska, Department of Environmental Conservation (DEC), Alaska Pollutant Discharge Elimination System (APDES):

- General permit for Log Transfer Facilities in Alaska;
- Review Spill Prevention Control and Countermeasure Plan;
- Certification of Compliance with Alaska Water Quality Standards (401 Certification) Chapter 20;
- Storm Water Discharge Permit/ National Pollutant Discharge Elimination System review (Section 402 of the Clean Water Act);
- Solid Waste Disposal Permit;

(2) U.S. Army Corps of Engineers:

- Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
- Approval of the construction of structures or work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899;

(3) State of Alaska, Division of Natural Resources (DNR):

- Authorization for occupancy and use of tidelands and submerged lands.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. The Forest Service will be seeking information, comments, and assistance from Tribal Governments, Federal, State, and local agencies, individuals and organizations interested in, or affected by the

proposed activities. In addition to this Notice of Intent, legal notices and display ads will be placed in the *Ketchikan Daily News.* The *Ketchikan Daily News* is the official newspaper of record for this project. A scoping document was mailed May 2, 2012 and will be posted on the Tongass National Forest public Web site at *http://www.fs.fed.us/r10/tongass/projects/projects*. Individuals who want to be placed on the project mailing list should contact the Ketchikan-Misty Fiords Ranger District at the address above.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments, including names and addresses of those who comment, will be part of the public record for this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered, however anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

Dated: April 26, 2012.

Forrest Cole,

Forest Supervisor, Tongass National Forest.

[FR Doc. 2012–10989 Filed 5–7–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

Correction

In notice document 2012–10614 appearing on pages 26241–26245 the issue of Thursday, May 3, 2012 make the following correction:

On page 26244, in the second column, in the second full paragraph, ''F. Deadlines'', in the third line, ''June 7, 2012'' should read ''June 18, 2012''.

[FR Doc. C1–2012–10614 Filed 5–7–12; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Distance Learning and Telemedicine Grant Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Funding for FY 2012 of the Distance Learning and Telemedicine Grant Program.

SUMMARY: The Rural Utilities Service (RUS) is providing notice of Fiscal Year 2012 awards for its Distance Learning and Telemedicine (DLT) Grant Program. For Fiscal Year 2012, $15 million in grants will be awarded to the top scoring applications in rank order for the national competition announced in the **Federal Register** on February 24, 2011 (Vol. 76, No. 37). Therefore, applications for DLT grant funds will not be solicited in FY 2012. Many of the applications submitted under the aforementioned Notice, which have been evaluated and scored, represent exemplary projects in their use of telecommunications, computer networks, and related advanced technologies to encourage and improve telemedicine services and distance learning services in rural areas. Only a limited number of these projects, however, could be funded with appropriated FY 2011 funds. The $15 million appropriated in Fiscal Year 2012 will be awarded to fund the highest scoring of these remaining projects according to their ranking position in the 2011 competition. RUS will notify the public when it will be taking new applications

DATES: Upon publication, successful grant applicants will be notified in writing.

FOR FURTHER INFORMATION CONTACT: David J. Villano, Assistant Administrator, Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1590, Room 5151, Washington, DC 20250–1590. Telephone number (202) 720–9554

SUPPLEMENTARY INFORMATION: On February 24, 2011, the Rural Utilities Service published a Notice of Solicitation of Applications (NOSA) and Grant Application Deadlines of its Distance Learning and Telemedicine (DLT) grant program, which also established the application window for Fiscal Year (FY) 2011 subject to the availability of funding.

In response to the NOSA, RUS received 211 applications with requests totaling $60,002,789. As part of a national competition, RUS reviewed each project's eligibility, and scored the applications according to factors of rurality, National School Lunch Program statistics, need for services, innovativeness, cost effectiveness and percentage of matching funds committed. On December 8, 2011 Secretary of Agriculture Tom Vilsack announced the 100 highest scoring projects which would receive the 2011 funding.

From the initial response to the February 24, 2011 NOSA, RUS has on-hand eligible applications with requests totaling more than the $15 million appropriations received for Fiscal Year 2012. These remaining unfunded FY 2011 proposals have fulfilled the requirements and stated objectives of the DLT Program, and represent imminently needed technology in their rural communities. RUS will utilize its FY 2012 appropriation by funding these top scoring projects in rank order that were submitted and scored in accordance with the February 24, 2011 NOSA.

This will eliminate the burden of these applicants in updating their project, and going through the process of reapplying. Announcement of the grant awards made in accordance with this notice utilizing 2012 Appropriations will be made at a later date and announced on the USDA Web site at *www.usda.gov*.

Dated: March 26, 2012.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2012–11045 Filed 5–7–12; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant and Loan Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service (RUS) announces its Revolving Fund Program (RFP) application window for Fiscal Year (FY) 2012. In addition to announcing the application window, RUS announces the available funding of $497,000 and maximum amounts for RFP competitive grants for the fiscal year.

The RFP is authorized under section 306(a)(2)(B) of the Consolidated Farm and Rural Development Act (Con Act), 7 U.S.C. 1926 (a)(2)(B). Under the RFP, qualified private, non-profit organizations receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be the same entities eligible, under paragraph 1 or 2 of Section 306(a) of the Con Act, 7 U.S.C. 1926(1) or (2), to obtain a loan,

loan guarantee, or grant from the RUS Water, Waste Disposal and Wastewater loan and grant programs.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must be postmarked and mailed, shipped, or sent overnight no later than June 7, 2012 to be eligible for FY 2012 grant funding. Late or incomplete applications will not be eligible for FY 2012 grant funding.
- Electronic copies must be received by June 7, 2012 to be eligible for FY 2012 grant funding. Late or incomplete applications will not be eligible for FY 2012 grant funding.

ADDRESSES: You may obtain application guides and materials for the RFP program at the Water and Environmental Programs (WEP) Web site: *http://www.rurdev.usda.gov/UWP-revolvingfund.html*. You may also request application guides and materials by contacting Joyce M. Taylor at (202) 720–0499.

Submit completed paper applications for RFP grants to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 2233, STOP 1570, Washington, DC 20250–1570. Applications should be marked Attention: Joyce M. Taylor, Water and Environmental Programs.

Submit electronic grant applications at *http://www.grants.gov* (Grants.gov) and follow the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Joyce M. Taylor, Community Programs Specialist, Water Programs Division, U.S. Department of Agriculture, Rural Utilities Service, STOP 1570, Room 2233–S, 1400 Independence Ave. SW., Washington, DC 20250–1570; telephone: (202) 720–9589, fax: (202) 690–0649.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Grant Program to Establish a Fund for Financing Water and Wastewater Projects (Revolving Fund Program (RFP)).

Announcement Type: Funding Level Announcement, and Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.864.

Due Date for Applications: Applications must be mailed, shipped or submitted electronically through Grants.gov no later than June 7, 2012 to be eligible for FY 2012 grant funding.

Items in Supplementary Information

I. Funding Opportunity: Brief introduction to the RFP.
II. Award Information: Available funds, maximum amounts $497,000.
III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.
IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.
V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.
VI. Award Administration Information: Award notice information, award recipient reporting requirements.
VII. Agency Contacts: Web, phone, fax, email, contact name.

I. Funding Opportunity

Drinking water systems are basic and vital to both health and economic development. With dependable water facilities, rural communities can attract families and businesses that will invest in the community and improve the quality of life for all residents. Without dependable water facilities, the communities cannot sustain economic development.

RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans. It supports the sound development of rural communities and the growth of our economy without endangering the environment.

The Revolving Fund Program (RFP) has been established to assist communities with water or wastewater systems. Qualified private, non-profit organizations, who are selected for funding, will receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be the same entities eligible to obtain a loan, loan guarantee, or grant from the Water and Waste Disposal loan and grant programs administered by RUS, under 7 U.S.C. 1926(a)(1) and (2). As grant recipients, the non-profit organizations will set up a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems. The amount of financing to an eligible entity shall not exceed $100,000.00 and shall be repaid in a term not to exceed 10 years. The rate shall be determined in the approved grant work plan.

II. Award Information

Available funds: Rural Development is making available $497,000 for competitive grants in FY 2012.

III. Eligibility Information

A. Who is eligible to apply?

An applicant is eligible to apply for the RFP grant if it:

1. Is a private, non-profit organization;
2. Is legally established and located within one of the following:
(a) A state within the United States;
(b) The District of Columbia;
(c) The Commonwealth of Puerto Rico; or
(d) A United States territory;
3. Has the legal capacity and authority to carry out the grant purpose;
4. Has a proven record of successfully operating a revolving loan fund to rural areas;
5. Has capitalization acceptable to the Agency, and is composed of at least 51 percent of the outstanding interest or membership being citizens of the United States or individuals who reside in the United States after being legally admitted for permanent residence;
6. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt;
7. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements;
8. Corporations that have been convicted of a felony (or had an officer or agency acting on behalf of the corporation convicted of a felony) within the past 24 months are not eligible. Any Corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability is not eligible.

B. What are the basic eligibility requirements for a project?

1. The following activities are authorized under the RFP statute:
(a) Grant funds must be used to capitalize a revolving fund program for the purpose of providing direct loan financing to eligible entities for pre-development costs associated with proposed or with existing water and wastewater systems, or,
(b) Short-term costs incurred for equipment replacement, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

2. Grant funds may not be used to pay any of the following:

(a) Payment of the Grant Recipient's administrative costs or expenses, or,

(b) Delinquent debt owed to the Federal Government.

IV. Application and Submission Information

A. *The Grant Application Guide, Copies of Necessary Forms and Samples, and the RFP Regulation are Available from these Sources:*

1. The Internet: *http://www.rurdev.usda.gov/UWP-revolvingfund.html* or *http://www.grants.gov*.

2. For paper copies of these materials, you may call (202) 720–9589.

B. *You May File an Application in Either Paper or Electronic Format.*

Whether you file a paper or an electronic application, you will need a DUNS number.

1. DUNS Number.

As required by the OMB, all applicants for grants must supply a Dun and Bradstreet Data Universal Numbering System (Duns) number when applying. The Standard Form 424 (SF–424) contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see *http://www.grants.gov/applicants/request_duns_number.jsp* for more information on how to obtain a DUNS number or how to verify your organization's number.

For electronic applications, you must file an electronic application at the Web site: *http://www.grants.gov*. You must be registered with Grants.gov before you can submit a grant application. If you have not used Grants.gov before, you will need to register with the CCR and the Credential Provider. You will need a DUNS number to access or register at any of the services.

2. Central Contractor Registration (CCR).

(a) In accordance with 2 CFR part 25, applicants, whether applying electronically or by paper, must be registered in the CCR prior to submitting an application. Applicants may register for the CCR at *https://www.uscontractorregistration.com/* or by calling 1–877–252–2700. Completing the CCR registration process takes up to five business days, and applicants are strongly encouraged to begin the process well in advance of the deadline specified in this notice.

(b) The CCR registration must remain active, with current information, at all times during which an entity has an application under consideration by an agency or has an active Federal Award. To remain registered in the CCR database after the initial registration, the applicant is required to review and update, on an annual basis from the date of initial registration or subsequent updates, its information in the CCR database to ensure it is current, accurate and complete.

3. Applications Submitted by Paper:

(a) Send or deliver paper applications by the U.S. Postal Service (USPS) or courier delivery services to: Water and Environmental Programs, Rural Utilities Service, 1400 Independence Avenue SW., Attention: Joyce M. Taylor, Mail STOP 1570, Room 2233–S, Washington, DC 20250–1570.

(b) For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date. The application and any materials sent with it become Federal records by law and cannot be returned to you.

4. Electronically Submitted Applications:

(a) Applications will not be accepted by fax or electronic mail.

(b) Electronic applications for grants will be accepted if submitted through Grants.gov at *http://www.grants.gov.*

(c) Applicants must preregister successfully with Grants.gov to use the electronic applications option. Application information may be downloaded from Grants.gov without preregistration.

(d) Applicants who apply through Grants.gov should submit their electronic applications before the deadline.

(e) Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application.

(f) Grants.gov has two preregistration requirements: A DUNS number and an active registration in the Central Contractor Registry (CCR). See Items 1 and 2, above for instructions on obtaining a DUNS number and registering in the CCR.

C. *A Complete Application Must Meet the Following Requirements:*

1. To be considered for support, you must be an eligible entity and must submit a complete application by the deadline date. You should consult the cost principles and general administrative requirements for grants pertaining to their organizational type in order to prepare the budget and complete other parts of the application. You also must demonstrate compliance (or intent to comply), through certification or other means, with a number of public policy requirements.

2. Applicants must complete and submit the following forms to apply for a RFP grant:

(a) Standard Form 424, ''Application for Federal Assistance''

(b) Standard Form 424A, ''Budget Information—Non-Construction Programs''

(c) Standard Form 424B, ''Assurances—Non-Construction Programs''

(d) Standard Form LLL, ''Disclosure of Lobbying Activity''

(e) Form RD 400–1, ''Equal Opportunity Agreement''

(f) Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964)

3. The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of how the loan program will work. Explain what you will accomplish by lending funds to eligible entities. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should cover the following elements:

(a) Present a brief project overview. Explain the purpose of the project, how it relates to RUS's purposes, how you will carry out the project, what the project will produce, and who will direct it.

(b) Describe why the project is necessary. Demonstrate that eligible entities need loan funds. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Address community needs.

(c) Clearly state your project goals. Your objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the loan program.

(d) The narrative should cover in more detail the items briefly described in the Project Summary. It should establish the basis for any claims that you have substantial expertise in promoting the safe and productive use of revolving funds. In describing what the project will achieve, you should tell the reader if it also will have broader influence. The narrative should address the following points:

(1) Document your ability to administer and service a revolving fund in accordance with the provisions of 7 CFR part 1783.

(2) Document your ability to commit financial resources to establish the RFP

with funds your organization controls. This documentation should describe the sources of funds other than the RFP grant that will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that you have secured commitments of significant financial support from other funding sources, if appropriate.

(4) List the fees and charges that borrowers will be assessed.

(e) The work plan must describe the tasks and activities that will be accomplished with available resources during the grant period. It must show the work you plan to do to achieve the anticipated outcomes, goals, and objectives set out for the RFP. The plan must:

(1) Describe the work to be performed by each person.

(2) Give a schedule or timetable of work to be done.

(3) Show evidence of previous experience with the techniques to be used or their successful use by others.

(4) Outline the loan program to include the following: specific loan purposes, a loan application process; priorities, borrower eligibility criteria, limitations, fees, interest rates, terms, and collateral requirements.

(5) Provide a marketing plan.

(6) Explain the mechanics of how you will transfer loan funds to the borrowers.

(7) Describe follow-up or continuing activities that should occur after project completion such as monitoring and reporting borrowers' accomplishments.

(8) Describe how the results will be evaluated. The evaluation criteria should be in line with the project objectives.

(9) List all personnel responsible for administering this program along with a statement of their qualifications and experience.

(f) The written justification for projected costs should explain how budget figures were determined for each category. It should indicate which costs are to be covered by grant funds and which costs will be met by your organization or other organizations. The justification should account for all expenditures discussed in the narrative. It should reflect appropriate cost-sharing contributions. The budget justification should explain the budget and accounting system proposed or in place. The administrative costs for operating the budget should be expressed as a percentage of the overall budget. The budget justification should provide specific budget figures, rounding off figures to the nearest dollar. Applicants should consult OMB Circular A–122: ''Cost Principles for Non-Profit Organizations'' for information about appropriate costs for each budget category.

(g) In addition to completing the standard application forms, you must submit:

1. Supplementary material that demonstrate that your organization is legally recognized under state and Federal law. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, or copies of state statutes or laws establishing your organization. Letters from the IRS awarding tax-exempt status are not considered adequate evidence.

2. A certified list of directors and officers with their respective terms.

3. Evidence of tax exempt status from the IRS.

4. Debarment and suspension information required in accordance with 7 CFR, part 3017, subpart 3017.335, if it applies. The section heading is ''What information must I provide before entering into a covered transaction with the Department of Agriculture?'' It is part of the Department of Agriculture's rules on Government-wide Debarment and Suspension.

5. All of your organization's known workplaces by including the actual address of buildings (or parts of buildings) or other sites where work under the award takes place. Workplace identification is required under the drug-free workplace requirements in accordance with 7 CFR, part 3021, subpart 3021.230. The section heading is ''How and when must I identify workplaces?'' It is part of the Department of Agriculture's rules on Government-wide Requirements for Drug-Free Workplace (Financial Assistance).

6. The most recent audit of your organization.

7. The following financial statements:

i. A pro forma balance sheet at start-up and for at least three additional years; Balance sheets, income statements, and cash flow statements for the last three years.

ii. If your organization has been formed less than three years, the financial statements should be submitted for the periods from inception to the present. Projected income and cash flow statements for at least three years supported by a list of assumptions showing the basis for the projections. The projected income statement and balance sheet must include one set of projections that shows the revolving loan fund only and a separate set of projections that shows your organization's total operations.

8. Additional information to support and describe your plan for achieving the grant objectives. The information may be regarded as essential for understanding and evaluating the project and may be found in as letters of support, resolutions, policies, and other relevant documents. The supplements may be presented in appendices to the proposal.

V. Application Review Information

A. Within 30 days of receiving your application, RUS will send you a letter of acknowledgment. Your application will be reviewed for completeness to determine if you included all of the items required. If your application is incomplete or ineligible, RUS will return it to you with an explanation.

B. A review team, composed of at least two members, will evaluate all applications and proposals. They will make overall recommendations based on factors such as eligibility, application completeness, and conformity to application requirements. They will score the applications based on criteria in the next section.

C. All applications that are complete and eligible will be ranked competitively based on the following scoring criteria:

(1) Degree of expertise and successful experience in making and servicing commercial loans, with a successful record, for the following number of full years:

(a) At least 1 but less than 3 years—5 points.

(b) At least 3 but less than 5 years—10 points.

(c) At least 5 but less than 10 years—20 points.

(d) 10 or more years—30 points.

(2) Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, clearly articulates the problem/issues to be addressed, identifies the service area to be covered by the RFP loans and appears likely to be sustainable; Up to 40 points.

(3) Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of an RFP grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the RFP grant and points corresponding to such percentages are as follows:

(a) Less than 20%—ineligible.

(b) At least 20% but less than 50%—10 points.

(c) 50% or more—20 points.

(4) Extent to which the goals and objectives are clearly defined, tied to the work plan, and are measurable; Up to 15 points.

(5) Lowest ratio of projected administrative expenses to loans advanced; Up to 10 points.

(6) The evaluation methods for considering loan applications and making RFP loans are specific to the program, clearly defined, measurable, and are consistent with program outcomes; Up to 20 points

(7) Administrator's discretion, considering such factors as creative outreach ideas for marketing RFP loans to rural residents; the amount of funds requested in relation to the amount of needs demonstrated in the work plan; previous experiences demonstrating excellent utilization of a revolving loan fund grant; and optimizing the use of agency resources; Up to 10 points.

VI. Award Administration Information

A. RUS will rank all qualifying applications by their final score. Applications will be selected for funding, based on the highest scores and the availability of funding for RFP grants. Each applicant will be notified in writing of the score its application receives.

B. In making its decision about your application, RUS may determine that your application is:

1. Eligible and selected for funding,

2. Eligible but offered fewer funds than requested,

3. Eligible but not selected for funding, or

4. Ineligible for the grant.

C. In accordance with 7 CFR part 1900, subpart B, you generally have the right to appeal adverse decisions. Some adverse decisions cannot be appealed. For example, if you are denied RUS funding due to a lack of funds available for the grant program, this decision cannot be appealed. However, you may make a request to the National Appeals Division (NAD) to review the accuracy of our finding that the decision cannot be appealed. The appeal must be in writing and filed at the appropriate Regional Office, which can be found at *http://www.nad.usda.gov/offices.htm* or by calling (703) 305–1166.

D. Applicants selected for funding will complete a grant agreement, which outlines the terms and conditions of the grant award.

E. Grantees will be reimbursed as follows:

1. SF–270, ''Request for Advance or Reimbursement,'' will be completed by the grantee and submitted to either the State or National Office not more frequently than monthly.

2. Upon receipt of a properly completed SF–270, the funds will be requested through the field office terminal system. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

3. Grantees are encouraged to use women- and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members) for the deposit and disbursement of funds.

F. Any change in the scope of the project, budget adjustments of more than 10 percent of the total budget, or any other significant change in the project must be reported to and approved by the approval official by written amendment to the grant agreement. Any change not approved may be cause for termination of the grant.

G. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. The Grantee will provide project reports as follows:

1. SF–269, ''Financial Status Report (short form),'' and a project performance activity report will be required of all grantees on a quarterly basis, due 30 days after the end of each quarter.

2. A final project performance report will be required with the last SF–269 due 90 days after the end of the last quarter in which the project is completed. The final report may serve as the last quarterly report.

3. All multi-State grantees are to submit an original of each report to the National Office. Grantees serving only one State are to submit an original of each report to the State Office. The project performance reports should detail, preferably in a narrative format, activities that have transpired for the specific time period.

H. The grantee will provide an audit report or financial statements as follows:

1. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

2. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

3. Recipient and Subrecipient Reporting.

The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR part 170, § 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

(a) First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov* no later than the end of the month following the month the obligation was made.

(b) The Total Compensation of the Recipient's Executives (5 most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *http://www.ccr.gov* by the end of the month following the month in which the award was made.

(c) The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

VII. Agency Contacts

A. *Web site: http://www.usda.gov/rus/water.* The Rural Utilities Service Web site maintains up-to-date resources and contact information for the RFP.

B. *Phone:* 202–720–9589.

C. *Fax:* 202–690–0649.

D. *Email: mailto: JoyceM.Taylor@wdc.usda.gov.*

E. *Main point of contact:* Joyce M. Taylor, Community Programs Specialist, Water and Environmental Programs, Water Programs Division, Rural Utilities Service, U.S. Department of Agriculture.

Dated: April 13, 2012.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2012–10992 Filed 5–7–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

Proposed Information Collection; Comment Request; Current Population Survey (CPS) Voting and Registration Supplement

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.

DATES: To ensure consideration, written comments must be submitted on or before July 9, 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 Kristin Hanaoka, U.S. Census Bureau, 7H108C, Washington, DC 20233–8400 at (301) 763–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to request clearance for the collection of data concerning the Voting and Registration Supplement to be conducted in conjunction with the November 2012 CPS. The Census Bureau sponsors the supplement questions, which were previously collected in November 2010, and have been asked biennially since 1964.

This survey has provided statistical information for tracking historical trends of voter and nonvoter characteristics in each Presidential or Congressional election since 1964. The data collected from the November supplement relates demographic characteristics (age, sex, race, education, occupation, and income) to voting and nonvoting behavior. The November CPS supplement is the only source of data that provides a comprehensive set of voter and nonvoter characteristics distinct from independent surveys, media polls, or other outside agencies. Federal, state, and local election officials use these data to formulate policies relating to the voting and registration process. College institutions, political party committees, research groups, and other private organizations also use the voting and registration data.

II. Method of Collection

The voting and registration information will be collected by both personal visit and telephone interviews in conjunction with the regular November CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0466.

Form Number: There are no forms. We conduct all interviewing on computers.

Type of Review: Regular submission.

Affected Public: Households.

Estimated Number of Respondents: 48,000.

Estimated Time per Response: 1.5 minutes.

Estimated Total Annual Burden Hours: 1,200.

Estimated Total Annual Cost: There are no costs to the respondents other than their time to answer the CPS questions.

Respondents Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 182; and Title 29, U.S.C., Sections 1–9.

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: May 2, 2012.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–10998 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Federal Economic Statistics Advisory Committee Meeting

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Federal Economic Statistics Advisory Committee (FESAC). The Committee will advise the Directors of the Economics and Statistics Administration's (ESA) two statistical agencies, the Bureau of Economic Analysis (BEA) and the Census Bureau, and the Commissioner of the Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. Last minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: June 8, 2012. The meeting will begin at approximately 9:00 a.m. and adjourn at approximately 5:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Conference Center, 4600 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: Barbara K. Atrostic, Designated Federal Official, Department of Commerce, U.S. Census Bureau, Research and Methodology Directorate, Room 2K071, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–6442. For TTY callers, please call the Federal Relay Service (FRS) at 1–800–877–8339 and give them the above listed number you would like to call. This service is free and confidential.

SUPPLEMENTARY INFORMATION: Members of the FESAC are appointed by the Secretary of Commerce. The Committee provides scientific and technical expertise, as appropriate, to the Directors of the BEA, the Census Bureau, and the Commissioner of the Department of Labor's BLS, on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, and Section 10).

The meeting is open to the public, and a brief period is set aside for public comments and questions. Persons with extensive questions or statements must

submit them in writing at least three days before the meeting to the Designated Federal Official named above. If you plan to attend the meeting, please register by Monday, June 4, 2012. You may access the online registration form with the following link: *http://www.regonline.com/fesac_jun2012_meeting.* Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Designated Federal Official as soon as known, and preferably two weeks prior to the meeting.

Dated: May 2, 2012.

Robert M. Groves,

Director, Bureau of the Census.

[FR Doc. 2012–11062 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons

AGENCY: Bureau of Economic Analysis, 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 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 July 9, 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: Direct requests for additional information or copies of the survey and instructions to Christopher Emond, Chief, Special Surveys Branch, Balance of Payments Division, (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone: (202) 606–9826; fax: (202) 606–5318; or via the Internet at *christopher.emond@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Form BE–185, Quarterly Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons, obtains quarterly data from U.S. financial services providers whose sales of covered financial services to foreign persons exceeded $20 million for the previous fiscal year or are expected to exceed that amount during the current fiscal year, or whose purchases of covered financial services from foreign persons exceeded $15 million for the previous fiscal year or are expected to exceed that amount during the current fiscal year. The data collected are cut-off sample data. In addition, estimates are developed based upon previously reported or estimated data for non-respondents, including those U.S. financial services companies that fall below the reporting threshold for the quarterly survey but reported on a previous benchmark survey.

The data are needed to monitor U.S. international trade in financial services, analyze its impact on the U.S. and foreign economies, compile and improve the U.S. economic accounts, support U.S. commercial policy on trade in financial services, conduct trade promotion, and improve the ability of U.S. businesses to identify and evaluate market opportunities.

Responses will be due within 45 days after the close of each calendar quarter, except for the respondents' final quarter of their fiscal year, when reports are due within 90 days after the close of the quarter. The data from the survey are primarily intended as general purpose statistics. They are needed to answer any number of research and policy questions related to cross-border trade in financial services.

The form is unchanged from the previous version. No changes in the data collected or in exemption levels are proposed.

II. Method of Collection

The surveys are sent to the respondents by U.S. mail; the surveys are also available from the Bureau of Economic Analysis (BEA) Web site. Respondents return the surveys one of four ways: U.S. mail, electronically using BEA's electronic collection system (eFile), fax, or email.

III. Data

OMB Number: 0608–0065.

Form Number: BE–185.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Businesses or other for-profit organizations and non-profit organizations.

Estimated Number of Respondents: 675 per quarter; 2,700 annually.

Estimated Time per Response: 10 hours per mandatory response and 1 hour per other responses.

Estimated Total Annual Burden Hours: 22,500.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: The International Investment and Trade in Services Survey Act, 22 U.S.C. 3101–3108, as amended and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 2, 2012.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2012–10982 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[(B–32–2012)]

Foreign-Trade Zone 129—Bellingham, WA; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Port of Bellingham, grantee of FTZ 129, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/2009 (correction 74 FR 3987, 1/22/

2009); 75 FR 71069–71070, 11/22/2010). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 1, 2012.

FTZ 129 was approved by the Board on September 4, 1986 (Board Order 335, 51 FR 32238, 09/10/1986) and expanded on November 16, 1992 (Board Order 608, 57 FR 56902, 12/01/1992).

The current zone project includes the following sites: *Site 1* (300 acres)—Airport Industrial Development Area, 3 parcels as follows: Parcel A, Noranda Industrial Site, Curtis Road at the Burlington Northern Rail Line, Bellingham (20 acres); Parcel B, Airport Industrial Park at Bellingham International Airport and additional acreage located at 300 and 365 Harris Avenue, Bellingham (120 acres); Parcel C, Washington State Department of Natural Resources site, located immediately adjacent to the eastern boundary of Parcel A, Bellingham (160 acres); and, *Site 3* (270 acres)—Cherry Point Industrial Park, Kickerville Road, Henry Road and Gulf Road, Ferndale.

The grantee's proposed service area under the ASF would be Whatcom County, Washington, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Blaine, Washington U.S. Customs and Border Protection port of entry.

The Port of Bellingham is also the grantee of FTZ 130, located in Blaine, Washington, and FTZ 131, located in Sumas, Washington, both of which are located within Whatcom County. As part of the ASF reorganization process, the grantee is requesting authority to merge the FTZ 130 and FTZ 131 zone projects under FTZ 129. FTZ 130 was approved by the Board on September 4, 1986 (51 FR 32238, 09/10/1986) and expanded on January 11, 1993 (Board Order 627, 58 FR 5356, 01/21/1993). FTZ 131 was approved by the Board on September 4, 1986 (51 FR 32238, 09/10/1986).

The applicant is requesting authority to reorganize its existing zone projects to include a portion of existing Site 1 and all of Site 3 of FTZ 129, existing Site 1 of FTZ 130, and existing Sites 1 and 2 of FTZ 131 as ''magnet'' sites of FTZ 129. As part of the reorganization, existing Site 1 of FTZ 130 will be renumbered as Site 4 of FTZ 129 and existing Sites 1 and 2 of FTZ 131 will be renumbered as Sites 5 and 6 of FTZ 129, respectively. Additionally, as part of the reorganization, portions of existing Site 1 of FTZ 129 and all of existing Site 2 of FTZ 130 will be removed from the merged zone project due to changed circumstances. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant requests that proposed Site 1 be so exempted. No usage-driven sites are being requested at this time. Because the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would have no impact on FTZ 129's authorized subzones.

In accordance with the Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 9, 2012. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 23, 2012.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz*. For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: May 1, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–11049 Filed 5–7–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–932]

Certain Steel Threaded Rod From the People's Republic of China: Preliminary Results of the Administrative Review, Intent To Rescind, and Rescission, in Part

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

SUMMARY: The Department of Commerce (''Department'') is conducting the second administrative review of the antidumping duty order on certain steel threaded rod (''steel threaded rod'') from the People's Republic of China (''PRC'') for the period of review (''POR'') April 1, 2010, through March 31, 2011. As discussed below, we preliminarily determine that sales have been made below normal value (''NV''). If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries of subject merchandise during the period of review.

DATES: *Effective Date:* May 8, 2012.

FOR FURTHER INFORMATION CONTACT: Tim Lord, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7425.

SUPPLEMENTARY INFORMATION:

Background

On April 14, 2009, the Department published in the **Federal Register** the antidumping duty order on steel threaded rod from the PRC.[1] On April 1, 2011, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the period April 1, 2010 through March 31, 2011.[2] Between April 29, 2011, and May 2, 2011, we received requests to conduct administrative reviews from Vulcan Threaded Products Inc. (''Petitioner'') and other interested parties. On May 27, 2011, the Department published in the **Federal Register** a notice of initiation of this

[1] *See Certain Steel Threaded Rod from the People's Republic of China: Notice of Antidumping Duty Order,* 74 FR 17154 (April 14, 2009) (''*Order*'').

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 76 FR 18153 (April 1, 2011).

administrative review.[3] On December 12, 2011, and March 29, 2012, the Department published in the **Federal Register** notices extending by 90 days and 30 days, respectively, the time period for issuing the preliminary results.[4]

Of the 191 companies for which we initiated an administrative review, two companies submitted separate rate certifications, no companies submitted separate rate applications, and five companies stated that they did not export subject merchandise to the United States during the POR. On June 29, 2011, Petitioner submitted a withdrawal of its request for administrative review of 184 of the 191 companies upon which reviews were initiated.

Because of the large number of exporters involved in this review, the Department limited the number of respondents individually examined pursuant to section 777A(c)(2) of the Tariff Act of 1930, as amended (''the Act''), and selected exporters IFI & Morgan Limited and RMB Fasteners Ltd., along with their affiliated producer, Jiaxing Brother Fastener Co., Ltd. (collectively, the ''RMB/IFI Group'') as a mandatory respondent.[5] The Department sent antidumping duty questionnaires to the RMB/IFI Group on October 18, 2011. The RMB/IFI Group submitted its Sections A, C, and D Questionnaire Responses on November 22, December 9, and December 16, 2011, respectively. The Department issued supplemental questionnaires to the RMB/IFI Group between December 29, 2011, and March 15, 2012, to which the RMB/IFI Group responded in a timely manner.

Surrogate Country and Surrogate Value Data

On November 18, 2011, the Department invited interested parties to comment on surrogate country selection and surrogate value (''SV'') data.[6] On December 7, 2011, the Department extended the comment period for surrogate country selection from December 9, 2011, to no later than February 3, 2012. On February 16, 2012, the Department extended the comment period for SV selection from December 16, 2011, to March 2, 2012. On February 3, 2012, the Department received comments on surrogate country selection from Petitioner and the RMB/IFI Group. On March 2, 2012, the Department received comments on SV data from Petitioner and the RMB/IFI Group. On March 12, 2012, the Department received a rebuttal response to Petitioner's SV submission from the RMB/IFI Group. The SVs placed on the record from the RMB/IFI Group were obtained from sources in India, whereas the SVs placed on the record by Petitioner were from sources in Thailand.

Scope of the Order

The merchandise covered by the order is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to the order are non-headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.,* galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Included in the scope of the order are steel threaded rod, bar, or studs, in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 1.50 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.012 percent of boron, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.41 percent of titanium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

Steel threaded rod is currently classifiable under subheading 7318.15.5050, 7318.15.5090, and 7318.15.2095 of the United States Harmonized Tariff Schedule (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Excluded from the scope of the order are: (a) Threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total length; and (b) threaded rod, bar, or studs made to American Society for Testing and Materials (''ASTM'') A193 Grade B7, ASTM A193 Grade B7M, ASTM A193 Grade B16, or ASTM A320 Grade L7.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. On June 29, 2011, the Department received a timely withdrawal of the requests for review for 184 companies. Of these companies, Suntec Industries Co., Ltd., Shanghai Prime Machinery Co. Ltd., Certified Products International Inc., Jiashan Zhongsheng Metal Products Co., Ltd, Haiyan Dayu Fasteners Co., Ltd., and Jiaxing Xinyue Standard Part Co., Ltd. have a separate rate from a prior segment of this proceeding; accordingly, we are rescinding this review with respect to them.[7]

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 76 FR 30912 (May 27, 2011) (''*Initiation Notice*'').

[4] *See Certain Steel Threaded Rod From the People's Republic of China: Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review,* 76 FR 77205 (December 12, 2011), and *Certain Steel Threaded Rod From the People's Republic of China: Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review,* 77 FR 19003 (March 29, 2012).

[5] *See* Memorandum to James Doyle from Toni Dach: 2010–2011 Administrative Review of Certain Steel Threaded Rod from the People's Republic of China: Selection of Mandatory Respondent and Response to Petitioner's Comments, dated October 14, 2011. The Department determined that IFI & Morgan Limited and RMB Fasteners Ltd. constituted a single entity in the antidumping duty investigation on steel threaded rod from the PRC. *See Certain Steel Threaded Rod from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value,* 73 FR 58931 (October 8, 2008), unchanged in *Certain Steel Threaded Rod from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 74 FR 8907 (February 27, 2009) (''*Steel Threaded Rod from PRC LTFV Final*'').

[6] *See* the Department's Letter to All Interested Parties: Antidumping Duty Administrative Review of Certain Steel Threaded Rod from the People's Republic of China, dated November 18, 2011.

[7] We note that there are additional companies for which all review requests were withdrawn within the 90 day period. *See* Petitioner's withdrawal of review requests regarding specific companies, dated June 29, 2011. These additional companies for which all review requests were withdrawn do not have a separate rate from a prior segment of this proceeding. These companies thus are not separate from the PRC-wide entity and the administrative review will continue for them.

Intent To Partially Rescind Administrative Review

As noted above, the Department received no shipment claims from five companies. In order to examine these claims, we sent an inquiry to CBP requesting that any CBP office that had any information contrary to the no shipments claims alert the Department accordingly. We have received no such response from CBP.

Pursuant to 19 CFR 351.213(d)(3), we preliminarily determine that Haiyan Julong made no shipments of subject merchandise during the POR, and we intend to rescind the review with respect to Haiyan Julong.

With respect to Gem Year, Hubbell Power Systems, Inc. (''Hubbell''), in requesting an administrative review of Gem Year, stated that the steel threaded rod it imported from Gem Year ''may be determined to fall within the scope of the antidumping duty order'' and that it was ''not presently aware that any entry falls within the scope of the antidumping duty order in this proceeding.'' [8] Given that entry data obtained from CBP showed that Gem Year had no entries subject to antidumping duties during the POR, we preliminarily determine that Gem Year had no reviewable entries of subject merchandise during the POR. As such,we intend to rescind the review with respect to Gem Year.[9]

Non-Market Economy Country Status

In every case conducted by the Department involving the PRC, the PRC has been treated as a nonmarket economy (''NME'') country. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority.[10] None of the parties to this proceeding have contested such treatment. Accordingly, we calculated the NV in accordance with section 773(c) of the Act, which applies to NME countries.

Separate Rates

In proceedings involving NME countries, it is the Department's practice to begin with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty rate.[11] It is the Department's policy to assign all exporters of merchandise subject to investigation in an NME country this single rate unless an exporter can affirmatively demonstrate that it is sufficiently independent so as to be entitled to a separate rate.[12] Exporters can demonstrate this independence through the absence of both *de jure* and *de facto* government control over export activities.[13] The Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588, 20589 (May 6, 1991) (''*Sparklers*''), as further developed in *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585, 22586–87 (May 2, 1994) (''*Silicon Carbide*''). However, if the Department determines that a company is wholly foreign-owned or located in a market economy (''ME''), then a separate rate analysis is not necessary to determine whether it is free of government control. In this review, one company, the RMB/IFI Group, provided evidence that it was wholly owned by individuals or companies located in MEs in its separate rate application. Therefore, because the RMB/IFI Group is wholly foreign-owned and there is no record evidence indicating that it is under the control of the government of the PRC, a separate rates analysis is not necessary to determine whether the RMB/IFI Group is free of government control.[14] Accordingly, the Department has preliminarily granted a separate rate to the RMB/IFI Group.

The Department received no separate rate applications, and received separate rate certifications from the RMB/IFI Group and Jiaxing Xinyue Standard Part Co. Ltd (''Jiaxing Xinyue''). However, because Jiaxing Xinyue was one of the companies for which the request for administrative review was timely withdrawn, the Department is not assessing Jiaxing Xinyue's eligibility for a separate rate in the context of this review.

Finally, one company subject to review, New Pole Power Systems Co., Ltd. (''New Pole''), submitted neither a separate rate application nor certification. Therefore, because New Pole did not demonstrate its eligibility for separate rate status, we preliminarily find that it is not separate from the PRC-wide entity. There are, therefore, no respondents for which to calculate a separate rate in this administrative review.

PRC-Wide Entity

Upon initiation of the administrative review, we provided an opportunity for all companies for which the review was initiated to complete either the separate rate application or certification. The separate rate certification and separate rate application were available at: *http://ia.ita.doc.gov/nme/nme-sep-rate.html.*

As noted above in the ''Separate Rates'' section of this notice, we have preliminarily determined that one company, New Pole, failed to demonstrate its eligibility for a separate rate and is thus properly considered not to be separate from PRC-wide entity. In NME proceedings, '''rates' may consist of a single dumping margin applicable to all exporters and producers.'' [15] As explained above in the ''Separate Rates'' section, all companies within the PRC are considered to be subject to government control unless they are able to demonstrate an absence of government control with respect to their export activities. Accordingly, such

[8] *See* Letter from Hubbell to the Department: Certain Steel Threaded Rod from the People's Republic of China; Hubbell Power Systems, Inc.'s Request for an Administrative Review, dated April 28, 2011. Petitioner subsequently requested an anti-circumvention inquiry related to merchandise produced by Gem Year, which the Department initiated on January 5, 2012. *See Certain Steel Threaded Rod From the People's Republic of China: Initiation of Anti-Circumvention Inquiry,* 77 FR 473 (January 5, 2012).

[9] *See, e.g., Certain Tissue Paper Products from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 73 FR 18497, 18500 (April 4, 2008) (preliminarily rescinding review because of lack of reviewable entries), unchanged in *Certain Tissue Paper Products from the People's Republic of China: Final Results and Final Rescission, in Part, of Antidumping Duty Administrative Review,* 73 FR 58113 (October 6, 2008).

[10] *See, e.g., Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Coated Free Sheet Paper from the People's Republic of China,* 72 FR 30758, 30760 (June 4, 2007), unchanged in *Final Determination of Sales at Less Than Fair Value: Coated Free Sheet Paper from the People's Republic of China,* 72 FR 60632 (October 25, 2007).

[11] *See, e.g., Separate Rates and Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,* 70 FR 17233 (April 5, 2005)(as corrected in 70 FR 19841 (April 14, 2005)); *see also Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products From the People's Republic of China,* 71 FR 53079, 53082 (September 8, 2006); *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China,* 71 FR 29303, 29307 (May 22, 2006) (''*Diamond Sawblades*'').

[12] *See, e.g., Diamond Sawblades,* 71 FR at 29307.

[13] *Id.*

[14] *See, e.g., Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 75 FR 7244, 7249 (February 18, 2010) (determining that the respondent was wholly foreign-owned and, thus, qualified for a separate rate), unchanged in *Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 75 FR 41808 (July 19, 2010).

[15] *See* 19 CFR 351.107(d).

companies are assigned a single antidumping duty rate distinct from the separate rate(s) determined for companies that are found to be free of government control with respect to their export activities. We consider that the overall influence that the PRC has been found to have over its economy warrants determining separate rates for the entity that are distinct from the rates found for companies that have provided sufficient evidence to establish that they operate freely with respect to their export activities.[16] In this regard, we note that no party has submitted evidence in this proceeding to demonstrate that such government influence is no longer present or that our treatment of the PRC-wide entity is otherwise incorrect. Therefore, we are assigning the PRC-wide entity a rate of 206.00 percent, the only rate ever determined for the PRC-wide entity in this proceeding.[17]

Surrogate Country

When the Department conducts an antidumping administrative review of imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's factors of production (''FOPs''), valued in a surrogate ME country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more ME countries that are: (1) At a level of economic development comparable to that of the NME country; and (2) significant producers of comparable merchandise. Once the Department has identified the countries that are economically comparable to the PRC, it identifies those countries which are significant producers of comparable merchandise. From the countries which are both economically comparable and significant producers the Department will then select a primary surrogate country based upon whether the data for valuing FOPs are both available and reliable.

Pursuant to its practice, the Department received a list of potential surrogate countries from Import Administration's Office of Policy (''OP'') within which it was determined that Colombia, Indonesia, Peru, the Philippines, South Africa, Thailand, and Ukraine are at a comparable level of economic development to the PRC.[18] The Department considers the seven countries identified by the OP in its Surrogate Country List as ''equally comparable in terms of economic development,'' [19] and thus, all at an economic level of development equally comparable to that of the PRC.[20]

The Department also considers whether a country is a significant producer of comparable merchandise in surrogate country selection.[21] The Department retrieved data from the Global Trade Atlas (''GTA''), showing that all of the countries on the Surrogate Country List exported significant quantities of steel threaded rod exports during the POR,[22] and thus can each be considered significant producers of comparable merchandise.

Moreover, it is the Department's practice to select an appropriate surrogate country based on the availability and reliability of data from these countries.[23] Petitioner provided data for Thailand from GTA to value certain material inputs, and a financial statement from a Thai producer of comparable merchandise to calculate surrogate financial ratios. The RMB/IFI Group provided GTA data for India, as well as various Indian government, non-governmental organization, and industry publications to value material inputs, energy, and movement expenses. In addition, the RMB/IFI Group submitted Indian financial statements to calculate surrogate financial ratios. However, the Department has stated that ''unless we find that all of the countries determined to be equally economically comparable are not significant producers of comparable merchandise, do not provide a reliable source of publicly available surrogate data or are unsuitable for use for other reasons, we will rely on data from one of these countries.'' [24] Because the Department finds that one of the countries from the Surrogate Country List meets the selection criteria, as explained in these preliminary results, the Department is not considering India, a country not included in the OP memorandum, as the primary surrogate country.

The data on the record for Thailand to value material inputs meet the Department's criteria for selecting the best available information because we find that the data are available and reliable. Specifically, we preliminarily find that the information on the record for Thailand is complete and allows us to value material inputs, energy, movement expenses, and financial ratios.

Based on publicly available information placed on the record, the Department determines that Thailand is a reliable source for surrogate values because Thailand is at a comparable level of economic development, is a significant producer of comparable merchandise, and has publicly available and reliable data. Accordingly, the Department has selected Thailand as the surrogate country for purposes of valuing the FOPs because it meets the Department's criteria for surrogate country selection.

Date of Sale

The RMB/IFI Group reported the invoice date as the date of sale because it claims that, for its U.S. sales of subject merchandise made during the POR, the material terms of sale were established on the invoice date. The Department preliminarily determines that the invoice date is the most appropriate date to use as the RMB/IFI Group's date of sale in accordance with 19 CFR 351.401(i).[25]

Fair Value Comparisons

To determine whether sales of steel threaded rod to the United States by the RMB/IFI Group were made at less than NV, the Department compared the export price (''EP'') to NV, as described in the ''U.S. Price,'' and ''Normal Value'' sections below.[26]

[16] *See, e.g., Notice of Final Antidumping Duty Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 37116 (June 23, 2003).

[17] *See, e.g., Steel Threaded Rod from PRC LTFV Final,* 74 FR at 8910.

[18] *See* Memorandum from Carole Showers, Director, Office of Policy, to Scot T. Fullerton, Program Manager, AD/CVD Operations, Office 9: Request for a List of Surrogate Countries for an Antidumping Duty Administrative Review of the Antidumping Duty Order on Certain Steel Threaded Rod from the People's Republic of China, dated November 18, 2011 (''Surrogate Country List'').

[19] *Id.*

[20] *See* section 773(c)(4)(A) of the Act.

[21] *See* section 773(c)(4)(B) of the Act.

[22] *See* Surrogate Value Memo at Attachment 12.

[23] *See* Policy Bulletin No. 04.1: Non-Market Economy Surrogate Country Selection Process, dated March 1, 2004.

[24] *See Certain Steel Wheels From the People's Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, Partial Affirmative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination,* 76 FR 67703, 67708 (November 2, 2011), unchanged in *Certain Steel Wheels From the People's Republic of China: Notice of Final Determination of Sales at Less Than Fair Value and Partial Affirmative Final Determination of Critical Circumstances,* 77 FR 17021 (March 23, 2012).

[25] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From Thailand,* 69 FR 76918 (December 23, 2004) and accompanying Issues and Decision Memorandum at Comment 10.

[26] In these preliminary results, the Department applied the weighted-average dumping margin calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain*

Continued

U.S. Price

In accordance with section 772(a) of the Act, the Department calculated the EP for sales to the United States from the RMB/IFI Group's sales, because the first sale to an unaffiliated party was made before the date of importation. The Department calculated EP based on the price to unaffiliated purchasers in the United States. In accordance with section 772(c) of the Act, as appropriate, we deducted foreign inland freight and brokerage and handling from the starting price to unaffiliated purchasers. Each of these services was either provided by an NME vendor or paid for using an NME currency. Thus, we based the deduction of these movement charges on SVs.[27] Additionally, for international freight provided by an ME provider and paid in an ME currency, we used the actual cost per kilogram of the freight.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the NV using an FOP methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. The Department bases NV on the FOPs because the presence of government controls on various aspects of NMEs renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies.

Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on FOPs reported by the respondents for the POR, except as noted above. To calculate NV, we multiplied the reported per-unit factor-consumption rates by publicly available Thai SVs. In selecting the SVs, we considered the quality, specificity, and contemporaneity of the data.[28] As appropriate, we adjusted input prices by including freight costs to make them delivered prices. Specifically, we added to Thai import SVs a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory of production or the distance from the nearest seaport to the factory of production where appropriate. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's (''Federal Circuit'') decision in *Sigma Corp.* v. *United States,* 117 F.3d 1401, 1407–1408 (Fed. Cir. 1997).[29]

The Department's practice when selecting the best available information for valuing FOPs, in accordance with section 773(c)(1) of the Act, is to select, to the extent practicable, SVs which are product-specific, representative of a broad-market average, publicly available, contemporaneous with the POR and exclusive of taxes and duties.[30] As a general matter, the Department prefers to use publicly available data representing a broad-market average to value SVs.[31]

The Department used Thai import statistics from GTA to value the raw material and packing material inputs that the RMB/IFI Group used to produce subject merchandise during the POR, except where listed below.[32] The record shows that data in the Thai import statistics, as well as those from the other Thai sources, are contemporaneous with the POR, product-specific, and tax-exclusive. In those instances where we could not obtain publicly available information contemporaneous to the POR with which to value factors, we adjusted the SVs using, where appropriate, the Thai Consumer Price Index (''CPI'') as published in the *International Financial Statistics* of the International Monetary Fund.

In accordance with the legislative history of the Omnibus Trade and Competitiveness Act of 1988, the Department continues to apply its long-standing practice of disregarding SVs if it has reason to believe or suspect the source data may be subsidized.[33] In this regard, the Department has previously found that it is appropriate to disregard such prices from India, Indonesia, South Korea and Thailand because we have determined that these countries maintain broadly available, non-industry specific export subsidies.[34] Based on the existence of these subsidy programs that were generally available to all exporters and producers in these countries at the time of the POR, the Department finds that it is reasonable to infer that all exporters from India, Indonesia, South Korea and Thailand likely benefitted from these subsidies. Additionally, we disregarded prices from NME countries.[35] Finally, imports that were labeled as originating from an ''unspecified'' country were excluded from the average value, because the Department could not be certain that they were not from either an NME country or a country with general export subsidies. Therefore, based on the information currently available, we have not used prices from these countries in calculating the Thai import-based SVs.

On June 21, 2011, the Department announced its new methodology to value the cost of labor in NME countries.[36] In *Labor Methodologies,* the Department determined that the best methodology to value the labor input is to use industry-specific labor rates from the primary surrogate country. Additionally, the Department determined that the best data source for industry-specific labor rates is Chapter 6A: Labor Cost in Manufacturing, from

Antidumping Proceedings: Final Modification, 77 FR 8101 (February 14, 2012) (''*Final Modification for Reviews*''). In particular, the Department compared monthly weighted-average export prices (or constructed export prices) with monthly weighted-average normal values and granted offsets for non-dumped comparisons in the calculation of the weighted average dumping margin.

[27] *See* Memorandum to the File through Paul Walker, Acting Program Manager, Office 9 from Tim Lord, International Trade Analyst, Office 9: 2010–2011 Antidumping Duty Administrative Review of Steel Threaded Rod from the People's Republic of China: Surrogate Values for the Preliminary Results, dated April 30, 2012 (''Surrogate Value Memo'').

[28] For a detailed discussion of SVs and the resulting calculations, see Surrogate Value Memo.

[29] *See Policy Bulletin No. 10.2: Inclusion of International Freight Costs When Import Prices Constitute Normal Value,* dated November 1, 2010.

[30] *See, e.g., Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the Eleventh Administrative Review and New Shipper Reviews,* 72 FR 34438 (June 22, 2007) and accompanying Issues and Decision Memorandum at Comment 2A.

[31] *Id.*

[32] Published by Global Trade Information Services, Inc. GTA reports import statistics, such as those from Thailand, India and Indonesia, in the original reporting currency and, thus, these data correspond to the original currency value reported by each country.

[33] *See* Omnibus Trade and Competitiveness Act of 1988, Conf. Report to Accompany H.R. 3, H.R. Rep. No. 576, 100th Cong., 2nd Sess. (1988) at 590.

[34] *See, e.g., Carbazole Violet Pigment 23 from India: Final Results of the Expedited Five-year (Sunset) Review of the Countervailing Duty Order,* 75 FR 13257 (March 19, 2010) and accompanying Issues and Decision Memorandum at 4–5; *Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia: Final Results of Expedited Sunset Review,* 70 FR 45692 (August 8, 2005) and accompanying Issues and Decision Memorandum at 4; *Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,* 74 FR 2512 (January 15, 2009) and accompanying Issues and Decision Memorandum at 17, 19–20; *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Thailand,* 66 FR 50410 (October 3, 2001) and accompanying Issues and Decision Memorandum at 23.

[35] *See, e.g., Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Determination Not To Revoke Order in Part,* 66 FR 1953 (January 10, 2001) and accompanying Issues and Decision Memorandum at Comment 1.

[36] *See Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor,* 76 FR 36092 (June 21, 2011) (''Labor Methodologies''). This notice followed the decision in *Dorbest Ltd.* v. *United States,* 604 F.3d 1363, 1372 (Fed. Cir. 2010), in which the Federal Circuit invalidated the Department's regression-based methodology for calculating wage rates under 19 CFR 351.408(c)(3).

the International Labor Organization's *Yearbook of Labor Statistics.*[37]

To calculate the labor value in these preliminary results, the Department has relied on total manufacturing labor cost data in Thailand reported under ILO Chapter 6A. Although the Department's preference, as in indicated in *Labor Methodologies,* is for industry-specific data from Chapter 6A, the Department notes that the most recent industry-specific data for Thailand under Sub-Classification 24 of the ISIC–Revision 3 are more than ten years prior to the start of the POR. Consistent with *Citric Acid from China,* the Department has not relied on labor data when there is a significant lag between the reporting date and the period of review.[38] Therefore, the Department has selected total manufacturing labor cost data from Thailand, which were reported in 2005, as the surrogate labor value for this review.[39] We further inflated the labor value using the consumer price index (''CPI'') for Thailand to be contemporaneous with the POR. For the preliminary results the calculated wage rate is 135.93 Baht/hour.[40]

Pursuant to *Labor Methodologies,* the Department considered whether financial ratios required adjustment to account for any labor expenses that might also be included in the financial ratios. However, because record evidence did not indicate that any labor expenses were included in the financial ratios, no adjustments were necessary.

To value truck freight expenses, we used the World Bank's *Doing Business 2012: Thailand,* which we find to be specific to the cost of shipping goods in Thailand, and representative of a broad market average.[41] Because this value was not contemporaneous to the POR, we deflated it using the Thai CPI. This report gathers information concerning the cost to transport a 20-foot container of dry goods from the largest city to the nearest seaport. Because there is no Thai value for inland freight charges by boat on the record, we valued inland freight charges by boat using Indonesian freight rates that were published by the Indonesian freight forwarder, PT. Mantap Abiah Abadi.[42] Rates were given on a per cubic meter basis, by city, which we converted to a metric ton basis. Because this value is not contemporaneous with the POR, we deflated it using the Indonesian CPI. In addition, we valued brokerage and handling using a price list of export procedures necessary to export a standardized cargo of goods in Thailand published in the World Bank's *Doing Business 2012: Thailand.*[43] The price list is compiled based on a survey case study of the procedural requirements for trading a standard shipment of goods by ocean transport in Thailand. Because this value was not contemporaneous to the POR, we deflated it using the Thai CPI.

To value factory overhead, selling, general, & administrative expenses, and profit, we used the 2010 annual report of Capital Engineering Network Public Company Limited (''CEN''), a Thai manufacturer of pre-stressed concrete and welding wires. When the Department is unable to segregate and, therefore, exclude energy costs from the calculation of the surrogate financial ratio, it is the Department's practice to disregard the respondent's energy inputs in the calculation of NV in order to avoid double-counting energy costs which have necessarily been captured in the surrogate financial ratios.[44] Because CEN's annual report does not identify energy expenses, we disregarded the RMB/IFI Group's energy inputs in the NV calculation.

To value marine insurance, the Department used rates from RJG Consultants. These rates are for sea freight from the Far East Region.

Currency Conversion

Where necessary, the Department made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank. We relied on the daily exchange rates posted on the Import Administration Web site (*http://www.trade.gov/ia/*).

Facts Available

Sections 776(a)(1) and 776(a)(2) of the Act provide that, if necessary information is not available on the record, or if an interested party: (A) Withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested, subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act provides that if an interested party ''promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information,'' the Department may modify the requirements to avoid imposing an unreasonable burden on that party.

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e) of the Act, disregard all or part of the original and subsequent responses, as appropriate.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed ''deficient'' under section 782(d) if: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department; and (5) the information can be used without undue difficulties.

On December 16, 2011, the RMB/IFI Group requested that it be excused from reporting FOP data for two models, as these models were produced prior to the POR. The RMB/IFI Group suggested that the Department instead use the input consumption for the most similar models produced during the POR due to the associated burdens for the RMB/IFI Group to report (and for the Department

[37] *See Labor Methodologies,* 76 FR at 36093–94.

[38] *See Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of the First Administrative Review of the Antidumping Duty Order,* 76 FR 77772 (December 14, 2011) and accompanying Issues and Decision Memorandum at Comment 7.

[39] *See Labor Methodologies,* 76 FR at 36094, n.11.

[40] *See* Surrogate Value Memo at Exhibit 4.

[41] *See* Surrogate Value Memo at 7–8, and Exhibit 6 (relying on information found at *http://www.doingbusiness.org*).

[42] *Id.* at 8, and Exhibit 6.

[43] *Id.* at Exhibit 3 (relying on information found at *http://www.doingbusiness.org*).

[44] *See, e.g., Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 74 FR 16838, 16839 (April 13, 2009) and accompanying Issues and Decision Memorandum at Comment 2.

to verify) the data for the two models produced outside of the POR.

The Department intends to have the RMB/IFI group report the FOP data for these two models for the final results. However, because the model-specific data currently is not on the record, for the preliminary results, in accordance with section 776(a)(1) of the Act, the Department is applying facts available (''FA'') to determine the NV for the sales corresponding to the FOP data for these two models. As FA, the Department is applying the FOPs for the most similar models to the unreported models. Due to the proprietary nature of the factual information concerning the FOPs applied for these models, these issues are addressed in a separate business proprietary memorandum where a detailed explanation of the FA calculation is provided.[45]

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter	Weighted-average margin (percent)
RMB Fasteners Ltd., and IFI & Morgan Ltd. (''RMB/IFI Group'')	56.07
PRC-wide Entity	206.00

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice pursuant to 19 CFR 351.224(b). As noted above, in accordance with 19 CFR 351.301(c)(3)(ii), for the final results of this administrative review, interested parties may submit publicly available information to value the FOPs within 20 days after the date of publication of the preliminary results. Interested parties must provide the Department with supporting documentation for the publicly available information to value each FOP. Additionally, in accordance with 19 CFR 351.301(c)(1), for the final results of this administrative review, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by an interested party no less than ten days before, on, or after, the applicable deadline for submission of such factual information. However, the Department notes that 19 CFR 351.301(c)(1) permits new information only insofar as it rebuts, clarifies, or corrects information recently placed on the record. The Department generally cannot accept the submission of additional, previously absent-from-the-record alternative SV information pursuant to 19 CFR 351.301(c)(1).[46]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room 1117, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Case briefs from interested parties may be submitted not later than 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later, pursuant to 19 CFR 351.309(d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

The Department will instruct CBP to assess antidumping duties on all appropriate entries. Suntec Industries Co., Ltd., Shanghai Prime Machinery Co. Ltd., Jiaxing Xinyue, Certified Products International Inc., Jiashan Zhongsheng Metal Products Co., Ltd, Haiyan Dayu Fasteners Co., Ltd., and Haiyan Julong have a separate rate from a prior segment of this proceeding; therefore, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice. For those companies not assigned a separate rate from a prior segment of the proceeding, the Department has stated that they are not separate from the PRC-wide entity and that the administrative review will continue for these companies. See Initiation Notice. The Department intends to issue liquidation instructions for the PRC-wide entity 15 days after publication of the final results of this review.

For any individually examined respondent whose weighted-average dumping margin is above *de minimis,* we calculated exporter and/or importer (or customer)-specific assessment rates for the merchandise subject to this review in accordance with 19 CFR 351.212(b)(1).[47] Where the respondent has reported reliable entered values, we calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[48] Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* we will apply the assessment rate to the entered value of the importers'/customers' entries during the POR.[49]

Where an importer (or customer)-specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the RMB/IFI Group, the cash deposit rate will be their respective rates established in the final results of this review, except if the rate is zero or *de minimis* no cash deposit will be required; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash

[45] *See* Memorandum to Paul Walker, Acting Program Manager, AD/CVD Operations, Office 9, from Tim Lord, Case Analyst, AD/CVD Operations, Office 9: Preliminary Results Analysis Memorandum for The RMB IFI Group in the Antidumping Duty Administrative Review of Certain Steel Threaded Rod from the People's Republic of China, dated April 30, 2012.

[46] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part,* 72 FR 58809 (October 17, 2007) and accompanying Issues and Decision Memorandum at Comment 2.

[47] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.,* on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.

[48] *See* 19 CFR 351.212(b)(1).

[49] *Id.*

deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 206.00 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: April 30, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. 2012–11089 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–942]

Certain Kitchen Shelving and Racks From the People's Republic of China: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Jennifer Meek or Mary Kolberg, 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) 482–2778 or (202) 482–1875, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2011, the Department of Commerce (''the Department'') published notice of initiation of the administrative review of the countervailing duty order on certain kitchen appliance shelving and racks from the People's Republic of China, covering the review period January 1, 2010, through December 31, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 76 FR 67133, 67141 (October 31, 2011).

The current deadline for the preliminary results of this administrative review is June 1, 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 issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results of review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

We require additional time to adequately analyze all questionnaire responses and to solicit and receive supplemental information before the current preliminary results due date. Consequently, we have determined that it is not practicable to complete the preliminary results of this review within the original time limit (*i.e.,* by June 1, 2012). Therefore, the Department is extending the time limit for completion of the preliminary results by 120 days to not later than September 29, 2012, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2). Department practice dictates that, where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *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). Because September 29, 2012, is a Saturday, the Department will therefore issue the preliminary results in this administrative review no later than October 1, 2012.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: May 1, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–11050 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

The Manufacturing Council: Teleconference Meeting of the Manufacturing Council

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of an Open Teleconference Meeting.

SUMMARY: This notice sets forth the schedule and agenda for an open teleconference meeting of the Manufacturing Council (Council). The agenda may change to accommodate Council business. The final agenda will be posted on the Department of Commerce Web site for the Council at *http://trade.gov/manufacturingcouncil,* at least one week in advance of the teleconference.

DATES: May 23, 2012, 11:00 a.m.–12:00 p.m. Eastern Daylight Time (EDT) All guests are requested to register in advance. Requests for auxiliary aids, or pre-registration, should be submitted no later than May 16, 2012, to Jennifer Pilat, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone 202–482–4501, *OACIE@trade.gov.* Last minute requests will be accepted, but may be impossible to fill.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: *OACIE@trade.gov.*

Contact Jennifer Pilat at *oacie@trade.gov* to register to listen to the teleconference meeting and receive the call-in number. Meeting materials will be available on the Council's Web site: *www.trade.gov/manufacturingcouncil.*

SUPPLEMENTARY INFORMATION:

Background: The Council was re-chartered on April 5, 2012 to advise the Secretary of Commerce on matters relating to the U.S. manufacturing industry.

Topics to be considered: The Council will likely deliberate recommendations regarding the Trans-Pacific Partnership Agreement negotiations and energy policy. While members of the public are welcome to call in and listen to the

meeting, there will not be sufficient time available for oral comments from members of the public. Any member of the public may submit pertinent written comments at any time before or after the meeting. Comments may be submitted to Jennifer Pilat at the contact information indicated above.

To be considered during the meeting, comments must be received no later than 5:00 p.m. Eastern Time on May 16, 2012, to ensure transmission to the Council prior to the meeting.

Comments received after that date will be distributed to the members but may not be considered at the meeting. Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: May 2, 2012.

Jennifer Pilat,

Executive Secretary, The Manufacturing Council.

[FR Doc. 2012–10987 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Notice of Public Meetings

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

ACTION: Notice; meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) Golden King Crab Price Formula Committee is meeting concerning the arbitration system that is part of the Bering Sea and Aleutian Islands crab rationalization program. The Committee will give specific attention to the development of the price formula for golden king crab under the arbitration system. Additional information is posted on the Council Web site: *http://www.alaskafisheries.noaa.gov/npfmc/*

DATES: The meetings will take place on May 22, 2012, 1 p.m.–5 p.m. and May 23, 2012, 8:30 a.m.–5 p.m.

ADDRESSES: The meetings will be held at Pacific Seafood Processing Association, 1900 Emerson Place, Suite 205, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Mark Fina, Council staff, Phone: 907–271–2809.

SUPPLEMENTARY INFORMATION:

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907–271–2809 at least 7 working days prior to the meeting date.

Dated: May 3, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–11015 Filed 5–7–12; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

The following notice of a scheduled meeting is published pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, 5 U.S.C. 552b.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIMES AND DATES: The Commission has scheduled a meeting for the following date: May 10, 2012 at 9:30 a.m.

PLACE: Three Lafayette Center, 1155 21st St., NW., Washington, DC, Lobby Level Hearing Room (Room 1300).

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission has scheduled this meeting to consider various rulemaking matters, including the issuance of proposed rules and the approval of final rules. The agenda for this meeting is available to the public and posted on the Commission's Web site at *http://www.cftc.gov.* In the event that the time or date of the meeting changes, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, Secretary of the Commission, 202–418–5071.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 2012–11150 Filed 5–4–12; 11:15 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting; Time Change Notice

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 77, No. 86, Thursday, May 3, 2012, page 26254.

ANNOUNCED TIME AND DATE OF CLOSED MEETING: 10 a.m.–11 a.m., Wednesday May 9, 2012.

CHANGES TO CLOSED MEETING: TIME CHANGE to 2 p.m.–3 p.m., Wednesday, May 9, 2012.

AGENDA: Compliance Status Report.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: May 4, 2012.

Todd A. Stevenson,

Secretary.

[FR Doc. 2012–11141 Filed 5–4–12; 11:15 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Re-establishment of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.50(d), the Department of Defense gives notice that it is re-establishing the charter for the Department of Defense Historical Advisory Committee (hereafter referred to as ''the Committee'').

The Department of Defense Historical Advisory Committee is a discretionary Federal advisory committee, established to provide the Secretary of Defense and the Secretaries of the Military Departments, independent advice and recommendations on matters regarding the professional standards, historical methodology, program priorities, liaison with professional groups and institutions, and adequacy of resources of the various historical programs and associated activities of the Department of Defense.

The Committee shall report to the Secretary of Defense and the Secretaries

of the Military Departments. The Secretary of Defense and/or the Secretaries of the Military Departments or their designated representatives may act upon the Committee's advice and recommendations.

The Committee shall be comprised of no more than six members, who are Historians for the Office of the Secretary of Defense, the Office of the Chairman of the Joint Chiefs of Staff, and the Military Services. All six members of the parent Committee are ex-officio members. Committee members shall be appointed by the Secretary of Defense, with annual renewals. The Historian for the Office of the Secretary of Defense shall serve as the Committee's Chairperson.

Committee members shall serve without compensation, except for travel and per diem for official Committee-related travel.

The Department, when necessary, and consistent with the Committee's mission and DoD policies and procedures may establish subcommittees, task groups, or working groups deemed necessary to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Committee's sponsor.

The Committee has established two permanent subcommittees:

a. The Department of the Army Historical Advisory subcommittee shall be comprised of no more than 14 members. The primary focus of the subcommittee is to provide, through the parent committee, the U.S. Army Chief of Military History, the Chief of Staff of the Army, and the Secretary of the Army with advice and counsel regarding: (1) The conformity of the Army's historical work and methods with professional standards, (2) ways to increase cooperation between the historical and military professions in advancing the purpose of the Army Historical Program, (3) approval of the annual Army Historical Program report, and (4) the furtherance of the mission of the U.S. Army Center of Military History to promote the study and use of military history in both civilian and military schools. The ex-officio members of the subcommittee represent the U.S. Military Academy, the U.S. Army Training and Doctrine Command, the U.S. Army War College, the U.S. Army Command and General Staff College, the U.S. Army Combined Arms Command, the Archivist of the Army, and the National Archives and Records Administration. The subcommittee will meet once annually, at a minimum.

b. The Secretary of the Navy's Advisory Subcommittee on Naval History shall be comprised of no more than 15 members. Its primary focus is the activities and programs of the U.S. Navy History and Heritage Command, and its members are expected to offer broad managerial experience or vision coupled with an understanding of elements of military and maritime history, archives, museums, art, library science or information technology. The subcommittee will meet once annually, at a minimum.

These subcommittees shall not work independently of the chartered Committee, and shall report all of their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Committee; nor can any subcommittees or any of its members update or report directly to the DoD or any Federal officers or employees.

The Secretary of Defense shall appoint subcommittee members even if the member in question is already a Committee member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one to four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or permanent part-time government employees, shall be appointed by the Secretary of Defense to serve as experts and consultants under the authority of 5 U.S.C. 3109, and serve as special government employees, and their appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of the FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies/procedures.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee shall meet at the call of the Committee's Designated Federal Officer, in consultation with the Chairperson. The estimated number of Committee meetings is one per year.

In addition, the Designated Federal Officer is required to be in attendance at all Committee and subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the entire duration of the Committee or subcommittee meeting.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Department of Defense Historical Advisory Committee's membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Department of Defense Historical Advisory Committee.

All written statements shall be submitted to the Designated Federal Officer for the Department of Defense Historical Advisory Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Department of Defense Historical Advisory Committee Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Department of Defense Historical Advisory Committee. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: May 2, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–10991 Filed 5–7–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers for Independent Living

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information: Centers for Independent Living. Notice inviting applications for new awards for fiscal year (FY) 2012.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.132A.

DATES:

Applications Available: May 8, 2012.

Deadline for Transmittal of Applications: June 7, 2012.

Deadline for Intergovernmental Review: August 6, 2012.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Centers for Independent Living program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of part C of title VII of the Rehabilitation Act of 1973, as amended (Act), consistent with the design included in the State plan for establishing a statewide network of centers.

Program Authority: 29 U.S.C. 796f–1.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, and 97. (b) The regulations for this program in 34 CFR parts 364 and 366.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: $804,046.
Estimated Number of Awards: 4.

States and outlying areas	Estimated available funds	Estimated number of awards
American Samoa	$154,046	1
California	263,000	1
Iowa	127,000	1
New Jersey	260,000	1

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* To be eligible to apply, an applicant must—

(a) Be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency;

(b) Have the power and authority to—

(1) Carry out the purpose of part C of title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366 within a community located within a State or in a bordering State; and

(2) Receive and administer—

(i) Funds under 34 CFR part 366;

(ii) Funds and contributions from private or public sources that may be used in support of a center; and

(iii) Funds from other public and private programs;

(c) Be able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366;

(d) Either—

(1) Not currently be receiving funds under part C of chapter 1 of title VII of the Act; or

(2) Propose the expansion of an existing center through the establishment of a separate and complete center except that the governing board of the existing center may serve as the governing board of the new center at a different geographical location;

(e) Propose to serve one or more of the geographic areas that are identified as unserved or underserved by the States and Outlying Areas listed under *Estimated Number of Awards;* and

(f) Submit appropriate documentation demonstrating that the establishment of a new center is consistent with the design for establishing a statewide network of centers in the State plan of the State or Outlying Area whose geographic area or areas the applicant proposes to serve.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. Fax: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.132A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:* Applications Available: May 8, 2012. Deadline for Transmittal of Applications: June 7, 2012.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: August 6, 2012.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal

Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Centers for Independent Living program, CFDA Number 84.132A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Centers for Independent Living competition at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.132, not 84.132A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a

determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue SW., room 5057, Potomac Center Plaza (PCP), Washington, DC 20202–2800.

FAX: (202) 245–7593.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.132A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.132A), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 366.27 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in selecting an application for an award are comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located (see 34 CFR 366.25).

3. *Special Conditions:* Under 34 CFR 74.14, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR part 74; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must

ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Pursuant to the Government Performance and Results Act of 1993 (GPRA), the Department measures outcomes in the following three areas to evaluate the overall effectiveness of projects funded under this competition: (1) The effectiveness of individual services in enabling consumers to access previously unavailable transportation, appropriate accommodations to receive health care services, and/or assistive technology resulting in increased independence in at least one significant life area; (2) the effectiveness of individual services designed to help consumers move out of institutions and into community-based settings; and (3) the extent to which projects are participating in community activities to expand access to transportation, health care, assistive technology, and housing for individuals with disabilities in their communities. Grantees will be required to report annually on the percentage of their consumers who achieve their individual goals in the first two areas and on the percentage of their staff, board members, and consumers involved in community activities related to the third area.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue SW., room 5057, PCP, Washington, DC 20202–2800. Telephone: (202) 245–6156.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) by contacting the Grants and Contracts Service Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 3, 2012.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2012–11081 Filed 5–7–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Rehabilitation Research and Training Center (RRTCs) on Vocational Rehabilitation (VR) and Developing Strategies To Meet Employer Needs in Changing Economic Environments

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information:

CFDA Number: 84.133B–1.

Proposed Priority—National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Center (RRTCs) on Vocational Rehabilitation (VR) and Developing Strategies to Meet Employer Needs in Changing Economic Environments.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a funding priority for the Disability and Rehabilitation Research Projects and Centers Program administered by NIDRR. Specifically, this notice proposes a priority for an RRTC on Vocational Rehabilitation and Developing Strategies to Meet Employer Needs in Changing Economic Environments. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2012 and later years. We take this action to focus research attention on areas of national need. We intend this priority to improve employment outcomes for individuals with disabilities.

DATES: We must receive your comments on or before June 7, 2012.

ADDRESSES: Address all comments about this notice to Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., Room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

If you prefer to send your comments by email, use the following address: *marlene.spencer@ed.gov.* You must include the term ''Proposed Priority—RRTC on Vocational Rehabilitation and the Local and Regional Economic Environments'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Marlene Spencer. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This notice of proposed priority is in concert with NIDRR's currently approved Long-Range Plan (Plan). The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

Through the implementation of the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

This notice proposes a priority that NIDRR intends to use for RRTC competitions in FY 2012 and possibly later years. However, nothing precludes NIDRR from publishing additional priorities, if needed. Furthermore, NIDRR is under no obligation to make an award for this priority. The decision to make an award will be based on the quality of applications received and available funding.

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific topic that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this notice. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 5133, 550 12th Street SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Washington, DC, time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities; to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities; and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

RRTC Program: The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act, through advanced research, training, technical assistance, and dissemination activities in general problem areas, as specified by NIDRR. Such activities are designed to benefit rehabilitation service providers, individuals with disabilities, and the family members or other authorized representatives of individuals with disabilities. Additional information on the RRTC program can be found at: *www.ed.gov/rschstat/research/pubs/res-program.html#RRTC.*

Statutory and Regulatory Requirements of RRTCs

RRTCs must—

- Carry out coordinated advanced programs of rehabilitation research;
- Provide training, including graduate, pre-service, and in-service training, to help rehabilitation personnel more effectively provide rehabilitation services to individuals with disabilities;
- Provide technical assistance to individuals with disabilities, their representatives, providers, and other interested parties;
- Disseminate informational materials to individuals with disabilities, their representatives, providers, and other interested parties; and
- Serve as centers of national excellence in rehabilitation research for individuals with disabilities, their representatives, providers, and other interested parties.

Applicants for RRTC grants must also demonstrate in their applications how they will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

Proposed Priority:

This notice contains one proposed priority.

Rehabilitation Research and Training Center (RRTC) on Vocational Rehabilitation and Developing Strategies To Meet Employer Needs in Changing Economic Environments

Background

The Rehabilitation Act authorizes the establishment of the State VR Services Program (VR Program). This program is facing new challenges in the current economy, which has resulted in job losses for many American workers. During the period between 2007 and 2009, the size of the employed workforce decreased for all working-age persons. However, individuals with disabilities experienced a 12.3 percent employment rate decline, from 4.7 million to 4.2 million, as compared to a 3.4 percent employment rate decline for working-age adults without disabilities (Kaye, 2010). Furthermore, the length of time that individuals with disabilities remained unemployed during this period was 25 percent longer than the duration for individuals without disabilities (Fogg, Harrington & McMahon, 2010, 2011). There has also been a decrease in successful outcomes for consumers who received services through the VR program. In 2007, 205,447 (34.2 percent) of VR participants exited the program with employment. These figures declined to 171,904 (26 percent) of VR participants by 2010 (Rehabilitation Services Administration, 2012). Employers' decisions to hire and retain workers are rooted in economic conditions and trends. Employers base hiring decisions on their need for workers to meet demands of their businesses (Banerij, McArthur, Mainardi & Ammann, 2009; Quelch & Jocz, 2009). Therefore, the ability to match VR program participants with employer needs is enhanced when rehabilitation professionals have an understanding of the dynamic economic context in which individuals with disabilities and employers exist. For example, labor market variables such as unemployment rates and per-capita income have a significant influence on employment outcomes for individuals with disabilities (Government Accountability Office, 2007). VR professionals need to

have an understanding of the economic environment in which prospective employers exist (e.g., which sectors of the economy are growing, and which sectors are downsizing). Accordingly, if rehabilitation professionals are to improve employment outcomes of the individuals they serve, they will need to increase their knowledge of local, regional, and even national economic conditions and trends (Gilbridge & Stensurd, 2008).

A ''demand side'' model of VR views the needs of employers as a critical variable that is associated with employment outcomes of individuals with disabilities (Luecking, 2008; Unger, 2006). In this model, job development services focus on employer needs and are aimed at improving employers' business outcomes (Luecking, 2008; Unger, 2007). In the VR context, demand side approaches focus not only on hiring, but also on job retention of employees with disabilities who may be at risk of exiting the workforce (Habeck, Kregel, Head & Yasuda, 2007). From this perspective, VR does not end at a single point in time (e.g., when an individual is hired), but is rather a dynamic, ongoing process in which rehabilitation professionals align the strengths and goals of workers with disabilities with the needs of employers.

Development of service delivery models that take into account changes in economic conditions and the subsequent impact on labor market conditions are necessary to ensure that State VR agencies provide services that meet the needs of individuals with disabilities and their employers. One resource that could serve as a model for VR professionals are the ''Rapid Response'' activities authorized by the Workforce Investment Act. Yet, a recent study found that VR staff are not ''typically'' involved in the Rapid Response program (Heidkamp & Mabe 2011).

Research and development related to demand side models of employment service delivery can provide VR professionals with new tools to understand and address evolving employment challenges, including how to help ensure that individuals with disabilities have the skills needed to work in growing occupational sectors.

References

Banerij, S., McArthur, N., Mainardi, C. & Ammann, C. (2009). *Recession response: Why companies are making the wrong moves.* Booz & Company.

Fogg, N. P., Harrington, P. E., & McMahon, B. T. (in press). The impact of the Great Recession on the unemployment of Americans with disabilities. *Journal of Vocational Rehabilitation.*

Fogg, N. P., Harrington, P. E., & McMahon, B. T. (2011). The underemployment of persons with disabilities during the Great Recession. *The Rehabilitation Professional, 19(1),* 3–10.

Gilbridge, D., & Strensrud, R. (2008). Why won't they just do it? *Rehabilitation Education, 22,* 125–132.

Government Accountability Office (2007). *Improved Information and Practices May Enhance State Agency Earnings Outcomes for SSA Beneficiaries.* GAO Report 07–521.

Habeck, R., Kregel, J., Head, C., & Yasuda, S. (2007). Salient and subtle aspects of demand side approaches for employment retention: Lessons for public policymakers.

Heldkamp, M. & Mabe, W. (2011). The Great Recession and Serving Dislocated Workers with Disabilities: Perspectives from One-Stop Career Centers and Rapid Response Coordinators. Report of the NTAR Leadership Center.

Kaye, H. S. (2010). The impact of the 2007–09 recession on workers with disabilities *Monthly Labor Review, 133,* 19–30.

Luecking, R.G. (2008). Emerging employer views of people with disabilities and the future of job development. *Journal of Vocational Rehabilitation, 29,* 3–13.

Quelch, J. and Jocz, K. (2009) How to market in a downturn, *Harvard Business Review, 87,* 4, 52–62.

Rehabilitation Services Administration (2012). RSA–911 Case Service Report. Washington, DC: U.S. Department of Education.

Unger, D. (2007). Addressing employer personnel needs and improving employment training, job placement and retention for individuals with disabilities through public-private partnerships. *Journal of Vocational Rehabilitation,* 26, 39–48.

Proposed Priority: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for a Rehabilitation Research and Training Center (RRTC) on Vocational Rehabilitation (VR) and Developing Strategies to Meet Employer Needs in Changing Economic Environments. This RRTC must conduct research that contributes to identifying effective VR practices that take into account economic conditions, labor market trends, and employer needs. This RRTC will contribute to improved employment outcomes by generating new knowledge about effective practices that can be used by State VR agencies in serving their customers, including both program participants and employers. Under this priority, the RRTC must contribute to the following outcomes:

(a) New knowledge to improve responsiveness of VR agencies to employer workforce needs in a changing economy. The RRTC must contribute to this outcome by conducting research or development activities on effective ways for State VR agencies to assess employer needs and expectations in the changing economic environment in which businesses operate. The RRTC must conduct research to identify or develop effective strategic planning models that will support State VR agency efforts to anticipate and prepare for changing employer and labor market needs. In addition, the RRTC must conduct research to identify existing programs, e.g., Workforce Investment Act ''Rapid Response'' programs, that may be useful in helping VR agencies mitigate the impact of changing economic conditions. These research or development activities must include identification of methods of tracking, analyzing, and reacting to changing employer needs, including those related to economic conditions such as analysis of labor market trends and analysis of projected growth areas.

(b) Improved job training, development, and placement services and strategies. The RRTC must contribute to this outcome by conducting research to identify or develop effective service delivery models that take into account current and future employer workforce needs, including needed job skills. Components of these models may include, but are not limited to: Employer partnerships to facilitate the identification of employer needs; incorporation of employer needs in planning job development, placement, and retention strategies; training opportunities to provide individuals with disabilities with skills that match employer needs; and strategic planning processes designed to respond to changing employer and economic needs.

(c) Improved training and continuing education for VR professionals. The RRTC must contribute to this outcome by developing and disseminating materials that incorporate findings from the research and development activities conducted under paragraphs (a) and (b) of this priority. These materials must be developed for use by State VR agencies to improve their ability to use information generated to develop strategies and services that will better meet the needs of employers in the context of local and regional economic and labor market conditions and to increase employment outcomes for VR participants.

In addition, through coordination with the NIDRR Project Officer, this RRTC must—

(1) Collaborate with RSA's Regional Technical Assistance Network, including Regional Technical

Assistance and Continuing Education (TACE) Centers to disseminate new knowledge to VR State agency personnel and key stakeholders; and

(2) Collaborate with NIDRR grantees that are conducting work relevant to this RRTC.

Types of Priorities: When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority: We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are taking this regulatory action only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this proposed priority is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years in that similar projects have been completed successfully. This proposed priority will generate new knowledge through research and development.

Another benefit of this proposed priority is that the establishment of a new RRTC will improve the lives of individuals with disabilities. The new RRTC will generate, disseminate, and promote the use of new information that will improve the options for individuals with disabilities to fully participate in their communities.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 3, 2012.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2012–11097 Filed 5–7–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP12–650–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Iberdrola Energy Negotiated Rate to be effective 5/1/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5277.
Comments Due: 5 p.m. ET 5/8/12.

Docket Numbers: RP12–651–000.
Applicants: Black Marlin Pipeline Company.
Description: Black Marlin Pipeline Company submits Annual Imbalance Cash-out Report.
Filed Date: 4/26/12.
Accession Number: 20120426–5284.
Comments Due: 5 p.m. ET 5/8/12.

Docket Numbers: RP12–652–000.
Applicants: Discovery Gas Transmission LLC.
Description: Discovery Gas Transmission LLC submits Annual Imbalance Cash-out Report.
Filed Date: 4/26/12.
Accession Number: 20120426–5286.
Comments Due: 5 p.m. ET 5/8/12.

Docket Numbers: RP12–653–000.
Applicants: Northern Border Pipeline Company.
Description: Northern Border Pipeline Company submits Operational Purchases and Sales of Gas Report.
Filed Date: 4/26/12.
Accession Number: 20120426–5291.
Comments Due: 5 p.m. ET 5/8/12.

Docket Numbers: RP12–654–000.
Applicants: MarkWest Pioneer, LLC.
Description: MarkWest Pioneer—Nonconforming Negotiated Rate Agreement to be effective 5/1/2012.
Filed Date: 4/27/12.
Accession Number: 20120427–5057.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–655–000.
Applicants: Texas Eastern Transmission, LP.
Description: EQT 910900 Non-conforming Agreement to be effective 6/1/2012.
Filed Date: 4/27/12.
Accession Number: 20120427–5073.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–656–000.
Applicants: Elba Express Company, LLC.
Description: Elba Express Company, LLC submits Annual Update of Fuel Retention Rates Report.
Filed Date: 4/27/12.
Accession Number: 20120427–5105.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–657–000.
Applicants: Kern River Gas Transmission Company.
Description: 2012 SCRS Elimination to be effective 5/28/2012.
Filed Date: 4/27/12.
Accession Number: 20120427–5127.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–658–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Operational Imbalances for 2011 of Cameron Interstate Pipeline, LLC.
Filed Date: 4/27/12.
Accession Number: 20120427–5129.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–659–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC submits Annual Report of Interruptible Transportation Revenue Sharing.
Filed Date: 4/27/12.
Accession Number: 20120427–5277.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–660–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Filed Date: 4/27/12.
Accession Number: 20120427–5278.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–661–000.
Applicants: PetroLogistics Natural Gas Storage, LLC.
Description: PetroLogistics Natural Gas Storage, LLC submits Annual Annual Operational Quantities Purchases/Sales Report.
Filed Date: 4/27/12.
Accession Number: 20120427–5282.
Comments Due: 5 p.m. ET 5/9/12.

Docket Numbers: RP12–662–000.
Applicants: Ruby Pipeline, LLC.
Description: Compliance and Updates in RP12–395–000 Proceeding to be effective 5/28/2012.
Filed Date: 4/27/12.
Accession Number: 20120427–5346.
Comments Due: 5 p.m. ET 5/9/12

Docket Numbers: RP12–663–000.
Applicants: Gulf South Pipeline Company, LP.
Description: 2012 Update Tariff Maps to be effective 5/31/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5054.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–664–000.
Applicants: Texas Gas Transmission, LLC.
Description: 2012 Update System Maps Filing to be effective 5/31/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5055.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–665–000.
Applicants: ANR Pipeline Company.
Description: Cashout Surcharge 2012 to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5057.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–666–000.
Applicants: Northern Natural Gas Company.
Description: 20120430 Winter Market Area Fuel Rate to be effective 11/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5058.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–667–000.
Applicants: Saltville Gas Storage Company LLC.
Description: Saltville Gas Storage Company LLC submits tariff filing per 154.204: SGSC Expired Negotiated Rates to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5084.
Comments Due: 5 p.m. ET 5/14/12.

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 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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: April 30, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10971 Filed 5–7–12; 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 rate filings:

Docket Numbers: ER12–33–002.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: 04–25–12 DEO/DEK Exit Fee Compliance to be effective 12/31/2011.
Filed Date: 4/25/12.
Accession Number: 20120425–5220.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–813–000.
Applicants: Southwest Power Pool, Inc.
Description: Refund Report—2166R1 Westar Energy—ER12–813 to be effective N/A.
Filed Date: 4/24/12.
Accession Number: 20120424–5158.
Comments Due: 5 p.m. ET 5/15/12.

Docket Numbers: ER12–828–000.
Applicants: Southwest Power Pool, Inc.
Description: Refund Report—1884R1 Westar Energy—ER12–828 to be effective N/A.
Filed Date: 4/24/12.
Accession Number: 20120424–5111.
Comments Due: 5 p.m. ET 5/15/12.

Docket Numbers: ER12–831–000.
Applicants: Southwest Power Pool, Inc.
Description: Refund Report—1889R1 Westar Energy—ER12–831 to be effective N/A.
Filed Date: 4/24/12.
Accession Number: 20120424–5113.
Comments Due: 5 p.m. ET 5/15/12.

Docket Numbers: ER12–894–000.
Applicants: Southwest Power Pool, Inc.
Description: Refund Report—2014R2 City Of Lindsborg—Order ER12–894 to be effective N/A.
Filed Date: 4/24/12.
Accession Number: 20120424–5112.
Comments Due: 5 p.m. ET 5/15/12.

Docket Numbers: ER12–1604–000.
Applicants: Cactus Energy LLC.
Description: Baseline New to be effective 4/25/2012.
Filed Date: 4/24/12.
Accession Number: 20120424–5110.
Comments Due: 5 p.m. ET 5/15/12.

Docket Numbers: ER12–1605–000.
Applicants: Entergy Arkansas, Inc.
Description: Oxy-Braz DTOA to be effective 6/1/2012.
Filed Date: 4/25/12.
Accession Number: 20120425–5069.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–1606–000.
Applicants: New England Power Company.
Description: Local Service Agreement with Mansfield Municipal Electric Dept.—Refiled to be effective 1/1/2012.
Filed Date: 4/25/12.
Accession Number: 20120425–5072.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–1607–000.
Applicants: MidAmerican Energy Company.
Description: Notice of Cancellation of Engineering & Procurement Agreements of MidAmerican Energy Company.
Filed Date: 4/25/12.
Accession Number: 20120425–5088.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–1608–000.
Applicants: New England Power Company.
Description: Notice of Termination of Rate Schedule No. 426 of New England Power Company.
Filed Date: 4/25/12.
Accession Number: 20120425–5091.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–1609–000.
Applicants: MidAmerican Energy Company.
Description: Notices of Cancellation—Rate Schedules 117 and 119 to be effective 4/26/2012.
Filed Date: 4/25/12.
Accession Number: 20120425–5099.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–1610–000.
Applicants: Southwest Power Pool, Inc.
Description: 2424 Oklahoma Gas & Electric Co. Interconnection & Interchange Agreement to be effective 5/1/2012.
Filed Date: 4/25/12.
Accession Number: 20120425–5108.
Comments Due: 5 p.m. ET 5/16/12.

Docket Numbers: ER12–1611–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits request regarding reclassification of Transmission Facilities defined in Southwest Power Pool Inc.'s Open Access Transmission Tariff Attachment AI.
Filed Date: 4/23/12.
Accession Number: 20120423–5231.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: ER12–1612–000.
Applicants: El Dorado Energy, LLC.
Description: El Dorado Energy, LLC submits tariff filing per 35.15: El Dorado Energy LLC Notice of Cancellation of MBR Tariff to be effective 4/26/2012.
Filed Date: 4/25/12.
Accession Number: 20120425–5257.
Comments Due: 5 p.m. ET 5/16/12.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES12–37–000.
Applicants: The Detroit Edison Company.
Description: Application of the Detroit Edison Company for Authorization to Issue Securities.
Filed Date: 4/25/12.
Accession Number: 20120425–5274.
Comments Due: 5 p.m. ET 5/16/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–1–000.
Applicants: Blackstone Wind Farm LLC, Blackstone Wind Farm II LLC, High Trail Wind Farm, LLC, Meadow Lake Wind Farm LLC, Meadow Lake Wind Farm II LLC, Meadow Lake Wind Farm III LLC, Meadow Lake Wind Farm IV LLC, Old Trail Wind Farm, LLC, and Paulding Wind Farm II LLC.
Description: Land Acquisition Report of Blackstone Wind Farm LLC, *et al.*
Filed Date: 4/24/12.
Accession Number: 20120424–5167.
Comments Due: 5 p.m. ET 5/15/12.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF12–330–000.
Applicants: Rand-Whitney Containerboard Limited Partnership.
Description: Form 556—Notice of self-certification of qualifying cogeneration facility status of Rand Whitney Containerboard LP.
Filed Date: 4/12/12.
Accession Number: 20120412–5052.
Comments Due: None Applicable.

Docket Numbers: QF12–331–000.
Applicants: RED–Burlington, LLC.
Description: Form 556—Notice of self-certification of qualifying cogeneration facility status of RED–Burlington, LLC.
Filed Date: 4/12/12.
Accession Number: 20120412–5134.
Comments Due: None Applicable.

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 5:00 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: April 26, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10973 Filed 5–7–12; 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 rate filings:

Docket Numbers: ER10–2124–003; ER10–2125–003; ER10–2127–003; ER10–2128–003; ER10–2129–003; ER10–2130–003; ER10–2131–004; ER10–2132–003; ER10–2133–004; ER10–2134–003; ER10–2135–003; ER10–2136–003; ER10–2137–004; ER10–2138–004; ER10–2139–004; ER10–2140–004; ER10–2141–004; ER10–2764–003; ER11–3872–004; ER11–4044–003; ER11–4046–003; ER12–161–003; ER12–164–002.

Applicants: Forward Energy LLC, Sheldon Energy LLC, Invenergy Cannon Falls LLC, Spindle Hill Energy LLC, Spring Canyon Energy LLC, Grays Harbor Energy LLC, Grand Ridge Energy LLC, Willow Creek Energy LLC, Hardee Power Partners Limited, Judith Gap Energy LLC, Invenergy TN LLC, Wolverine Creek Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Vantage Wind Energy LLC, Beech Ridge Energy LLC, Gratiot County Wind LLC, Stony Creek Energy LLC, Bishop Hill Energy III LLC, Gratiot County Wind II LLC, Bishop Hill Energy LLC.

Description: Notification of Change in Facts under Market-Based Rate Authority of Spring Canyon Energy LLC, *et al.*

Filed Date: 4/27/12.

Accession Number: 20120427–5409.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER10–3083–001; *ER10–3082–001.*

Applicants: Motiva Enterprises LLC, Shell Chemical LP.

Description: Motiva Enterprises LLC et al., Supplement to Updated Market Power Analysis for the Southeast Region.

Filed Date: 4/27/12.

Accession Number: 20120427–5209.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1638–000.

Applicants: PJM Interconnection, LLC.

Description: Original Service Agreement No. 3278; Queue No. X2–083 to be effective 3/29/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5304.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1639–000.

Applicants: Pacific Gas and Electric Company.

Description: Amendment to CDWR's Comprehensive Agreement, PG&E Rate Schedule FERC No. 77 to be effective 4/30/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5329.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1641–000.

Applicants: Cleco Power LLC.

Description: NOTICE OF CANCELLATION—SA 90—LAGEN to be effective 4/30/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5345

Comments Due: 5 p.m. ET 5/18/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–1–000.

Applicants: Rockland Wind Farm LLC.

Description: Rockland Wind Farm LLC Quarterly Land Acquisition Report for 1st Quarter 2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5360.

Comments Due: 5 p.m. ET 5/18/12.

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: April 30, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10977 Filed 5–7–12; 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: ER11–4266–003.

Applicants: Richland-Stryker Generation LLC.

Description: Supplemental to Notice of Non-Material Change in Status of Richland-Stryker Generation LLC.

Filed Date: 4/27/12.

Accession Number: 20120427–5138.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–645–003.

Applicants: California Ridge Wind Energy LLC.

Description: Notification of Change in Facts Under Market-Based Rate Authority of California Ridge Wind Energy LLC.

Filed Date: 4/27/12.

Accession Number: 20120427–5281.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1629–000.

Applicants: Interstate Power and Light Company.

Description: IPL RES–5 Wholesale Tariff Revisions to be effective 7/1/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5056.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1630–000.

Applicants: California Independent System Operator Corporation.

Description: 2012–04–27 CAISO Frequency Regulation Compensation Filing to be effective 4/9/2013.

Filed Date: 4/27/12.

Accession Number: 20120427–5116.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1631–000.

Applicants: Standard Binghamton LLC.

Description: Standard Binghamton LLC submits tariff filing per 35.15: Standard Binghamton MBR Tariff Cancellation Filing to be effective 4/27/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5134.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1632–000.

Applicants: BlueStar Energy Services Inc.

Description: BlueStar Energy Services Inc. submits tariff filing per 35: AEPSC–

BlueStar Order 697 Compliance to be effective 3/7/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5242.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1633–000.

Applicants: U.S. Energy Partners, LLC.

Description: U.S. Energy Partners, LLC submits tariff filing per 35.12: U.S. Energy Partners, LLC FERC MBR Baseline Filing to be effective 5/1/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5250.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1634–000.

Applicants: Southwestern Public Service Company.

Description: Southwestern Public Service Company submits tariff filing per 35.13(a)(2)(iii: 2012–4–27–GSEC–E&P–Mustang-VI–655–0.0.0–Filing to be effective 4/30/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5275.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1635–000.

Applicants: Wolverine Power Supply Cooperative, Inc.

Description: Wolverine Power Supply Cooperative, Inc. submits tariff filing per 35.13(a)(2)(iii: Rate Schedule No. 9 to be effective 4/27/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5276.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1636–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2012–04–27 CAISO, BANC Dynamic Transfer Agreement to be effective 6/28/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5279.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: ER12–1637–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2012–04–27 CAISO, BANC, Western, PGE Pseudo-Tie Agreement to be effective 6/28/2012.

Filed Date: 4/27/12.

Accession Number: 20120427–5280.

Comments Due: 5 p.m. ET 5/18/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–1–000.

Applicants: Niagara Generation, LLC.

Description: Land Acquisition Report/Form (1Q 2012) of Niagara Generation, LLC.

Filed Date: 4/27/12.

Accession Number: 20120427–5261.

Comments Due: 5 p.m. ET 5/18/12.

Docket Numbers: LA12–1–000.

Applicants: Spring Canyon Energy LLC, Judith Gap Energy LLC, Invenergy TN LLC, Wolverine Creek Energy LLC, Grays Harbor Energy LLC, Forward Energy LLC, Willow Creek Energy LLC, Sheldon Energy LLC, Hardee Power Partners Limited, Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Beech Ridge Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, VantageWind Energy LLC, Stony Creek Energy LLC, Gratiot CountyWind LLC, Gratiot CountyWind II LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC and California Ridge Wind Energy LLC.

Description: Generation Site Report First Quarter 2012 of Spring Canyon Energy LLC, et al.

Filed Date: 4/27/12.

Accession Number: 20120427–5262.

Comments Due: 5 p.m. ET 5/18/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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Dated: April 27, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10976 Filed 5–7–12; 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 exempt wholesale generator filings:

Docket Numbers: EG12–62–000.

Applicants: Canadian Hills Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Canadian Hills Wind, LLC.

Filed Date: 4/26/12.

Accession Number: 20120426–5240.

Comments Due: 5 p.m. ET 5/17/12

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–513–004.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits tariff filing per 35: Compliance Filing per 4/11/2012 Order in ER12–513 to be effective 1/31/2012 to be effective 1/31/2012.

Filed Date: 4/26/12.

Accession Number: 20120426–5262.

Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–513–005.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits tariff filing per 35: Compliance Filing per 4/11/2012 Order in ER12–513 to be effective 6/30/2012 to be effective 6/30/2012.

Filed Date: 4/26/12.

Accession Number: 20120426–5266.

Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1626–000.

Applicants: Topaz Solar Farms LLC.

Description: Topaz Solar Farms LLC submits tariff filing per 35.12: Topaz Solar Farm MBR Application to be effective 6/25/2012.

Filed Date: 4/26/12.

Accession Number: 20120426–5239.

Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1627–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: MR1 Price Responsive Demand FCM Conf. Chges for Full Integration to be effective 1/15/2013.

Filed Date: 4/26/12.

Accession Number: 20120426–5264.

Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1628–000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Amendment 5 to Service Agreement No. 174; Gila River and Sundevil IOA to be effective 4/15/2012.

Filed Date: 4/26/12.

Accession Number: 20120426–5276.

Comments Due: 5 p.m. ET 5/17/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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Dated: April 27, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10975 Filed 5–7–12; 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: ER11–3539–001.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35: Cleco. NITSA Cmpl to be effective 5/1/2011.
Filed Date: 4/26/12.
Accession Number: 20120426–5214.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1383–001.
Applicants: Diamond State Generation Partners, LLC.
Description: Amendment to Market-Based Rate Application to be effective 3/29/2012.
Filed Date: 4/23/12.
Accession Number: 20120423–5085.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: ER12–1613–000.
Applicants: Hill Energy Resource & Services, LLC.
Description: Hill Energy Resource & Services, LLC submits tariff filing per 35.12: Hill Energy Resource & Services, LLC Electric Tariff Original Volume No 1 to be effective 5/1/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5002.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1614–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii: Emergency Interchange Service Schedule A&B—2012 (Bundled) to be effective 5/1/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5066.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1615–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii: Emergency Interchange Service Contract with Southern Company—2012 (Unbundled) to be effective 5/1/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5067.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1616–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii: QF Transmission Agreement with Auburndale Pwr Partners—2012 to be effective 5/1/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5068.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1617–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Duke Energy Carolinas, LLC submits tariff filing per 35.13(a)(2)(iii: Amendment to Credit—PMPA NITSA to be effective 8/1/2011.
Filed Date: 4/26/12.
Accession Number: 20120426–5098.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1618–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits tariff filing per 35.13(a)(2)(iii: Original Service Agreement No. 3276; Queue No. X1–012 to be effective 4/2/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5110.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1619–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits tariff filing per 35.13(a)(2)(iii: Original Service Agreement No. 3277; Queue No. W3–146 to be effective 4/2/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5124.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1620–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits tariff filing per 35.13(a)(2)(iii: Original Service Agreement No. 3275; Queue No. W3–078 to be effective 4/2/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5127.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1621–000.
Applicants: Nevada Power Company.
Description: Nevada Power Company Rate Schedule No. 109 ORNI 16 Carson Lake RPPA Cancellation.
Filed Date: 4/26/12.
Accession Number: 20120426–5130.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1622–000.
Applicants: Nevada Power Company.
Description: Nevada Power Company Rate Schedule No. 112 Carson Lake Basin RPPA Cancellation.
Filed Date: 4/26/12.
Accession Number: 20120426–5131.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1623–000.
Applicants: Nevada Power Company.
Description: Nevada Power Company Rate Schedule No. 113 ORNI 20 Grass Valley RPPA Cancellation.
Filed Date: 4/26/12.
Accession Number: 20120426–5142.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1624–000.
Applicants: New York Independent System Operator, Inc., Consolidated Edison Company of New York, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: Agreement No. 1873 between New York Power Authority and Consolidated Edison to be effective 5/1/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5180.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: ER12–1625–000.
Applicants: Ingenco Wholesale Power, LLC.
Description: Ingenco Wholesale Power, LLC submits tariff filing per 35.13(a)(2)(iii: Notice of Change in Status to be effective 3/29/2012.
Filed Date: 4/26/12.
Accession Number: 20120426–5190.
Comments Due: 5 p.m. ET 5/17/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–1–000.
Applicants: Macho Springs Power I, LLC.
Description: Site Control Report for Q1 2012 of Macho Springs Power I, LLC.
Filed Date: 4/26/12.
Accession Number: 20120426–5219.
Comments Due: 5 p.m. ET 5/17/12.

Docket Numbers: LA12–1–000.
Applicants: East Coast Power Linden Holding, LLC, Cogen Technologies Linden Venture, L.P., Fox Energy Company, LLC, Birchwood Power Partners, L.P., Shady Hills Power Company, LLC, EFS Parlin Holdings, LLC, and Inland Empire Energy Center, LLC.

Description: The GE Companies submitting report updating the list of sites for New Generation.
Filed Date: 4/26/12.
Accession Number: 20120426–5220.
Comments Due: 5 p.m. ET 5/17/12.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH12–12–000.
Applicants: Energy Transfer Equity, L.P.
Description: FERC–65A Exemption of Energy Transfer Equity, L.P.
Filed Date: 4/25/12.
Accession Number: 20120425–5278.
Comments Due: 5 p.m. ET 5/16/12.

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 5:00 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: April 26, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10974 Filed 5–7–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP12–669–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Map Update Transco April 2012 to be effective 5/31/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5106.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–670–000.
Applicants: Northern Natural Gas Company.
Description: 20120430 OPPD Negotiated Rate to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5110.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–671–000.
Applicants: ANR Pipeline Company.
Description: TVA Agreements to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5111.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–672–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Map Filing on 4–30–12 to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5112.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–673–000.
Applicants: Trunkline Gas Company, LLC.
Description: Map Filing on 4–30–12 to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5114.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–674–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Map Filing on 4–30–12 to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5116.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–675–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Map Filing on 4–30–12 to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5120.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–676–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: RP–06–569–007 and RP07–376–004 Compliance (WSS Base Gas) to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5124.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–677–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Tariff Filing to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5172.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–678–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Tariff Filing to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5190.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–679–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine Revises its Forms of Service Agreements to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5202.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–680–000.
Applicants: Southeast Supply Header, LLC.
Description: SESH 2012 Map Filing to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5249.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–681–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK 37731 to Sequent 39880 Capacity Release Negotiated Rate Agreement to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5253.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–682–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK 37731 to Spark 39886 Capacity Release Negotiated Rate Agreement filing to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5258.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–683–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK 37731 to Texla 39887 Capacity Release Negotiated Rate Agreement filing to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5262.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–684–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 04/30/12 Negotiated Rates—Occidental Energy Marketing, Inc. to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5304.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–685–000.
Applicants: Horizon Pipeline Company, LLC.
Description: Horizon Pipeline Company, LLC submits tariff filing per 154.204: Nicor Gas Negotiated Rate Filing to be effective 5/14/2012.

Filed Date: 4/30/12.
Accession Number: 20120430–5396.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–686–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: Unauthorized Farm Tap to be effective 5/31/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5423.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–687–000.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline L.P. submits tariff filing per 154.204: Capacity Auction May 2012 to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5425.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–688–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: 2012 System Maps to be effective 4/30/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5427.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–689–000.
Applicants: Petal Gas Storage, LLC.
Description: Filing to Correct Tariff Record to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5429.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–690–000.
Applicants: Natural Gas Pipeline Company of America LLC.
Description: Nicor Negotiated Rate Filing to be effective 5/14/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5431.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–691–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Negotiated Rate Service Agreement Filing—Contract No. 131726, etc to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5433.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–692–000.
Applicants: Questar Overthrust Pipeline Company.
Description: WIC Non-conforming sub-contracts to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5437.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–693–000.
Applicants: Big Sandy Pipeline, LLC.
Description: EQT Energy 1009019 Negotiated Rate Agreement to be effective.
Filed Date: 4/30/12.
Accession Number: 20120430–5440.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–694–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Fuel Tracker to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5444.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–695–000.
Applicants: Fayetteville Express Pipeline LLC.
Description: FEP Semi-Annual Fuel Filing 04_2012 to be effective 6/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5446.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–696–000.
Applicants: Questar Pipeline Company.
Description: System Map Version 1.0.0 to be effective 5/30/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5449.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–697–000.
Applicants: Questar Southern Trails Pipeline Company.
Description: System Map Version 1.0.0 to be effective 5/30/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5462.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–698–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 04/30/12 Negotiated Rates—Iberdrola Energy Services, LLC 7305–02 to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5470.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–699–000.
Applicants: Southern Natural Gas Company, LLC.
Description: Map Filing—2012 to be effective 6/1/2012.
Filed Date: 5/1/12.
Accession Number: 20120501–5002.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–700–000.
Applicants: Discovery Gas Transmission LLC.
Description: Hilcorp Negotiated Rate Agreement to be effective 5/1/2012.
Filed Date: 5/1/12.
Accession Number: 20120501–5011.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–701–000.
Applicants: Gulfstream Natural Gas System, LLC.
Description: 2012 GNGS TUP/SBA Filing to be effective 6/1/2012.
Filed Date: 5/1/12.
Accession Number: 20120501–5090.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–702–000.
Applicants: Southeast Supply Header, LLC.
Description: 2012 TUP/SBA Annual Filing to be effective N/A .
Filed Date: 5/1/12.
Accession Number: 20120501–5091.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–703–000.
Applicants: Dauphin Island Gathering Partners.
Description: Negotiated Rates 2012–05–01 to be effective 5/1/2012.
Filed Date: 5/1/12.
Accession Number: 20120501–5128.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–704–000.
Applicants: Gulf South Pipeline Company, LP.
Description: QEP 37657–17 Amendment to Negotiated Rate Agreement to be effective 5/2/2012.
Filed Date: 5/1/12.
Accession Number: 20120501–5129.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–705–000.
Applicants: Northern Natural Gas Company.
Description: 20120501 J. Aron Non-conforming/Negotiated Rate to be effective 6/1/2012.
Filed Date: 5/1/12.
Accession Number: 20120501–5130.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: RP12–706–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: BP K37–9 Amendment to Negotiated Rate Agreement to be effective 5/1/2012.
Filed Date: 05/01/2012.
Accession Number: 20120501–5137.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 14, 2012.

Docket Numbers: RP12–707–000.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline L.P. submits tariff filing per 154.204: May 2012 Auction Correction to be effective 5/1/2012.
Filed Date: 05/01/2012.
Accession Number: 20120501–5140.
Comment Date: 5:00 p.m. Eastern Time on Monday, May 14, 2012.

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 5:00 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: RP12–88–004.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits tariff filing per 154.203: RP12–88 Protective Motion Rates to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5422.
Comments Due: 5 p.m. ET 5/14/12.

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 5:00 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: May 1, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10972 Filed 5–7–12; 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: ER11–3949–005.
Applicants: New York Independent System Operator, Inc.
Description: Compliance Filing: Order Nos. 741 and 741–A, Credit Reforms—Tariffs to be effective 7/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5336.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: ER11–3951–001.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35: Compliance Filing: Order Nos. 741 and 741–A, ISO–TO and ISO–NYSRC Agreements to be effective 7/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5349.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: ER12–309–002.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 04–30–12 Attachment X_Queue Reform Compliance to be effective 1/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5438.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–923–001.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 04–30–12 LAC Compliance to be effective 4/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5340.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1436–002.
Applicants: Eagle Point Power Generation LLC.
Description: Eagle Point Power Generation LLC submits tariff filing per 35.17(b): Category Seller Revision to be effective 4/2/2011.
Filed Date: 4/30/12.
Accession Number: 20120430–5424.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1642–000.
Applicants: Pacific Gas and Electric Company.
Description: CCSF IA—37th Quarterly Filing of Facilities Agreements to be effective 3/31/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5000.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1643–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Order 755 Regulation Market Changes to be effective 12/31/9998.
Filed Date: 4/30/12.
Accession Number: 20120430–5161.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1644–000.
Applicants: PacifiCorp.
Description: PAC Energy NITSA Rev 15 to be effective 4/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5252.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1645–000.
Applicants: ITC Midwest LLC.
Description: ITC Midwest LLC submits tariff filing per 35.13(a)(2)(iii: ITC Midwest-Muscatine Notice of Succession Filing to be effective 7/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5292.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1646–000.
Applicants: Florida Power Corporation.
Description: Florida Power Corporation submits tariff filing per 35.13(a)(2)(iii: Annual update of cost factors for Florida Power Corp. Interchange Agreements to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5299.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1647–000.
Applicants: Florida Power Corporation.
Description: Florida Power Corp Additional Transmission Projects for 50% CWIP Recovery.
Filed Date: 4/30/12.
Accession Number: 20120430–5305.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1648–000.
Applicants: ITC Midwest LLC.
Description: ITC Midwest LLC submits tariff filing per 35.13(a)(2)(iii: Filing of Attachment Agreements to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5313.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1649–000.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: Cleco NITSA 6th Rev. to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5315.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1650–000.
Applicants: Maine Public Service Company.
Description: Maine Public Service Company submits tariff filing per 35.13(a)(1): Formula Rate Change Filing to be effective 7/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5322.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1651–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: ISO–NE Central Counterparty to be effective 1/1/2013.
Filed Date: 4/30/12.
Accession Number: 20120430–5415.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: ER12–1652–000.
Applicants: Stephentown Spindle, LLC.
Description: Stephentown Spindle, LLC submits tariff filing per 35: Category Seller Status Revision to be effective 5/1/2012.

Filed Date: 4/30/12.
Accession Number: 20120430–5417.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1653–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35: Compliance Filing: Order No. 755, Frequency Regulation to be effective 10/27/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5428.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1654–000.
Applicants: Avista Corporation.
Description: Avista Corporation submits tariff filing per 35.12: Avista KEC Interconnection Agreement SA T0205–1 to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5432.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1655–000.
Applicants: Lea Power Partners, LLC.
Description: Lea Power Partners, LLC submits tariff filing per 35.13(a)(2)(iii: April 2012 Change in Status Filing to be effective 3/29/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5434.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1656–000.
Applicants: Waterside Power, LLC.
Description: Waterside Power, LLC submits tariff filing per 35.13(a)(2)(iii: April 2012 Change in Status Filing to be effective 3/29/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5436.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1657–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: Western's Work Performance Agreement (Cottonwood), Rate Schedule FERC No. 228 to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5441.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1658–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 4–30–12 AIC/PPI to be effective 4/11/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5442.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1659–000.
Applicants: New England Power Pool Participants Committee.
Description: New England Power Pool Participants Committee submits tariff filing per 35.13(a)(2)(iii: May 2012 Membership Filing to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5443.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1660–000.
Applicants: Tuscola Bay Wind, LLC.
Description: Tuscola Bay Wind, LLC submits tariff filing per 35.12: Tuscola Bay Wind, LLC MBR Application to be effective 6/29/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5445.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1661–000.
Applicants: PJM Interconnection, LLC.
Description: PJM Interconnection, LLC submits tariff filing per 35.13(a)(2)(iii: Revisions to PJM OATT Sch 12 & Sch 12 Appendices per Order in EL02–23 & ER08–858 to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5447.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1662–000.
Applicants: Black Hills/Colorado Electric Utility Co.
Description: Black Hills/Colorado Electric Utility Company, LP submits tariff filing per 35.13(a)(2)(iii: OATT Revised Sections to be effective 5/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5448.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1663–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 04–30–12 Att L Compliance (Order 741) to be effective 1/1/2013.
Filed Date: 4/30/12.
Accession Number: 20120430–5450.
Comments Due: 5 p.m. ET 5/14/12.

Docket Numbers: ER12–1664–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 04–30–12 755 Compliance to be effective 10/27/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5459.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: ER12–1665–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: 2028R2 Sunflower Electric Power Corporation NITSA NOA to be effective 4/1/2012.
Filed Date: 4/30/12.
Accession Number: 20120430–5467.
Comments Due: 5 p.m. ET 5/21/12.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES12–38–000.
Applicants: Delmarva Power & Light Company, Potomac Electric Power Company.
Description: Application for Authorization to Issue short-term debt of Delmarva Power & Light Company, *et al.*
Filed Date: 4/30/12.
Accession Number: 20120430–5303.
Comments Due: 5 p.m. ET 5/21/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–1–000.
Applicants: Astoria Generating Company, L.P.
Description: Report/Quarterly Land Acquisition Report of Astoria Generating Company, L.P.
Filed Date: 4/30/12.
Accession Number: 20120430–5144.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: LA12–1–000.
Applicants: El Paso Electric Company.
Description: Land Acquisition Report of El Paso Electric Company.
Filed Date: 4/30/12.
Accession Number: 20120430–5239.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: LA12–1–000.
Applicants: Cedar Creek II, LLC, Copper Mountain Solar 1, LLC, El Dorado Energy, LLC, Fowler Ridge II Wind Farm LLC, Mesquite Power, LLC, Mesquite Solar 1, LLC, San Diego Gas & Electric Company, Sempra Energy Trading LLC, Sempra Generation, and Termoelectrica U.S., LLC.
Description: Sempra Generation *et al.* Land Acquisition Report.
Filed Date: 4/30/12.
Accession Number: 20120430–5245.
Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: LA12–1–000.
Applicants: Bluegrass Generation Company, LLC, Blythe Energy, LLC, Calhoun Power Company, LLC, Cherokee County Cogeneration Partners, LLC, DeSoto County Generating Company, LLC, Doswell Limited Partnership, Las Vegas Power Company, LLC, LS Power Marketing, LLC, LSP Safe Harbor Holdings, LLC, LSP University Park, LLC, Renaissance Power, L.L.C., Riverside Generating Company, L.L.C., Rocky Road Power, LLC, Tilton Energy LLC, University Park

Energy, LLC, Wallingford Energy LLC, and Wyoming Colorado Intertie, LLC.

Description: Report/Quarterly Land Acquisition Report of Bluegrass Generation Company, LLC, Blythe Energy, LLC, Calhoun Power Company, LLC, Cherokee County Cogeneration Partners, LLC, DeSoto County Generating Company, LLC, *et al.*

Filed Date: 4/30/12.

Accession Number: 20120430–5251.

Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: LA12–1–000.

Applicants: AES Corporation, AEE2, LLC, AES Alamitos, LLC, AES Armenia Mountain Wind, LLC, AES Creative Resources, L.P., AES Eastern Energy, L.P., AES Energy Storage, LLC, AES ES Westover, LLC, AES Huntington Beach, LLC, AES Ironwood, LLC, AES Laurel Mountain, LLC, AES Red Oak, LLC, AES Redondo Beach, LLC, Condon Wind Power, LLC, Indianapolis Power & Light Company, Mountain View Power Partners, LLC, Mountain View Power Partners IV, LLC, The Dayton Power and Light Company, DPL Energy, LLC.

Description: Report of Site Acquisition of The AES Corporation.

Filed Date: 4/30/12.

Accession Number: 20120430–5353.

Comments Due: 5 p.m. ET 5/21/12.

Docket Numbers: LA12–1–000.

Applicants: Elizabethtown Energy, LLC, Lumberton Energy, LLC, Hatchet Ridge Wind, LLC, Lyonsdale Biomass, LLC, ReEnergy Sterling CT Limited Partnership, Bayonne Plant Holding, LLC, Camden Plant Holding, LLC, Dartmouth Power Associates Limited Partnership, Elmwood Park Power, LLC, Newark Bay Cogeneration Partnership, L.P., Pedricktown Cogeneration Company LP, York Generation Company LLC, Boralex Ashland LP, Boralex Fort Fairfield LP, Boralex Livermore Falls LP, Boralex Stratton Energy LP, Black River Generation, LLC, Spring ValleyWind LLC.

Description: Quarterly Land Aquisition Report of Elizabethtown Energy, LLC, *et al.*

Filed Date: 4/30/12.

Accession Number: 20120430–5382.

Comments Due: 5 p.m. ET 5/21/12.

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 5:00 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: April 30, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–10970 Filed 5–7–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP12–106–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Line 524j–200 Abandonment Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Line 524J–200 Abandonment Project involving abandonment of facilities by Tennessee Gas Pipeline Company, L.L.C. (TGP) in Lafourche Parish, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on May 31, 2012.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

TGP provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?''. This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

TGP proposes to abandon in place approximately 9.8 miles of 24-inch-diameter natural gas pipeline, known as Line 254J–200, in Lafourche Parish, Louisiana. In order to comply with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration's regulations, TGP must replace a portion of the pipeline or remove the pipeline from service by December 31, 2012. TGP proposes to cut, cap, and abandon the pipeline in place. Construction of the project would disturb less than one acre of land. The general location of the project facilities is shown in appendix 1.[1]

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

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[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

In the EA we will discuss impacts that could occur as a result of the abandonment of the proposed project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before May 31, 2012.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP12–106–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are current right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP12–106). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

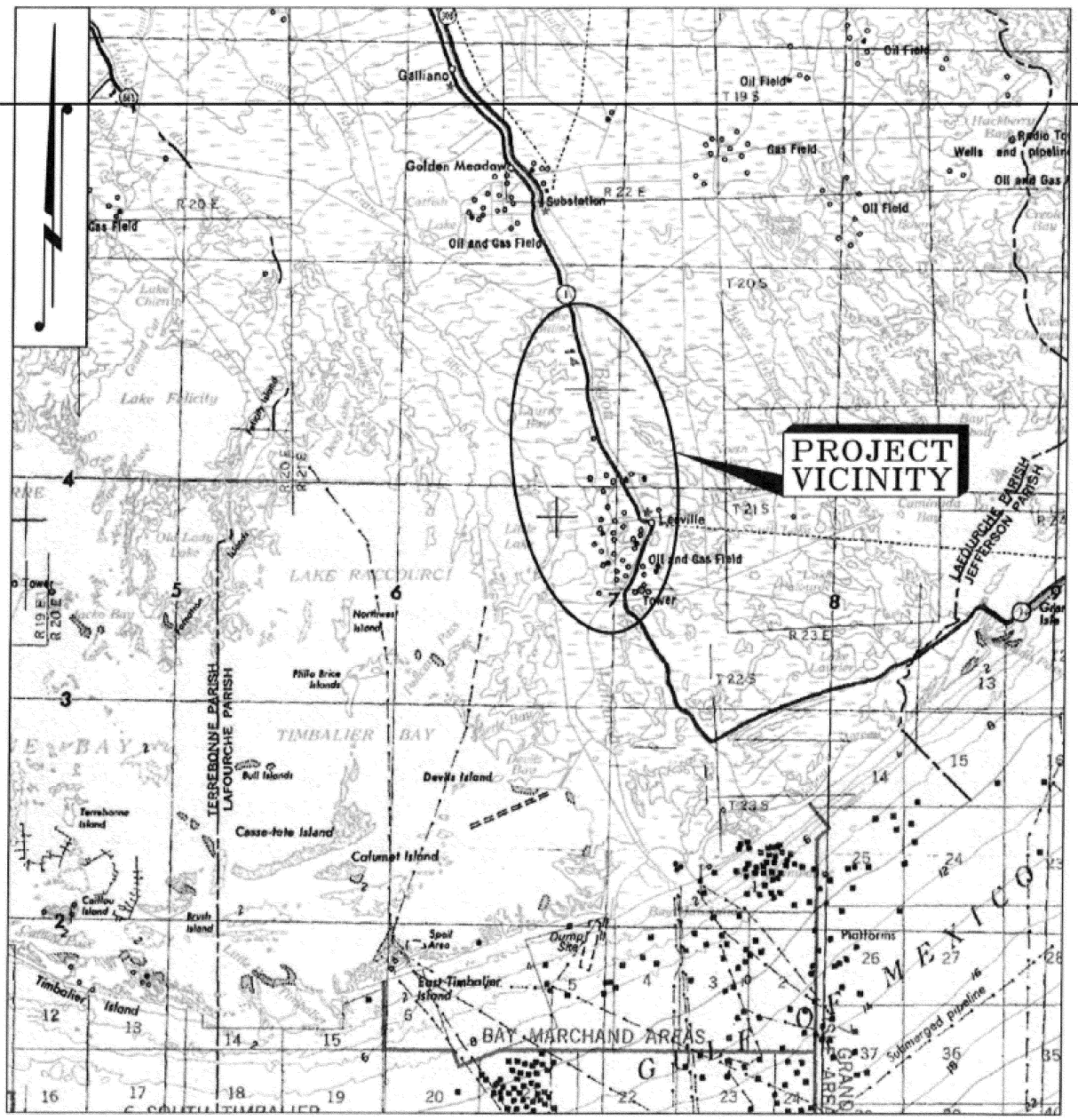
Dated: May 1, 2012.

Kimberly D. Bose,

Secretary.

BILLING CODE 6717–01–P

Docket No. CP12-106-000 Appendix 1



Vicinity Map

SCALE IN MILES

4 miles 2 miles 0 miles 4 miles

These plats are to be used exclusively for the acquisition of regulatory permits.

NO.	DATE	BY	DESCRIPTION	PROJ. ID	APPR.
			REVISIONS		

Division: GC		Op. Area: Houma	
St.: LA		Co./Par.: Lafourche	
Section:	Township:	Range:	
Dft: emc	Date: 3/7/12	Project ID: 153322	
Chk: tdb	Date: 3/7/12	Scale: 1" = 2 Miles	
Appr:	Date:	Filename: 2012.0100P01.dwg	

Proposed Abandonment of 24" T.G.P. Line No. 524J--200 from Leeville to Golden Meadow Lafourche Parish, Louisiana

Tennessee Gas Pipeline an El Paso company

2012.0100P01 | Sheet: 1 of 7 | Type: acad | 00

Docket No. CP12-106-000 Appendix 2

INFORMATION REQUEST

Line 524J-200 Abandonment Project

Name_____

Agency_____

Address_____

City_____**State**_____ **Zip Code**_____

☐ **Please send me a paper copy of the published NEPA document**

☐ **Please remove my name from the mailing list**

FROM_____

_____

_____

_____

ATTN: OEP - Gas 1, PJ - 11.1

Federal Energy Regulatory Commission

888 First Street NE

Washington, DC 20426

(CP12-106, Line 524J-200 Abandonment)

Staple or Tape Here

[FR Doc. 2012–10961 Filed 5–7–12; 8:45 am]

BILLING CODE 6717–01–C

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9667–5]

Notice of Approval of Clean Air Act Outer Continental Shelf Permits Issued to Shell Offshore, Inc. for the Kulluk Conical Drilling Unit

AGENCY: United States Environmental Protection Agency (EPA) Region 10.

ACTION: Notice of final action.

SUMMARY: This notice announces that EPA Region 10 has issued a final permit decision granting a Clean Air Act Outer Continental Shelf (OCS) permit to construct and Title V air quality operating permit to Shell Offshore, Inc. (''Shell'') for operation of the Kulluk conical drilling unit in the Beaufort Sea off the north coast of Alaska.

DATES: EPA Region 10 issued a final permit decision on the OCS permit for Shell's operation of the Kulluk drilling unit in the Beaufort Sea on April 12, 2012. The permit also became effective on that date. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit by July 9, 2012.

ADDRESSES: The documents relevant to the above-referenced permits are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue Suite 900, Seattle, WA 98101. To arrange for viewing of these documents, call Dan Meyer at (206) 553–4150.

FOR FURTHER INFORMATION CONTACT: Dan Meyer, Office of Air Waste and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Suite 900, Seattle, WA 98101. Anyone who wishes to review the EPA Environmental Appeals Board (EAB) decision described below can obtain it at *http://www.epa.gov/eab/.*

Notice of Final Action and Supplementary Information: EPA Region 10 issued a final permit decision to Shell authorizing air emissions associated with the operation of the Kulluk conical drilling unit to conduct exploratory drilling operations in the Beaufort Sea, OCS Permit No. R10OCS30000 (''Kulluk permit''). The Kulluk permit was initially issued by EPA Region 10 on October 21, 2011. The EPA's Environmental Appeals Board (EAB) received three petitions for review of the Shell Kulluk permit from the following entities: (1) The Inupiat Community of the Arctic Slope; (2) Resisting Environmental Destruction of Indigenous Lands, Alaska Wilderness League, Center for Biological Diversity, Natural Resources Defense Council, Northern Alaska Environmental Center, Ocean Conservancy, Oceana, Pacific Environment, Sierra Club, and the Wilderness Society; and (3) Mr. Daniel Lum. On March 30, 2012, the EAB issued an order denying review of all three petitions. *See In re Shell Offshore, Inc.,* OCS Appeal Nos. 11–05, 11–06 & 11–07 (EAB, Mar. 30, 2011) (Order Denying Petitions for Review). All conditions of the Kulluk permit, as initially issued by Region 10 on October 21, 2011, are final and effective. Pursuant to 40 CFR 71.11(l)(5) and 124.19(f)(1), final agency action by EPA has occurred because agency review procedures before the EAB have been exhausted and EPA has issued final permit decisions.

Dated: April 23, 2012.

Richard Albright,

Director, Office of Air, Waste, and Toxics.

[FR Doc. 2012–11042 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0181; FRL–9342–8]

Wolbachia pipientis; 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 application 88877–EUP–R from the University of Kentucky, Department of Entomology requesting an experimental use permit (EUP) for the microbial *Wolbachia pipientis,* an intracellular bacterial pesticide of insects/mosquitoes. 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 June 7, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2012–0181, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online 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.

FOR FURTHER INFORMATION CONTACT: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8097; email address: *bacchus.shanaz@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 or may be required to conduct testing of chemical 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. *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 discussed in this document, compared to the general population.

II. What action is the agency taking?

Under section 5 of 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: Dr. Robert I. Rose, on behalf of Stephen L. Dobson, University of Kentucky, Department of Entomology, S–225 Ag. Science Center North, Lexington, KY 40546–0091, (88877–EUP–R).

Pesticide Chemical: Wolbachia pipientis.

Summary of Request: The applicant proposes release of male *Aedes polynesienis* mosquitoes infected with *Wolbachia pipientis* in American Samoa. The male mosquitoes will mate with indigenous female *Aedes polynesienis,* causing conditional sterility and resulting in mosquito population suppression. Adult and egg collection data from treated areas will be compared to those in the control site to examine for the effect of the released product on the indigenous population.

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: April 26, 2012.

Keith A. Matthews,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2012–11087 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9670–1]

National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of advisory committee meeting teleconference call.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92–463, EPA gives notice of a meeting of the National Advisory Committee (NAC) and Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC). The National and Governmental Advisory Committees advise the EPA Administrator in her capacity as the U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), North American Free Trade Agreement Implementation Act, Public Law 103–182, and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The NAC is composed of 13 members representing academia, environmental non-governmental organizations, and private industry. The GAC consists of 12 members representing state, local, and Tribal governments. The Committees are responsible for providing advice to the U.S. Representative on a wide range of strategic, scientific, technological, regulatory, and economic issues related to implementation and further elaboration of the NAAEC.

The purpose of this teleconference is to discuss and approve the draft advice letter addressing the draft Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC. A copy of the agenda will be posted at *http://www.epa.gov/ofacmo/nacgac-page.htm.*

DATES: The NAC/GAC will hold a public teleconference on Wednesday, May 16, 2012, from 12 p.m. to 1 p.m. Eastern Standard Time. Due to an expedited advice request, EPA is announcing the meeting with less than 15 days public notice.

ADDRESSES: The meeting will be held at the U.S. EPA East Building, 1201 Constitution Ave. NW., Room 1132, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, *carrillo.oscar@epa.gov*, 202–564–0347, U.S. EPA, Office of Federal Advisory Committee Management and Outreach (1601–M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NAC/GAC should be sent to Oscar Carrillo at *carrillo.oscar@epa.gov* by Thursday, May 10, 2012. The meeting is open to the public, with limited seating on a first-come, first-served basis. Members of the public wishing to participate in the teleconference should contact Oscar Carrillo at *carrillo.oscar@epa.gov* or (202) 564–0347 by May 10, 2012.

Meeting Access: For information on access or services for individuals with disabilities, please contact Oscar Carrillo at 202–564–0347 or *carrillo.oscar@epa.gov.* To request accommodation of a disability, please contact Oscar Carrillo, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 1, 2012.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2012–11043 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9667–8]

Proposed Settlement Agreement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement between EPA and the industry petitioners in *Portland Cement Ass'n* v. *EPA,* No. 10–1358 (D.C. Circuit). Under the settlement agreement, EPA would propose action on pending reconsideration issues and on issues raised by the court's remand in *Portland Cement Ass'n* v. *EPA* by June 15, 2012

(proposal) and December 20, 2012 (final). EPA would also address the issue of whether there should be new compliance dates for amended standards for existing sources as part of that process. In exchange, industry petitioners would agree not to seek rehearing or rehearing en banc of the DC Circuit's opinion in *Portland Cement Ass'n* v. *EPA,* 665 F. 3d 177.

DATES: Written comments on the proposed settlement agreement must be received by *June 7, 2012.*

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OAR–2011–0344, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, D.C. between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Steven Silverman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–5523; fax number (202) 564–5654; email address: *silverman.steven@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

The proposed settlement agreement seeks to prevent further litigation in *Portland Cement Ass'n* v. *EPA,* 665 F. 3d 177 (D.C. Cir. 2011), which involved National Emission Standards for Hazardous Air Pollutants (NESHAP) for the portland cement source category. The court upheld the NESHAP itself (as well as the contemporaneous section 111 New Source Performance Standard), but found that EPA had arbitrarily failed to grant reconsideration of the NESHAP to consider the effect of EPA's Nonhazardous Secondary Materials (NHSM) rule on the standards, 76 FR 15456 (Mar. 21, 2011), which rule had the effect of reclassifying some cement kilns as commercial and solid waste incinerators. *Portland Cement Ass'n* v. *EPA,* 665 F. 3d 177, 186–189 (D.C. Cir. 2011). Following issuance of the court's opinion, but before the deadline for seeking rehearing from the panel which decided the case, or seeking rehearing en banc from the entire Circuit, EPA chose to reconsider aspects of the NHSM rule. 76 FR 80452 (Dec. 23, 2011).

Under the proposed settlement agreement, EPA would propose action on reconsideration of the NESHAP by June 15, 2012 and take final action on that proposal by December 20, 2012. In that rulemaking, EPA would agree to address the remand of the D.C. Circuit, all issues on which EPA has already granted reconsideration (see 76 FR 28318 (May 17, 2011)), and a pending petition for reconsideration of the NESHAP filed on November 15, 2011 by Holcim Cement. If supported by the administrative record, EPA would also agree to propose to extend the existing source compliance date of September 10, 2013, or in any case to discuss the possibility of extending that date, and to take final action by December 20, 2012 regarding the date of compliance.

In turn, industry petitioners would agree not to seek panel rehearing or rehearing en banc. In the event that EPA does not propose to extend the compliance date for existing sources until at least September 9, 2015, or EPA does not complete any of the other actions set out in the proposed settlement, industry petitioners could request the court (either the panel or the en banc court) to rehear the case.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this settlement agreement should be withdrawn, the terms of the settlement agreement will be affirmed.

II. Additional Information About Commenting on the Proposed Settlement Agreement

A. How can I get a copy of the settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OAR–2011–0344) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. 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 Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number, then select ''search.''

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows

EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: April 24, 2012.

Kevin W. McLean,

Acting Associate General Counsel.

[FR Doc. 2012–11046 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2012–0217; FRL–9669–1]

Request for Nominations of Drinking Water Contaminants for the Fourth Contaminant Candidate List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is requesting nominations of chemical and microbial contaminants for possible inclusion in the fourth drinking water Contaminant Candidate List (CCL 4). EPA is also requesting supporting information that has been made available since the development of the third CCL (CCL 3), or existing information that was not considered for CCL 3, which shows that the nominated contaminant may have an adverse health effect on people and occurs or is likely to occur in public water systems.

DATES: Nominations must be received on or before June 22, 2012.

ADDRESSES: Submit your nominations by one of the following methods:

- To the CCL 4 Nominations Web site: *http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl4.cfm* by following the on-line instructions for submitting nominations.
- *Mail:* Water Docket, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Identify your nominations by Docket ID No. EPA–HQ–OW–2012–0217.
- *Hand Delivery:* Water Docket, U.S. EPA Docket Center (EPA/DC). Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The EPA Docket Center, Water Docket is located in Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The telephone number for the Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: For general information contact the EPA Safe Drinking Water Hotline at (800) 426–4791 or email: *hotline-sdwa@epa.gov*. For technical questions about this notice and/or inquires regarding EPA's CCL 4 Nominations Web site, please contact Clifton Townsend, Standards and Risk Management Division, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., MC:4607M, Washington, DC 20460; telephone number: (202) 564–1576; email address: *townsend.clifton@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This notice does not impose any requirements on anyone; it only requests drinking water contaminant candidate nominations and provides information on how the public can submit nominations to the agency.

B. How can I get copies of this document and other related information?

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2012–0217. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center (see **ADDRESSES** section)

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Web site under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

II. Background

A. What is the CCL?

The CCL is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations, that are known or anticipated to occur in public water systems, and which may require regulation under the Safe Drinking Water Act (SDWA). EPA uses this list of unregulated contaminants to help the agency determine whether it should regulate a specific contaminant and to prioritize research and data collection efforts. SDWA requires that EPA publish the CCL every five years (SWDA Section 1412(b)(1)). EPA is also required to consult with the scientific community and provide notice and opportunity for public comment prior to publication of the CCL.

SDWA also requires EPA to determine whether to regulate at least five contaminants from the CCL every five years (SWDA Section 1412(b)(1)) with a national primary drinking water regulation (NPDWR). In making a determination to regulate a contaminant, SDWA specifies that three criteria must be met:

1. The contaminant may have an adverse effect on the health of persons;

2. The contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and

3. In the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

B. How did EPA develop previous contaminant candidate lists?

EPA published the first CCL (CCL 1), which contained 60 chemical and microbiological contaminants, on March 2, 1998 (63 FR 10273). EPA consulted with the scientific community and the National Drinking Water Advisory Council (NDWAC) on the process used to develop CCL 1. Based on the NDWAC recommendations, the agency developed and used screening and evaluation criteria to identify the list of chemical contaminants for CCL 1. For microbiological contaminants, the agency followed the NDWAC recommendations and sought external expertise to identify and select potential waterborne pathogens. The agency convened a workshop of microbiologists and public health experts who developed criteria for screening and

evaluation and subsequently developed an initial list of potential microbiological contaminants. On July 18, 2003 (68 FR 42897), EPA announced its final regulatory determination for 9 of the 60 contaminants listed on CCL 1 and concluded that sufficient data and information were available to make the determination not to regulate these 9 contaminants (8 chemicals and 1 microbial) with an NPDWR.

EPA published the second CCL (CCL 2) on February 24, 2005 (70 FR 9071), and carried forward the remaining 51 chemical and microbial contaminants listed on CCL 1. On July 30, 2008 (73 FR 44251), EPA announced its final regulatory determination for 11 of the 51 contaminants listed on CCL 2 and concluded that sufficient data and information were available to make the determination not to regulate these 11 contaminants with an NPDWR.

EPA published the third CCL (CCL 3), which listed 116 contaminants, on October 8, 2009 (74 FR 51850). In developing CCL 3, EPA improved and built upon the process that was used for CCL 1 and CCL 2. EPA based the new CCL 3 process on substantial expert input and recommendations from the National Academy of Science's (NAS) National Research Council (NRC) and the National Drinking Water Advisory Council (NDWAC) as well as input from the public. Based on these consultations and input, EPA developed a multi-step process to select candidates for the final CCL 3, which included the following key steps:

(a) Identification of a broad universe of ~7,500 potential drinking water contaminants (the CCL 3 Universe);

(b) screening the CCL 3 Universe to a preliminary CCL (PCCL) of ~600 contaminants based on the potential to occur in public water systems and the potential for public health concern; and

(c) evaluation of the PCCL contaminants based on a more detailed review of the occurrence and health effects data to identify a final list of 116 CCL 3 contaminants.

A complete summary of the key steps used to identify contaminants for CCL 3 and a more detailed discussion of the analyses and decisions made to develop the final CCL 3 can be found in the draft and final CCL 3 **Federal Register** notices (73 FR 9628, February 21, 2008, and 74 FR 51850, October 8, 2009, respectively) and related supporting documents. More information can also be found on the CCL 3 Web site: *http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl3.cfm*.

The agency is currently in the process of further evaluating CCL 3 contaminants to determine whether any of these contaminants require regulation with an NPDWR.

C. What data sources did EPA use to identify contaminants for the CCL 3?

A complete summary of how EPA evaluated data sources to identify chemical contaminants for the CCL 3 can be found in the draft and final CCL 3 **Federal Register** notices (73 FR 9628, February 21, 2008, and 74 FR 51850, October 8, 2009, respectively). A list of the data sources used to evaluate contaminants for the CCL 3 as well as a more detailed summary of the process EPA used to evaluate data sources can be found in the CCL 3 support document (Contaminant Candidate List 3 Chemicals: Identifying the Universe (EPA 815–R–09–006)). These documents can be found on the Web at: *http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl3_processflowdiagram.cfm* or in the CCL 3 docket (docket number EPA–HQ–OW–2007–1189) at *www.regulations.gov*.

A summary of how EPA evaluated data sources to identify microbial contaminants for CCL 3 can be found in the draft and final CCL 3 **Federal Register** notices (73 FR 9628, February 21, 2008, and 74 FR 51850, October 8, 2009, respectively), as well as the CCL 3 support document, Contaminant Candidate List 3 Microbes: Identifying the Universe (EPA 815–R–R–09–004), which can be found on the Web at: *http://water.epa.gov/scitech/drinkingwater/dws/ccl/upload/CCL3MicrobesUniverse_7_22_09.pdf* or in the CCL 3 docket (docket number EPA–HQ–OW–2007–1189) at *www.regulations.gov*.

EPA will use the nominations process to ensure that the CCL 4 process captures emerging chemicals and pathogens.

D. Why is EPA soliciting contaminant nominations?

EPA is requesting contaminant nominations from the public to ensure that contaminants that may not be identified for consideration as part of the CCL process are considered.

While NAS and NDWAC recommended that the CCL be a data driven, step-wise approach to classifying contaminants, these experts also recognized the importance of providing an additional pathway for the public to identify new and emerging contaminants that may not be identified in an evaluation of the data sources. A public nominations process allows the agency to consider new and emerging contaminants that might not otherwise be considered because new information has not been widely reported or recorded.

Following the recommendations of NAS and NDWAC, the agency implemented a process to screen and identify contaminants for inclusion in the CCL 3. The nominated contaminants will be considered as EPA evaluates contaminants for inclusion on the CCL 4.

III. EPA CCL Nominations Process

This contaminant nominations process is the first opportunity to make nominations to the CCL 4. The agency will also accept nominations during the notice and comment period following EPA's publication of the draft CCL 4.

A. How can stakeholders, other agencies, industry and the public nominate contaminants for the CCL 4?

EPA's preferred method for submission of contaminant nominations is through the EPA CCL 4 Nomination Web site. Interested parties can also nominate chemicals, microbes or other materials for consideration on the new CCL by sending information electronically or in hard copy to EPA. Do not submit confidential business information (CBI) through email. If you wish to submit CBI, first contact EPA (see **FOR FURTHER INFORMATION CONTACT** section) for instructions on how to submit CBI. When submitting a nomination, it is preferred that the nominators include a name, affiliation, phone number, mailing address, and email address; however, this information is not required and nominations can be submitted anonymously. The nominator should also address the following questions for each contaminant nominated to the CCL:

1. What is the contaminant's name, CAS number, and/or common synonym (if applicable)?

2. What factors make this contaminant a priority for the CCL 4 process (e.g., widespread occurrence; anticipated toxicity to humans; potentially harmful effects to susceptible populations (e.g., children, elderly or immunocompromised); potentially contaminated source water (surface or ground water) and/or finished water; release to air, land and/or water; contaminant is manufactured in large quantities with a potential to occur in source waters)?

3. What are the new significant health effects and occurrence data that are available since CCL 3, or existing information that was not considered in CCL 3, which you believe supports the CCL requirement(s) that a contaminant may have an adverse effect on the health

of persons and is known or anticipated to occur in public water systems?

4. Please provide complete citations, including author(s), title, journal and date. Contact information for the primary investigator would also be helpful.

B. How do I submit nominations through EPA's nominations Web site?

The Web site is designed to provide key information to the agency, as described in Section III.A of this notice, for each contaminant nominated to the CCL process.

The Web address where you can nominate a contaminant is *http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl4.cfm*

C. How do I submit nominations in hard copy?

You may submit nominations through the mail. To allow full agency consideration of your nomination, please ensure that your nominations are received or postmarked by midnight June 22, 2012. The addresses for submittal of nominations by mail are listed in the **ADDRESSES** section of this document.

D. What will happen to my nominations after I submit them?

The agency will evaluate the information available for the nominated contaminants to determine the appropriateness of inclusion on the CCL 4. EPA does not intend to respond to the nominations directly or individually. The agency will publish a document summarizing the nominations received along with the draft CCL 4 list.

IV. References

Copies of these documents are found at *www.regulations.gov,* Docket ID No. EPA–OW–2012–0217.

NAS 2001. National Academy of Sciences, National Research Council. 2001. Classifying Drinking Water Contaminants for Regulatory Consideration. National Academy Press. Washington, DC. Available at *http://books.nap.edu/books/0309074088/html/index.html*.

NDWAC 2004. National Drinking Water Advisory Council. National Drinking Water Advisory Council Report on the CCL Classification Process to the U.S. Environmental Protection Agency, May 18, 2004. Available at *http://www.epa.gov/safewater/ndwac/pdfs/report_ccl_ndwac_07-06-04.pdf*.

USEPA. 2008. Drinking Water Contaminant Candidate List 3—Draft Notice. **Federal Register**. Vol, 73. No 35. p. 9628. February 21, 2008.

USEPA. 2009a. SAB Advisory on EPA's Draft Third Drinking Water Contaminant List (CCL 3). EPA–SAB–09–011. January 2009. *http://yosemite.epa.gov/sab/sabproduct.nsf/WebProjectsbyNameBOARD!OpenView*.

USEPA. 2009b. Summary of Nominations for the Third Contaminants Candidate List. EPA 815–R–09–011. Final. August, 2009.

USEPA. 2009c. Final Contaminant Candidate List 3 Chemicals: Identifying the Universe. EPA. 815–R–09–006. August, 2009.

USEPA. 2009d. Final Contaminant Candidate List 3 Microbes: Identifying the Universe. EPA. 815–R–09–004. August, 2009.

Dated: April 27, 2012.

Nancy K. Stoner,

Acting Assistant Administrator, Office of Water.

[FR Doc. 2012–11048 Filed 5–7–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: 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; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; 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 ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 7, 2012. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov mailto : Nicholas_A._Fraser@omb.eop.gov* and to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov mailto: PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, FCC, at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0936.

Title: Section 95.1215, Medical Device Radiocommunications Service (MedRadio), Disclosure Policies; and Section 95.1217, Labeling Requirements.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 100 respondents; 100 responses.

Estimated Time Per Response: 1 hour for each manufacturer (20 manufacturers).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151 and 303 of the Communications Act of 1934, as amended.

Total Annual Burden: 100 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) during this 30 day comment period in order to obtain the full three year clearance from them.

The Commission now seeks OMB approval for a revision. The Commission adopted and released a Report and Order, FCC 11–176, Amendment of Parts 2 and 95 of the

Commission's rules to provide additional spectrum for the Medical Device Radiocommunication Service which requires manufacturers of MedRadio programmer/control transmitters shall include the following statement on the device in a conspicuous location, or if it is not feasible to place the statement on the device, in the instruction manual:

This device may not interfere with stations operating in the 400.150–406.000 MHz band in Meteorological Satellite and Earth Exploration Satellite Services and must accept any interference received, including interference that may cause undesired operation.

The Commission adopted and released the following language in its Report and Order, FCC 11–176, which will be included in its regulations in part 95:

Manufacturers of MedRadio transmitters operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands must include with each transmitting device the following statement:

This transmitter is authorized by rule under the MedRadio Service (47 CFR Part 95). This transmitter must not cause harmful interference to stations authorized to operate on a primary basis in the 413–419 MHz, 426–432 MHz, 438–444 MHz and 451–457 MHz bands, and must accept interference that may be caused by such stations, including interference that may cause undesired operation. This transmitter shall be used only in accordance with the FCC Rules governing the MedRadio Service. Analog and digital voice communications are prohibited. Although this transmitter has been approved by the Federal Communications Commission, there is no guarantee that it will not receive interference or that any particular transmission from this transmitter will be free from interference.

OMB Control Number: 3060–1085.

Title: Section 9.5, Interconnected Voice Over Internet Protocol (VoIP) E911 Compliance.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 12 respondents; 14,612,166 responses.

Estimated Time Per Response: 0.04012548 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i)–(j), 251(e) and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 586,320 hours.

Total Annual Cost: $80,235,305.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: Applicants may seek confidential treatment of their filings pursuant to 47 CFR 0.459 of the Commission's rules. With respect to Location Registration, Provision of ALI, Customer Notification, Record of Customer Location and User Notification requirements, the Commission currently does not have rules governing the treatment of such information by interconnected VoIP providers.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) during this 30 day comment period in order to obtain the full three year clearance from them.

Prior burden estimates were based upon interpolations of public data collected by the Commission pursuant to its statutory obligations to assess collections upon carriers for such programs as the universal service fund and telephone relay service, other government agency reports, and trade association information. These estimates included assumptions about the extent and pace of carrier convergence from circuit switched facilities to broadband pipes that use Transfer Control Protocol/Internet Protocol (TCP/IP) technology to carry voice, video and internet services combined. The estimates also included subscriber churn and subscribership growth assumptions by both interconnected and non-interconnected VoIP service providers. The estimates were never tested by actual numbers of interconnected and non-interconnected VoIP subscribers because none existed from any source.

For the purpose of this renewal, the Appendix A from 2009 provided the base data and a two percent growth factor was added and annualized over a period of this three year extension request (2012–2015). The growth factor was developed on the basis of publically-available data from several sources.

The Commission requires providers of interconnected Voice Over Internet Protocol (VoIP) services to obtain information regarding their end users' location as a condition of providing service. Interconnected VoIP providers must provide that information to entities that maintain databases used to ensure that the caller's location and a call back number are provided to requesting public safety answering points (PSAPs) when a 911 call is placed. The Commission also requires interconnected VoIP providers to ensure that end users understand any limitations of their service and obtain from the end user evidence of such understanding.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–10999 Filed 5–7–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), the Federal Communications Commission (FCC) announces that the charter for the Advisory Committee for the 2015 World Radiocommunication Conference (WRC–15 Advisory Committee) has been renewed by the General Services Administration (GSA) for a two-year period. The WRC–15 Advisory Committee is a federal advisory committee under the Federal Advisory Committee Act.

DATES: Renewed through April 27, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alexander Roytblat, Designated Federal Official, WRC–15 Advisory Committee, FCC International Bureau, Strategic Analysis and Negotiations Division, at (202) 418–7501. Email: *Alexander.Roytblat@fcc.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons that the GSA has renewed the charter of the WRC–15 Advisory Committee through April 27, 2014. Its scope of activities is to address issues contained in the agenda for the 2015 World Radiocommunication Conference (WRC–15). The WRC–15 Advisory Committee will continue to provide to the FCC advice, data, and technical analyses, and will formulate recommendations relating to the preparation of U.S. proposals and positions for WRC–15.

Federal Communications Commission.

Troy F. Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2012–11071 Filed 5–7–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 23, 2012.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street New York, New York 10045–0001:

1. Preston D. Pinkett, III, Gladstone, New Jersey; to acquire voting shares of City National Bancshares Corporation, and thereby indirectly acquire voting shares of City National Bank of New Jersey, both in Newark, New Jersey.

Board of Governors of the Federal Reserve System, May 3, 2012.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. 2012–11039 Filed 5–7–12; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 1, 2012.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Johnston Growth Corporation,* Johnston, Iowa; to become a bank holding company following the conversion of its subsidiary, Charter Bank, Johnston, Iowa, from a federally chartered savings association to a state chartered bank.

Board of Governors of the Federal Reserve System, May 3, 2012.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. 2012–11041 Filed 5–7–12; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 23, 2012.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street Cleveland, Ohio 44101–2566:

1. *Fifth Third Bancorp,* Cincinnati, Ohio; to acquire additional voting shares of Fifth Third Community Development Corp., Valparaiso, Indiana, and thereby engage in community development activities, pursuant to section 225.28(b)(12) of Regulation Y.

Board of Governors of the Federal Reserve System, May 3, 2012.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. 2012–11040 Filed 5–7–12; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Vaccine Advisory Committee (NVAC) will hold a meeting. The meeting is open to the public. Pre-registration is required for both public attendance and comment. Individuals who wish to attend the meeting and/or participate in the public comment session should register at *http://www.hhs.gov/nvpo/nvac,* email *nvpo@hhs.gov,* or call 202–690–5566 and provide name, organization, and email address.

DATES: The meeting will be held on June 5–6, 2012. The meeting times and agenda will be posted on the NVAC Web site at *http://www.hhs.gov/nvpo/nvac* as soon they become available.

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, Room 800, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, U.S. Department of Health and Human Services, Room 715–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. *Phone:* (202) 690–5566; *Fax:* (202) 690–4631; *email: nvpo@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 2101 of the Public Health Service Act (42 U.S.C. 300aa–1), the Secretary of Health and Human Services was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The National Vaccine Advisory Committee was established to provide advice and make recommendations to the Director of the National Vaccine Program on matters related to the Program's responsibilities. The Assistant Secretary for Health serves as Director of the National Vaccine Program.

The topics to be discussed at the NVAC meeting will include seasonal influenza, implementation of the National Vaccine Plan, and vaccine research and development. The meeting agenda will be posted on the NVAC Web site: *http://www.hhs.gov/nvpo/nvac* prior to the meeting. Public attendance at the meeting is 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 National Vaccine Program Office at the address/phone listed above at least one week prior to the meeting. Members of the public will have the opportunity to provide comments at the NVAC meeting during the public comment periods on the agenda. Individuals who would like to submit written statements should email or fax their comments to the National Vaccine Program Office at least five business days prior to the meeting.

Dated: May 1, 2012.

Bruce Gellin,

Director, National Vaccine Program Office, Executive Secretary, National Vaccine Advisory Committee.

[FR Doc. 2012–10986 Filed 5–7–12; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–12–12IL]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

NIOSH Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—NEW—Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), Health Hazard Evaluation Program.

As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the CDC has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*).

To request additional information, please contact Kimberly S. Lane, Reports Clearance Officer, Centers for Disease Control and Prevention, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Title: NIOSH Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** on December 22, 2010 (75 FR 80542).

This is a new collection of information. Respondents will be screened and selected from individuals and households, businesses, organizations, and/or State, Local or Tribal Government. Below we provide CDC's projected annualized estimate for the next three years. There is no cost to respondents other than their time. The estimated annualized burden hours for this data collection activity are 800.

Type of collection	Average number of respondents per activity	Annual frequency per response	Average number of activities	Average hours per response
Online surveys, Telephone Surveys, Focus Groups, In person observation/testing	200	1	5	48/60

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–11101 Filed 5–7–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–12–0607]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Kimberly Lane, at CDC, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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. Written comments should be received within 60 days of this notice.

Proposed Project

The National Violent Death Reporting System (NVDRS) OMB# 0920–0607 –Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Violence is an important public health problem. In the United States, homicide and suicide are the second and third leading causes of death, respectively, in the 1–34 year old age group. Unfortunately, public health agencies do not know much more about the problem than the numbers and the sex, race, and age of the victims, all information obtainable from the standard death certificate. Death certificates, however, carry no information about key facts necessary for prevention such as the relationship of the victim and suspect and the circumstances of the deaths, thereby making it impossible to discern anything but the gross contours of the problem. Furthermore, death certificates are typically available 20 months after the completion of a single calendar year. Official publications of national violent death rates, e.g. those in Morbidity and Mortality Weekly Report, rarely use data that is less than two years old. Public health interventions aimed at a moving target last seen two years ago may well miss the mark.

Local and Federal criminal justice agencies such as the Federal Bureau of Investigation (FBI) provide slightly more information about homicides, but they do not routinely collect standardized data about suicides, which are in fact much more common than homicides. The FBI´s Supplemental Homicide Report (SHRs) does collect basic information about the victim-suspect relationship and circumstances related to the homicide. SHRs, do not link violent deaths that are part of one incident such as homicide-suicides. It also is a voluntary system in which some 10–20 percent of police departments nationwide do not participate. The FBI´s National Incident Based Reporting System (NIBRS) provides slightly more information than SHRs, but it covers less of the country than SHRs. NIBRS also only provides data regarding homicides. Also, the Bureau of Justice Statistics Reports do not use data that is less than two years old.

CDC therefore proposes to continue a state-based surveillance system for violent deaths that will provide more detailed and timely information. It taps into the case records held by medical examiners/coroners, police, and crime labs. Data is collected centrally by each state in the system, stripped of identifiers, and then sent to the CDC. Information is collected from these records about the characteristics of the victims and suspects, the circumstances of the deaths, and the weapons involved. States use standardized data elements and software designed by CDC. Ultimately, this information will guide states in designing programs that reduce multiple forms of violence.

Neither victim families nor suspects are contacted to collect this information. It all comes from existing records and is collected by state health department staff or their subcontractors. Health departments incur an average of 2.5 hours per death in identifying the deaths from death certificates, contacting the police and medical examiners to get copies of or to view the relevant records, abstracting all the records, various data processing tasks, various administrative tasks, data utilization, training, communications, etc.

CDC requests an extension to continue data collection with this system in the 18 funded states, and allow 9 new state health departments to be added if funding becomes available. This may bring the total to 27 by the year 2015. Violent deaths include all homicides, suicides, legal interventions, deaths from undetermined causes, and unintentional firearm deaths. The average state will experience approximately 1,000 such deaths each year.

There is no cost to respondents to participate other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses/ respondent	Average burden/ response (in hours)	Total burden (in hours)
State Health Departments	27	1,000	2.5	67,500
Public Agencies	27	1,000	30/60	13,500
Total				81,000

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–11083 Filed 5–7–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–12–0222]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

NCHS Questionnaire Design Research Laboratory (QDRL) 2012–2014, OMB No. 0920–0222 expiration 3/31/2013)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data to support statistical and epidemiological activities for the purpose of improving the effectiveness, efficiency, and quality of health services in the United States.

The Questionnaire Design Research Laboratory (QDRL) conducts questionnaire development, pre-testing, and evaluation activities for CDC surveys (such as the NCHS National Health Interview Survey, OMB No. 0920–0214) and other federally sponsored surveys. NCHS is requesting 3 years of OMB Clearance for this generic submission.

The QDRL conducts cognitive interviews, focus groups, usability tests, field tests/pilot interviews, and experimental research in laboratory and field settings, both for applied questionnaire development and evaluation as well as more basic research on response errors in surveys.

QDRL Staff use various techniques to evaluate interviewer administered, self-administered, telephone, Computer Assisted Personal Interviewing (CAPI), Computer Assisted Self-Interviewing (CASI), Audio Computer-Assisted Self-Interviewing (ACASI), and web-based questionnaires.

The most common questionnaire evaluation method is the cognitive interview. The interview structure consists of respondents first answering a draft survey question and then providing textual information to reveal the processes involved in answering the test question. Specifically, cognitive interview respondents are asked to describe how and why they answered the question as they did. Through the interviewing process, various types of question-response problems that would not normally be identified in a traditional survey interview, such as interpretive errors and recall accuracy, are uncovered. By conducting a comparative analysis of cognitive interviews, it is also possible to determine whether particular interpretive patterns occur within particular sub-groups of the population. Interviews are generally conducted in small rounds of 20–30 interviews; ideally, the questionnaire is re-worked between rounds, and revisions are tested iteratively until interviews yield relatively few new insights.

In addition to its traditional QDRL activities, NCHS is requesting approval for a large field test that will be conducted in 2012. This is a 5,000-case test which involves testing the use of ACASI in the full National Health Interview Survey (NHIS). The ACASI content included in the 5,000-case test is consistent with the content studied in two smaller approved tests. The module includes questions on sexual identity, alcohol consumption, HIV testing, mental health, height and weight, sleep, and financial worries. The objective of asking a question on sexual identity in the NHIS is to fill the gaps that exist in the state of knowledge about the general health behaviors, health status, and health care utilization of Lesbian, Gay, Bisexual, and Transgender (LGBT) persons.

The 5,000-case test will include one or more built-in experiments to assess the impact of ACASI, and components of ACASI, on prevalence estimates and data quality. First and foremost, test cases will be randomly assigned to receive the above described questions in either CAPI or ACASI. In particular, prevalence estimates for the sexual identity questions will be compared by mode of administration. Since a documented advantage of ACASI is the enhanced level of privacy it affords, we anticipate higher prevalence estimates of sexual minorities (Lesbian, Gay, Bisexual or Transgender persons) from this mode of administration. Estimates for sensitive items on mental health, alcohol consumption, HIV testing, height and weight, financial worries, and others will also be compared.

Cognitive interviewing is inexpensive and provides useful data on questionnaire performance while minimizing respondent burden. Cognitive interviewing offers a detailed depiction of meanings and processes used by respondents to answer questions—processes that ultimately produce the survey data. As such, the method offers an insight that can transform understanding of question validity and response error. Documented findings from these studies represent tangible evidence of how the question performs. Such documentation also serves CDC data users, allowing

them to be critical users in their approach and application of the data.

Similar methodology has been adopted by other federal agencies, as well as by academic and commercial survey organizations. There are no costs to respondents other than their time. The total estimated annual burden hours are 9450.

ESTIMATED ANNUALIZED BURDEN HOURS

Projects	Number of respondents	Responses per respondent	Average burden per response (in hours)
QDRL Interviews	9000	1	1
Focus groups	300	1	1.5

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–11086 Filed 5–7–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–12–0828]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Adult Tobacco Survey (NATS)—Reinstatement with Changes—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC) and the Center for Tobacco Products (CTP), Food and Drug Administration (FDA).

Background and Brief Description

Tobacco use remains the leading preventable cause of disease and death in the United States, resulting in approximately 440,000 deaths annually. Smokers die an average of 14 years earlier than nonsmokers. Moreover, cigarette smoking costs more than $193 billion; $97 billion in lost productivity plus $96 billion in health care expenditures.

With passage of the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) in 2009, the FDA is legally mandated to regulate tobacco products for the protection of public health. Such authority involves considering whether the marketing of tobacco products might encourage people who don't use tobacco products to begin using them, to encourage people who might otherwise quit to continue using tobacco, or to encourage former users to relapse.

In order to ensure that FDA is in compliance with the Tobacco Control Act's mandate to protect the public health, annual data collection is needed at least initially to monitor the benefits and potential adverse consequences of FDA's regulatory actions, as the regulatory framework is being established. As novel tobacco products are introduced onto the market, the FDA must regularly monitor patterns of all tobacco product usage—not just cigarettes—to identify changes in susceptibility and rates of tobacco use initiation, perceptions regarding tobacco use, and rates of tobacco use cessation.

Rather than develop a completely new system to monitor measures critical to FDA, and thereby increasing burden to the population, FDA has partnered with CDC to leverage the existing NATS system. While NATS has been re-designed to meet the critical data needs of the FDA, many of the measures are relevant to CDC's National Tobacco Control Program (NTCP), and CDC also will use the NATS data to evaluate the NTCP. Many of the NATS questions reflect CDC's key outcome indicators for evaluating tobacco control programs.

CDC proposes to conduct three annual cycles of the NATS to collect data necessary to evaluate the effectiveness of FDA's initial regulatory actions. The NATS will be a stratified, random-digit dialed telephone survey of non-institutionalized adults 18 years of age and older. To yield results that are representative nationally, information will be collected from 56,250 landline respondents and 18,750 cell phone respondents who do not have a landline to include the growing population of households that exclusively use cell phones and would be missed in a survey relying only on land-lines. To obtain the target number of completed telephone interviews, approximately 166,000 respondents will be contacted for initial eligibility screening and consent.

The burden per response for the proposed NATS remains the same by design as the 2009/2010 NATS. However, the number of respondents is smaller because the current NATS seeks to develop national estimates, whereas the 2009/2010 NATS sought to develop state-level estimates. Therefore, the total respondent burden for the new NATS cycle is substantially lower than the prior NATS. The 2009/2010 NATS involved a total respondent burden of 38,303 hours. The revised 2012/2013 NATS involves a total respondent burden of 29,850 hours, which amounts to 8,453 fewer hours, or 22.1% fewer hours, than the 2009/2010 NATS.

Results will have significant implications for the development and periodic adjustment of policies and programs aimed at preventing and reducing tobacco use in the United States.

Participation in the NATS is voluntary. There are no costs to respondents except their time. The total estimated annualized burden hours are 29,850.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Adults ages 18 or older	Screener for land-line users (pp. 3–8 of the NATS)	125,000	1	2/60
	Screener for cell phone users (pp. 9–11 of the NATS)	41,000	1	1/60
	National Adult Tobacco Survey for landline users (pp. 12–end of the NATS).	56,250	1	20/60
	National Adult Tobacco Survey for cell phone users (pp. 12–end of the NATS).	18,750	1	20/60

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–11096 Filed 5–7–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–12–12JF]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Kimberly Lane, at CDC, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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. Written comments should be received within 60 days of this notice.

Proposed Project

Returning our Veterans to Employment and Reintegration (ROVER)-New-National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–596, Sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1970) has the responsibility to conduct research relating to innovative methods, techniques, and approaches dealing with occupational safety and health problems.

Reintegrating Post-9/11 Veterans into civilian life and employment is complicated by recent exposure to war zone stressors (e.g., combat, bombs, improvised explosive devices, injury and death of military personnel and civilians) and development of clinical disorders, such as posttraumatic stress disorder (PTSD) and depression. PTSD, for example, is typified by such symptoms as re-experiencing war zone stressors (*e.g.,* distracting intrusive thoughts and images, disturbing nightmares); hyper-arousal (*e.g.,* intense startle response, poor concentration and memory, constantly being on-guard, disturbed sleep, high irritability); and avoidance of people (family, friends, co-workers), places (such as enclosed areas, crowds), and things (e.g., loud noises, certain sights and smells) that remind one of war zone stressors. Such symptoms can have a significant impact on the ability of a Veteran to work in a setting with features such as other people, enclosed work areas, constant movement and noise, tasks that require concentration to details or safety issues, and stress related to requests and feedback of supervisors or task speed and accuracy. An approach for helping Veterans with PTSD and other psychiatric impairments is that of using service dogs for assistance and support.

Although there is significant interest in service dogs for Veterans to aid in readjustment, the focus has not been on employment. Although a service-dog program ''feels good'' and has face validity, there is a resounding lack of empirical evidence documenting whether the provision of service dogs is of therapeutic benefit for persons with PTSD—other than the generally accepted positive effects of human-animal companionship. For example, a descriptive review of the pet-facilitated therapy (PFT) literature by Brodie and Biley (1999) presages a more substantive review by Nimer and Lundahl (2007) in finding multiple studies with poor research designs and other methodological problems that made it hard for those authors to draw firm conclusions. Even where studies focused on ''psychological'' outcomes, these tended to be self-report measures of such constructs as stress, relaxation, loneliness, and morale. Some impact on the behavior of children was noted; standard measures of clinical disorders (e.g., depression, anxiety) were not noted.

Nimar and Lundahl (2007) conducted a meta-analysis of the animal-assisted therapy (AAT) literature; that is, studies examining the incorporation of animals in treatment plans. Over 250 studies were located, but only 49 (20%) met the criteria of sufficient statistical information to estimate effect sizes. Most of the studies utilized dogs with children with behavior problems or developmental disorders, or adults with chronic mental disorders, such as dementia or schizophrenia. None of the studies specifically included Veterans, and none focused on the work setting (although several looked at animals as an adjunct to occupational therapy). The overall effect size for the impact of AAT was considered to be ''moderate,'' with no differential effects related to the population receiving AAT—a positive point when considering extending this work to Veterans. Most of the outcomes were focused on emotional well-being, but there were positive findings for an impact on behavioral problems (mostly with children). In general, the literature is problematic for the lack of

consistency in operationally defining AAT and its implementation, and the poor to absent research methodology.

The present research study will focus on the following questions.

1. Among assistance dog providers sampled in the U.S., how many provide services to Veterans?

2. Among assistance dog providers that provide services to Veterans, what are the specific strategies used or services offered to address issues related to Veterans and, specifically, return to work?

3. From the perspective of assistance dog providers, have the services or the requests for services to assist Veterans return to work increased, decreased, or remained the same during the past 5 years.

The purpose of the study is to increase available information about services provided to Veterans by assistance dog training organizations. Thus, the approach used in this study is descriptive. The survey will be primarily administered in a web-based format, but it will also be administered by mail or telephone for organizations unable to complete the web-based survey.

The information and the Internet link to the web-based survey will be sent by email to approximately 1000 organizations. This number of organizations is estimated on the basis of a partially completed Google search that already identified hundreds of assistance animal providers. On the basis of similar surveys of small businesses or non-profit organizations, it is estimated that approximately 300 or 30% of the organizations contacted will complete the survey.

Results of this survey will lead to recommendations and guidance for assistance dog providers, healthcare professionals, researchers, and policymakers pertaining to animal-assisted interventions to help facilitate the reintegration and reemployment of Veterans. This survey is part of a larger project that will identify priorities and new opportunities for research, as well as address policy implications associated with public access rights afforded to service dogs by the Americans with Disabilities Act. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs)	Total burden (in hrs)
Representatives of service dog provider agencies.	web-based survey	300	1	30/60	150
Total					150

Kimberly S. Lane,

Deputy Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–11085 Filed 5–7–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day 0920–12IW]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Ron Otten, at CDC, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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. Written comments should be received within 60 days of this notice.

Proposed Project

Fetal Alcohol Spectrum Disorders Regional Training Centers—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This program will collect program evaluation data from participants of trainings for medical and allied health students and practitioners regarding fetal alcohol spectrum disorders (FASDs) conducted by the FASD Regional Training Centers (RTCs) through a cooperative agreement with the CDC.

Prenatal exposure to alcohol is a leading preventable cause of birth defects and developmental disabilities. The term fetal alcohol spectrum disorders (FASDs) describes the full continuum of effects that can occur in an individual exposed to alcohol in utero. These effects include physical, mental, behavioral, and learning disabilities. All of these effects have lifelong implications.

Health care professionals play a crucial role in identifying women at risk for an alcohol-exposed pregnancy and in identifying effects of prenatal alcohol exposure in individuals. However, despite the data regarding alcohol consumption among women of childbearing age and the estimated prevalence of FASDs, screening for alcohol use among female patients of childbearing age and screening for FASDs are not yet common standards of care. In addition, it is known from surveys of multiple provider types that although they might be familiar with the teratology and clinical presentation of FASDs, they report feeling less prepared to identify for referral or to diagnose a child and even less prepared to manage and coordinate the treatment of children with FASDs. Similarly, among obstetrician-gynecologists, although almost all report asking their patients

about alcohol use during pregnancy, few use a proper screening tool for alcohol assessment.

There is a need for the training of medical and allied health students and practitioners in the prevention, management, and identification of FASDs, hence the recommendations that have been put forward in this area. As part of the fiscal year 2002 appropriations funding legislation, the U.S. Congress mandated that the CDC, acting through the NCBDDD Fetal Alcohol Syndrome (FAS) Prevention Team and in coordination with the National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (NTFFAS/FAE), other federally funded FAS programs, and appropriate nongovernmental organizations (NGOs), would (1) develop guidelines for the diagnosis of FAS and other negative birth outcomes resulting from prenatal exposure to alcohol; (2) incorporate these guidelines into curricula for medical and allied health students and practitioners, and seek to have them fully recognized by professional organizations and accrediting boards; and (3) disseminate curricula to and provide training for medical and allied health students and practitioners regarding these guidelines. As part of CDC's response to this mandate, a total of seven FASD RTCs have been established since 2002 to train medical and allied health students and professionals regarding the prevention, identification, and treatment of FAS and related disorders, now known collectively as FASDs. The FASD RTCs have developed and implemented ongoing FASD training programs and courses throughout their regions reaching medical and allied health professionals and students. Trainings are delivered in academic settings (medical and allied health schools) and via continuing education events for practicing medical and allied health professionals. Training delivery varies by RTC depending on the target audience and setting. Examples include grand round presentations, a five-week online course for practicing social work, nursing, and substance abuse professionals, a two-hour face-to-face training for nursing and social work students, and a train-the-trainer model with 1- to 5-day trainings for trainers who then deliver at least two trainings per year to students and professionals.

CDC requests OMB approval to collect program evaluation information from training participants over a three-year period. Training participants will be completing program evaluation forms to provide information on whether the training met the educational goals. The information will be used to improve future trainings.

It is estimated that 15,640 participants will be trained each year, for a total estimated burden of 5,316 hours (2,658 hours annually). There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Organization	Form name	Number of respondents	Number of responses per respondent	Avg. burden/ rsponse	Total burden (in hours)
Medical and allied health professionals and students.	Artic RTC	Foundations Pre	30	1	15/60	8
		Foundations Post	30	1	15/60	8
		Foundations Follow-Up	18	1	10/60	3
		FASD 201 Pre	30	1	10/60	5
		FASD 201 Post	30	1	10/60	5
		FASD 201 Follow-Up	18	1	10/60	3
		Intro to FASDs Pre	80	1	15/60	20
		Intro to FASDs Post	80	1	15/60	20
		Intro to FASDs Follow-Up.	48	1	10/60	8
		Train-the-Trainer Pre	25	1	15/60	6
		Train-the-Trainer Post	25	1	15/60	6
		Train-the-Trainer Follow-Up.	15	1	15/60	4
		Online I Pre	100	1	10/60	17
		Online I Post	100	1	10/60	17
		Online II Pre	100	1	10/60	17
		Online II Post	100	1	10/60	17
		Online III Pre	100	1	10/60	17
		Online III Post	100	1	10/60	17
		Classroom Post	150	1	6/60	15
		Special Event Post	150	1	6/60	15
Nursing Students	Frontier RTC	Pre-test	410	1	15/60	103
		Post-test	410	1	15/60	103
		Follow-up	410	1	15/60	103
Social Work Students		Pre-test	410	1	15/60	103
		Post-test	410	1	15/60	103
		Follow-up	410	1	15/60	103
Allied Health Practitioners.		Pre-test	200	1	15/60	50
		Post-test	200	1	15/60	50
		Follow-up	200	1	15/60	50
Training of Trainers Participants.		Pre-test	100	1	15/60	25
		Post-test	100	1	15/60	25
		Follow-up	100	1	15/60	25
Academic Faculty/Students Online.		Pre-test	150	1	15/60	38
		Post-test	150	1	15/60	38
		Follow-up	150	1	15/60	38

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Organization	Form name	Number of respondents	Number of responses per respondent	Avg. burden/ rsponse	Total burden (in hours)
Practitioner Online		Pre-test	160	1	15/60	40
		Post-test	160	1	15/60	40
		Follow-up	160	1	15/60	40
Medical and Allied Health Care Providers and Students.	Great Lakes RTC	Foundations/ QUALTRICS online Pre.	450	1	5/60	38
		Foundations/ QUALTRICS online Post.	450	1	10/60	75
Medical Students and Providers.		Foundations/ QUALTRICS online 6-Mo F/U.	310	1	5/60	26
Medical and Allied Health Care Providers and Students.		SBI/QUALTRICS online Pre.	120	1	8/60	16
		SBI/QUALTRICS online Post.	120	1	13/60	26
		SBI/QUALTRICS online 6-Mo Follow-up.	108	1	8/60	14
		ID and Treatment of FASD/QUALTRICS online Pre.	270	1	8/60	36
		ID and Treatment of FASD/QUALTRICS online Post.	270	1	13/60	59
		ID and Treatment of FASD/QUALTRICS online 6-Mo Follow-up.	258	1	8/60	34
		FASD/QUALTRICS on-line Comprehensive Pre.	220	1	15/60	55
		FASD/QUALTRICS on-line Comprehensive Post.	220	1	20/60	73
		FASD/QUALTRICS on-line Comprehensive 6-Mo Follow-up.	204	1	15/60	51
Physicians and Medical Students.		Clinical Experience A	25	1	5/60	2
		Clinical Experience B	25	1	5/60	2
Training of Trainers Participants/Regional State Training Partners/Advisory Committee Members.		Key Informant Interview	16	1	15/60	4
		Key Informant Interview	15	1	20/60	5
		Key Informant Interview	10	1	15/60	3
Training of Trainer Participants.		Harvard Minute Feedback.	100	1	1/60	2
Staff and Training of Trainer Graduates.		Training Activity Reporting (TARF).	180	1	2/60	6
Academic Faculty/ Health Professionals/ Professionals/Health Profession Students.	Midwest RTC	Knowledge Pre	1080	1	7/60	126
		Knowledge Post	1080	1	7/60	126
		Knowledge Assessment 3 mo Follow-up.	1080	1	7/60	126
		Event Eval	1110	1	5/60	93
Health Professionals		Continuing Education Event, Pre.	250	1	5/60	21
		Continuing Education Event, Post.	250	1	5/60	21
		Continuing Education Event, 3 mo Follow-up.	250	1	5/60	21
		Modified Index, Pre	75	1	10/60	13
		Modified Index, 3 mo Follow-up.	75	1	10/60	13
Academic Faculty		Utilization of FAS/FASD Curriculum, Pre.	50	1	5/60	4
		Utilization of FAS/FASD Curriculum 3 mo Follow-up.	50	1	5/60	4

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Organization	Form name	Number of respondents	Number of responses per respondent	Avg. burden/ rsponse	Total burden (in hours)
Medical and allied health students and residents.	Southeast RTC	FASD Pre	500	1	10/60	83
		FASD Post	500	1	15/60	125
		FASD 3 Mo Follow-up	300	1	10/60	50
Total			15,640			2,658

Dated: April 30, 2012.

Ron A. Otten,

Director, Office of Scientific Integrity, Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–11082 Filed 5–7–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 77 FR 14525—14527, dated March 12, 2012) is amended to reflect the reorganization of the Office for State, Tribal, Local, and Territorial Support, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and functional statements for the Office for State, Tribal, Local and Territorial Support (CQ) and insert the following:

Office for State, Tribal, Local and Territorial Support (CQ). The mission of the Office for State, Tribal, Local, and Territorial Support (OSTLTS) is to advance U.S. public health agency and system performance, capacity, agility, and resilience. To carry out its mission, OSTLTS: (1) Establishes and maintains productive relationships, partnerships, and alliances with strategic organizational elements of the public health system; (2) increases coordination among federal and state, tribal, local, and territorial (STLT) health agencies to develop more highly functioning organizations and enable evidence-based policy and decision making; (3) provides CDC-wide guidance and strategic direction on activities related to STLT health agencies; (4) provides leadership in the development and implementation of evidence-based approaches for agency and system management, evolution, and transformation; (5) identifies and evaluates gaps in the structure and operation of public health agencies and systems; (6) forecasts emerging opportunities and challenges to governmental public health agencies/ systems and collaborates to prioritize, develop and pre-position essential resources for optimal agency and systems response; (7) provides guidance and leadership in the development and provision of training and cross-learning opportunities to and with STLT health partners; (8) provides guidance and support for the recruitment, development, and management of CDC field staff for STLT agencies; (9) develops and coordinates cross-agency guidance to improve grants administration and management; (10) coordinates the assessment and development of solutions to improve technical assistance and service delivery; and (11) enhances public health policy, law, and practice through shared leadership, communication, collaboration, and coordination with STLT agencies.

Office of the Director (CQA). (1) Manages, directs, and coordinates the strategy, operations, and activities of OSTLTS; (2) coordinates cross-cutting CDC activities related to STLT components of the public health system; (3) works with Federal and STLT agencies, CDC programs, partners, and other stakeholders to develop more highly functioning organizations and to enable evidence-based policy and decision making; (4) provides leadership in the development and implementation of evidence-based approaches for system management, evolution, and transformation; (5) facilitates STLT agency access to and interaction with CDC information and expertise; (6) provides guidance, strategic direction, and oversight for the investment of OSTLTS resources and assets; (7) establishes and maintains productive relationships, partnerships, and alliances with strategic organizational components of the public health system; (8) serves as a principal CDC liaison to other federal agencies and organizations concerning STLT agencies and governments; (9) communicates OSTLTS activities and issues to internal and external stakeholders; (10) tracks and analyzes recent and proposed legislation and policies for their impact on STLT programs/activities and OSTLTS' mission and programs; (11) develops, supports, and assesses cross-agency research and science relevant to OSTLTS mission-critical activities and program direction; (12) provides guidance on policy, performance, legislative issues, and long term strategies for program development and implementation; (13) responds to or coordinates responses to executive, congressional, departmental, CDC/CIO and other external requests for information; (14) responds to or coordinates the response to issues management tasks and clearance activities for OSTLTS; (15) leads or participates in cross-cutting strategic planning, performance management, and policy activities; (16) maintains effective reciprocal communications with STLT agencies; (17) develops and implements strategies to enhance STLT—CDC communications; (18) provides leadership in using efficient and transparent processes to communicate decision-making activities; (19) oversees and maintains cooperative agreements with national public health organization partners; (20) identifies and supports critical cross-CDC relationships and coordination as it relates to the partnership cooperative agreements; (21) provides leadership in evaluating and improving the performance of partnership cooperative agreements; and (22) coordinates tribal consultations and polices.

Public Health Law Office (CQA2). (1) Provides support and consultation for, and access to, public health law expertise at state, local, territorial, and tribal public health levels; (2) reviews,

studies, and disseminates information about existing state and local laws that may have application to public health; (3) engages national, state and local public health partners and policy makers, state, local, and U.S. court systems and law enforcement in identifying priorities and in developing and applying legal tools; (4) develops practical, law-centered tools for practitioners and policy makers at the STLT levels; and (5) provides consultation and technical assistance to CDC programs and partners.

Knowledge Management Office (CQA5). (1) Facilitates the development and provision of training and development opportunities to STLT health partners; (2) provides leadership in identifying and implementing strategies for effective collaboration of CDC and STLT public health professionals; (3) works collaboratively across OSTLTS, CDC and STLT agencies to disseminate and promote the adoption of leading practices, lessons learned and models that improve community programs; and (4) established collaboration and coordination between clinical medicine and public health to better coordinate and partner for healthier communities.

Field Services Office (CQA4). (1) Provides cross-agency support, guidance and strategic direction for the recruitment, development, and management of CDC field staff embedded within external public health agencies; (2) develops and provides training for project officers and consultants, grants management officials, field staff and leadership; (3) conducts periodic assessments of field staff and project officer needs; (4) maintains accurate demographic and assignment-related data on field staff; (5) supports grants management optimization efforts to improve SILT health agencies; (6) provides agency-wide leadership and coordination in the identification, assessment, and development of solutions to improve CDC technical assistance and service delivery; (7) assists in the coordination of CDC and OSTLTS Director site visits to SILT agencies; and (8) manages the Public Health Associates Program and provides direct oversight and supervision for the Associates.

Division of Public Health Performance Improvement (CQB). The mission of the Division of Public Health Performance Improvement (DPHPI) is to advance U.S. public health agency and system performance to better serve and protect the population. In carrying out its mission, DPHPI: (1) Promotes coordination among federal and SILT health agencies to support the improvement and development of organizations and enable evidence-based policy and decision making; (2) identifies and evaluates gaps in the structure and operation of public health agencies and systems; (3) forecasts emerging opportunities and challenges to governmental public health agencies/systems and assists in prioritizing essential resources to ensure optimal response; (4) strengthens operational performance and capability of SILT health agencies; (5) develops and disseminates evidence of successful strategies, organizational structures, policies, programs, and system improvements; (6) supports SILT agencies to meet national standards and attain accreditation; (7) supports SILT health agency performance management and quality improvement activities; and (8) provides the scientific leadership and management to ensure the quality of science within OSTLTS.

Office of the Director (CQB1). (1) Manages, directs and coordinates the activities of DPHPI; (2) provides leadership and guidance on division operations, policies, program development and program integration; (3) coordinates with Federal and STLT agencies and CDC programs to leverage cross-cutting activities to develop stronger organizations and enable evidence-based policy and decision making; and (4) provides leadership in the development and implementation of evidence-based approaches for public health system management and improvement.

Health Department and Systems Development Branch (CQBB). (1) Identifies, synthesizes and forecasts emerging opportunities and challenges to public health departments and systems; (2) provides leadership to prioritize and, develop tools, resources, standards, and practices to strengthen operational performance and capability of STLT health departments with special emphasis on performance and quality improvement, and assessment and planning; (3) supports efforts to use national accreditation and other important standards to improve public health performance, quality, and service delivery; and (4) provides technical assistance, expertise, consultation, and cross-learning opportunities to STLT health departments.

Applied Systems Research and Evaluation Branch (CQBC). (1) Engages in research to identify gaps in the structure and operation of public health agencies and systems; (2) evaluates and reports on STLT health outcomes and other indicators as appropriate to stimulate improvement activities; (3) conducts assessments and analysis of TLT programs and data to increase effectiveness and efficiencies; (4) provides evidence of successful strategies, organizational structures, policies, programs, and system improvements that advance prevention and health promotion programs and overall health outcomes; and (5) evaluates and validates standards, policies, leading practices, and models across CDC and STLT agencies.

Dated: April 25, 2012.

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2012–10887 Filed 5–7–12; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Permanency Innovations Initiative (PII) Evaluation: Phase 1.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) intends to collect data for an evaluation of the Permanency Innovations Initiative (PII). This 5-year initiative, funded by the Children's Bureau (CB) within ACF, is intended to build the evidence base for innovative interventions that enhance well-being and improve permanency outcomes for particular groups of children and youth who are at risk for long-term foster care and who experience the most serious barriers to timely permanency.

The CB has funded six grantees to identify local barriers to permanent placement and implement innovative strategies that mitigate or eliminate those barriers and reduce the likelihood that children will remain in foster care for three years or longer. The first year of the initiative focused on clarifying grantees' target populations and intervention programs. In addition, evaluation plans were developed to support rigorous site-specific and cross-site studies to document the implementation and effectiveness of the grantees' projects and the initiative overall.

Data collection for the PII evaluation includes a number of components being launched at different points in time. The purpose of the current document is to request approval of data collection efforts needed for a first phase of data collection and to request a waiver for

subsequent 60 day notices for later components of the evaluation. The first phase includes data collection for a cross-site implementation study and site-specific impact evaluations in two PIT grantee sites (Kansas; Washoe County, Nevada) that will begin implementing interventions during the second year of the PII grant period. The second phase includes a cross-site cost evaluation and site-specific impact evaluations in four PII grantee sites expected to implement interventions in the third year of the PII grant period.

Data for the cross-site implementation study will be collected through: (1) Interviews with grantee staff and key informants conducted by telephone and during site visits; (2) web-based instruments completed by grantee staff and key informants; and (3) retrieval and submission of aggregate data from grantee data systems. Data for the Kansas impact evaluation will be collected through (1) family assessments; (2) caseworkers' clinical assessments of children and families; and (3) caseworker discussions. Data for the Washoe County impact evaluation will be collected through family assessments.

Respondents: Families (parents, or permanent or foster caregivers; children), caseworkers, supervisors, service providers, and key informants such as grantee project directors, data managers, and representatives of partner agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
CROSS-SITE IMPLEMENTATION STUDY:				
Survey of Organization/System Readiness	60	1	0.3	18
Implementation Drivers Web Survey	150	2	0.8	240
Grantee Case Study Protocol	30	4	2.0	240
Fidelity Data (Implementation Quotient Tracker)	2	8	1.5	24
Cross-Site Estimated Total	—	—	—	522
KANSAS:				
Caregiver Initial Information Form	300	1	0.1	30
Family Assessment Battery	300	3	1.5	1350
CAFAS/PECFAS	4	150	1.0	600
Caseworker Discussions for NCFAS–G&R Completion	4	150	0.5	300
Kansas Estimated Total	—	—	—	2280
WASHOE COUNTY:				
Family Assessment Battery	175	2	1.5	525
Washoe Estimated Total	—	—	—	525

Estimated Total Annual Burden Hours: 3327.

Additional Information: Copies of the proposed collection may be obtained 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. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration, for Children and Families.

Steven M. Hanmer,

OPRE Reports Clearance Officer.

[FR Doc. 2012–10848 Filed 5–7–12; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Gastrointestinal Drugs Advisory Committee; Cancellation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The meeting of the Gastrointestinal Drugs Advisory Committee scheduled for May 31, 2012, is canceled. This meeting was announced in the **Federal Register** of March 23, 2012 (77 FR 17078). The meeting is being canceled because the Agency no longer needs to discuss the issues that were originally under consideration in the review of the application. The sponsor of the new drug application (NDA) submitted new information which negated the necessity for the planned meeting. The Agency intends to continue evaluating NDA 200–436 and, as needed, may schedule an Advisory Committee meeting in the future.

FOR FURTHER INFORMATION CONTACT: Minh Doan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *GIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), to find out further information regarding FDA advisory committee information or visit our Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: May 2, 2012.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2012–10990 Filed 5–7–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member conflict: Epidemiology and genetics of chronic diseases.
Date: May 23, 2012.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.
Date: June 6, 2012.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.
Contact Person: Patricia Greenwel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2172, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.
Date: June 6–7, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: Kathryn Kalasinsky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7806, Bethesda, MD 20892, 301–402–1074, *kalasinskyks@mail.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.
Date: June 6–7, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: W. Chicago Lakeshore, 644 N. Lakeshore Drive, Chicago, IL.
Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topic: Bioanalytical Chemistry.
Date: June 6–7, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Mandarin Oriental, 1330 Maryland Avenue SW., Washington, DC 20024.
Contact Person: Ross D. Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301–435–2786, *ross.shonat@nih.hhs.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.
Date: June 6–7, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA 94102.
Contact Person: Olga A. Tjurmina, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Myocardial Ischemia and Metabolism Study Section.
Date: June 7–8, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@csr.nih.gov*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.
Date: June 7–8, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.
Contact Person: Edwin C. Clayton, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, 301–408–9041, *claytone@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Imaging Technology-A.
Date: June 7–8, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Miami, 400 South East 2nd Street, Miami, FL 33131.
Contact Person: Behrouz Shabestari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5126, MSC 7854, Bethesda, MD 20892, (301) 435–2409, *shabestb@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Chronic Dysfunction and Integrative Neurodegeneration Study Section.
Date: June 7–8, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Monaco, 480 King Street, Alexandria, VA 22314.
Contact Person: Kevin Walton, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–435–1785, *kevin.walton@nih.hhs.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroplasticity and Neurotransmitters Study Section.
Date: June 7–8, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Immunity and Host Defense Study Section.
Date: June 7–8, 2012.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Patrick K. Lai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Electrical Signaling, Ion Transport, and Arrhythmias Study Section.
Date: June 7, 2012.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Yuanna Cheng, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301)435–1195, *Chengy5@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: June 7–8, 2012.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.

Date: June 7–8, 2012.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurotransporters, Receptors, and Calcium Signaling Study Section.

Date: June 7, 2012.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Synapses, Cytoskeleton and Trafficking Study Section.

Date: June 7, 2012.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Jonathan K. Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Cellular Mechanisms in Aging and Development Study Section.

Date: June 7–8, 2012.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: John Burch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@csr.nih.gov*.

Name of Committee: Oncology 1–Basic Translational Integrated Review Group; Tumor Progression and Metastasis Study Section.

Date: June 7–8, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Clinical and Integrative Diabetes and Obesity Study Section.

Date: June 7, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nancy Sheard, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046–E, MSC 7892, Bethesda, MD 20892, 301–408–9901, *sheardn@csr.nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: June 7–8, 2012.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott Wardman Park, 2660 Woodley Rd NW., Washington, DC 20008.

Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Biomarkers Study Section.

Date: June 7–8, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–357–9318, *ngkl@csr.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Immunopathology and Immunotherapy Study Section.

Date: June 7–8, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD.

Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov*.

Name of Committee: Oncology 1–Basic Translational Integrated Review Group; Cancer Genetics Study Section.

Date: June 7, 2012.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov*.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Pathogenic Eukaryotes Study Section.

Date: June 7–8, 2012.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301–435–2306, *boundst@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: NIDA Program Project Review.

Date: June 8, 2012.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.

Contact Person: Edwin C. Clayton, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, 301–408–9041, *claytone@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 2, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–11073 Filed 5–7–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 USC, as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Grand Opportunity in Medications Development for Substance-Related Disorders (U01).

Date: May 23, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, *ruizjf@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel NIDA B/START Small Grant Review.

Date: June 6, 2012.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel NIDA I/START Small Grant Review.

Date: June 20, 2012.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 2, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–11074 Filed 5–7–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; HIV Palliative Care RFA Review.

Date: June 6, 2012.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, (301) 594–0343, *tamizchelvi.thyagarajan@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: May 1, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–11077 Filed 5–7–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 USC, as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Regulatory Affairs Support (8902).

Date: May 30, 2012.

Time: 9:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 2, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–11075 Filed 5–7–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0019; OMB No. 1660–0073]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, 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 a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Urban Search and Rescue Response System information collection.

DATES: Comments must be submitted on or before July 9, 2012.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2012–0019. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 835, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

(4) *Email. Submit comments to FEMA–POLICY@dhs.gov.* Include Docket ID FEMA–2012–0019 in the subject line.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Catherine Deel, Program Specialist, Urban Search and Rescue Branch at 202–646–3796. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA–Information-CollectionsManagement@dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5144, authorizes the President of the United States to form emergency support teams of Federal personnel to be deployed to an area affected by major disaster or emergency. Section 403(a)(3)(B) of the Stafford Act provides that the President may authorize Federal Agencies to perform work on public or private lands essential to save lives and protect property, including search and rescue and emergency medical care, and other essential needs. The Post Katrina Emergency Management Reform Act (PKEMRA) codified the Urban Search and Rescue in the Homeland Security Act (HAS) of 2002 (as amended), stating ''There is in the Agency [FEMA] a system known as the Urban Search and Rescue Response System'' (US&R) under these authorities. The information collection activity authorized under 44 CFR part 208, 44 CFR part 13, and OMB Circular A–110 is the collection of program and administrative information from US&R Sponsoring Agencies relating to readiness and response cooperative agreement awards.

Collection of Information

Title: National Urban Search and Rescue Grant Program.

Type of Information Collection: Revision of a currently approved information collection.

FEMA Forms: FEMA Form 089–0–10, Urban Search Rescue Response System Narrative Statement; FEMA Form 089–0–11, Urban Search Rescue Response System Semi-Annual Performance Report; FEMA Form 089–0–12, Urban Search Rescue Response System Budget Change Form; FEMA Form 089–0–14, Urban Search Rescue Response System Self Evaluation; and FEMA Form 089–0–15, Urban Search Rescue Response System Task Force Deployment Data.

Abstract: The information collected for the National Urban Search and Rescue Grant Program evaluates a grantee's proposed use of funds and is required information needed in order to receive Federal funding. The forms used in this collection are used by grantees to provide FEMA with cooperative agreements and a description of the types of eligible activities the grantee will undertake and a plan for expending and monitoring funds.

Affected Public: State, local or Tribal government.

Number of Respondents: 28.

Number of Responses: 1.

Estimated Total Annual Burden Hours: 476 hours.

Estimated Cost: There are no record keeping, capital start-up or maintenance costs associated with this information collection.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: May 1, 2012.

John G. Jenkins, Jr.,

Acting Chief Administrative Officer, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2012–10996 Filed 5–7–12; 8:45 am]

BILLING CODE 9111–54–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–B–1254]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and

where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 6, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1254, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

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

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

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Chatham County, Georgia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.bakeraecom.com/index.php/georgia/chatham/*	
City of Bloomingdale	8 West U.S. Route 80, Bloomingdale, GA 31302.
City of Garden City	City Hall, 100 Central Avenue, Garden City, GA 31405.
City of Pooler	City Hall, 100 Southwest U.S. Route 80, Pooler, GA 31322.
City of Savannah	City Hall, 2 East Bay Street, Savannah, GA 31401.
Unincorporated Areas of Chatham County	124 Bull Street, Suite 430, Savannah, GA 31401.
Talbot County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.rampp-team.com/md.htm*	
Town of Easton	Planning Office 14 South Harrison Street Easton, MD 21601.
Town of St. Michaels	Edgar M. Bosely, Jr., Municipal Building, 300 Mill Street, St. Michaels, MD 21663.
Town of Trappe	Town Office, 4011 Powell Avenue, Trappe, MD 21673.
Township of Oxford	Town Hall, 101 Market Street, Oxford, MD 21654.
Unincorporated Areas of Talbot County	Talbot County Courthouse, 11 North Washington Street, Easton, MD 21601.

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

Dated: April 18, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–10995 Filed 5–7–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–DPOL–0426–10196; 0004–SYM]

Cancellation of May 8, 2012, Meeting of the Wekiva River System Advisory Management Committee

AGENCY: National Park Service, Interior.

ACTION: Cancellation of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given that the May 8, 2012, meeting of the Wekiva River System Advisory Management Committee previously announced in the **Federal Register**, April 18, 2012, 77 FR 23277, is cancelled. Instead, members of the Committee will meet on May 8, 2012, solely to share information and discuss preparations for the Wekiva Wild and Scenic River Plan Dedication Ceremony scheduled for May 17, 2012. No advisory committee items will be voted on at this meeting.

FOR FURTHER INFORMATION CONTACT: Jaime Doubek-Racine, DFO, Wekiva Wild and Scenic River, RTCA Program, Florida Field Office, Southeast Region, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, tel. (941) 685–5912.

SUPPLEMENTARY INFORMATION: The scheduled meetings are open to the public. Each scheduled meeting will result in decisions and steps that advance the Wekiva River System Advisory Management Committee towards its objective of managing and implementing projects developed from the Comprehensive Management Plan for the Wekiva Wild and Scenic River. Any member of the public may file with the Committee a written statement concerning any issues relating to the development of the Comprehensive Management Plan for the Wekiva Wild and Scenic River. Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The statement should be addressed to the Wekiva River System Advisory Management Committee, National Park Service, 5342 Clark Road, PMB #123, Sarasota, Florida 34233.

The Wekiva River System Advisory Management Committee was established by Public Law 106–299 to assist in the development of the comprehensive management plan for the Wekiva River System and provide advice to the Secretary in carrying out management responsibilities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1274). Efforts have been made locally to ensure that the interested public is aware of the meeting dates.

Chick Fagan,

Chief, Office of Policy.

[FR Doc. 2012–11110 Filed 5–7–12; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Docket No. 2896]

Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof; Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof,* DN 2896; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Nokia Corporation, Nokia Inc. and Intellisync Corporation on May 2, 2012. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including mobile phones and tablet computers, and components thereof. The complaint names as respondents HTC Corporation of Taiwan, HTC America, Inc. of Bellevue, WA and Exedea Inc. of Houston, TX.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third

party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2896'') in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf).* Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

Issued: May 2, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–11008 Filed 5–7–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–480 and 731–TA–1188 (Final)]

High Pressure Steel Cylinders From China Notice of Commission Determination To Conduct a Portion of the Hearing in Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing.

SUMMARY: Upon the timely request of respondents, the Commission has determined to conduct a portion of its hearing in the above-captioned investigation scheduled for May 1, 2012, *in camera.* The remainder of the hearing will be open to the public.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3041. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–3105.

SUPPLEMENTARY INFORMATION: The Commission believes that respondents Beijing Tianhai Industry Co. Ltd. and American Fortune Company have justified the need for a closed session. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioner and by respondents, with questions from the Commission. In addition, the hearing will include a 10-minute *in camera* session for a confidential presentation by respondents. Each session will be followed by an *in camera* rebuttal presentation by petitioner and questions from the Commission relating to the BPI. During the *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b). The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in his opinion, a portion of the Commission's hearing in High Pressure Steel Cylinders from China, Inv. Nos. 701–TA–480 and 731–TA–1188 (Final), may be closed to the public to prevent the disclosure of BPI. See also Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)).

Issued: May 2, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–11007 Filed 5–7–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1186–1187 (Final)]

Certain Stilbenic Optical Brightening Agents From China and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China and Taiwan of certain stilbenic optical brightening agents, provided for in subheadings 3204.20.80 and 2921.59.40 and may have been imported under subheadings 2921.59.80 and 2933.69.60 (statistical reporting numbers 2921.59.8090 and 2933.69.6050) of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective March 31, 2011, following receipt of a petition filed with the Commission and Commerce by Clariant Corp., Charlotte, NC. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of certain stilbenic optical brightening agents from China and Taiwan were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 25, 2011 (76 FR 72719). The hearing was held in Washington, DC, on March 15, 2012, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 2, 2012. The views of the Commission are contained in USITC Publication 4322 (May 2012), entitled *Certain Stilbenic Optical Brightening Agents from China and Taiwan: Investigation Nos. 731–TA–1186–1187 (Final).*

Issued: May 2, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–11010 Filed 5–7–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1185 (Final)]

Certain Steel Nails From the United Arab Emirates

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from the United Arab Emirates of certain steel nails, provided for in subheadings 7317.00.55, 7317.00.65, and 7317.00.75 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective March 31, 2011, following receipt of a petition filed with the Commission and Commerce by Mid Continent Nail Corporation, Poplar Bluff, MO. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of certain steel nails from the United Arab Emirates were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 23, 2011 (76 FR 72438). The hearing was held in Washington, DC, on March 20, 2012, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on May 2, 2012. The views of the Commission are contained in USITC Publication 4321 (May 2012), entitled *Certain Steel Nails from the United Arab Emirates: Investigation No. 731–TA–1185 (Final).*

Issued: May 2, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–11009 Filed 5–7–12; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

[Docket No. OTJ 100]

Solicitation of Comments on Request for United States Assumption of Concurrent Federal Criminal Jurisdiction; Hoopa Valley Tribe

Correction

In notice document 2012–09731 beginning on page 24517 the issue of Tuesday, April 24, 2012 make the following correction:

On page 24517, in the second column, in the **DATES** section, the first sentence should read, ''Written comments must be postmarked and electronic comments must be submitted on or before June 8, 2012.''

[FR Doc. C1–2012–9731 Filed 5–7–12; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; 2012 Wage and Hour Division and Occupational Safety and Health Administration Surveys Workers' Voice in the Workplace

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the information collection request (ICR) proposal titled, ''2012 Wage and Hour Division and Occupational Safety and Health Administration Surveys Workers' Voice in the Workplace,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

DATES: Submit comments on or before June 7, 2012.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–Wage and Hour Division, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The 2012 Wage and Hour Division (WHD) and Occupational Safety and Health Administration (OSHA) surveys Workers' Voice in the Workplace will gauge the current level of workers' voice in the workplace and factors affecting workers' voice as it relates to WHD and OSHA administered laws. Voice in the workplace is a key outcome goal for the Secretary of Labor and part of her vision of good jobs for everyone. The DOL working definition of *voice in the*

workplace is the worker's ability to access information on his or her rights in the workplace, the worker's understanding of those rights, and the worker's ability to exercise those rights without fear of recrimination. The surveys will measure each of these items, first individually and then in combination, to come up with an overall measure of voice. The DOL also hopes to learn how voice is related to workers' perceptions of employer noncompliance, such as whether or not particular dimensions of voice correlate to workers' perceptions of noncompliance. The study will also be useful in examining how noncompliance in one area, such as safety, is related to voice in the workplace and noncompliance in another area, such as wages.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on December 12, 2011.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201203–1235–001. The OMB is particularly interested in comments that:

- 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 submission of responses.

Agency: DOL–WHD.

Title of Collection: 2012 Wage and Hour Division and Occupational Safety and Health Administration Surveys Workers' Voice in the Workplace.

OMB ICR Reference Number: 201203–1235–001.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 4,820.

Total Estimated Number of Responses: 4,820.

Total Estimated Annual Burden Hours: 1,420.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 2, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–10988 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–81,071]

II–VI, Incorporated, Infrared Optics—Saxonburg Division, Saxonburg, Pennsylvania; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated February 21, 2012, a worker requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of II–VI, Incorporated, Infrared Optics—Saxonburg Division, Saxonburg, Pennsylvania (subject firm). The determination was issued on February 8, 2012. The Department's Notice of determination was published in the **Federal Register** on February 14, 2012 (77 FR 8281). The workers were engaged in employment related to the production of infrared and CO_2 laser optics, and related materials.

The initial investigation resulted in a negative determination based on the findings that the subject firm has not experienced a decline in the sales or production of infrared and CO_2 laser optics, and related materials, from 2009 to 2010 or from January–October 2010 compared to the same period in 2011.

With respect to Section 222(a)(2)(B) of the Act, the investigation revealed that the workers' firm did not shift production of infrared and CO_2 laser optics, and related materials (or like or directly competitive articles) to a foreign country, or acquire the production of such articles from a foreign country.

With respect to Section 222(b)(2) of the Act, the investigation revealed that the subject firm is a Supplier to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a); however, the component parts supplied did not account for at least 20 percent of the production or sales or contribute importantly to workers' separation or threat thereof.

With respect to Section 222(b)(2) of the Act, the investigation revealed that the subject firm does not act as a Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a).

Finally, the group eligibility requirements under Section 222(e) of the Act have not been satisfied because the workers' firm has not been publicly identified by the International Trade Commission as a member of a domestic industry in an investigation resulting in an affirmative finding of serious injury, market disruption, or material injury, or threat thereof.

In the request for reconsideration, the petitioner supplied new information regarding a possible decline in sales during the relevant period under investigation.

The Department of Labor has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements to apply for TAA.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 27th day of March, 2012.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–11054 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,850; TA–W–74,850A]

StarTek USA, Inc., 244 Dundee Avenue, Greeley, CO; StarTek USA, Inc., 1250 H Street, Greeley, CO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 28, 2010, applicable to workers and former workers of StarTek USA, Inc., Greeley, Colorado. The Department's notice of determination was published in the **Federal Register** on January 14, 2011 (76 FR 2717).

Based on new information provided subsequent to the issuance of the determination, the Department reviewed the certification for workers of the subject firm.

New information shows that there are two StarTek USA, Inc. facilities in Greeley, Colorado (the ''west'' center at 244 Dundee Avenue and the ''north'' center at 1250 H Street); both facilities supply business processes services and operate in conjunction with each other.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports of like or directly competitive services.

The amended notice applicable to TA–W–74,850 is hereby issued as follows:

All workers of StarTek USA, Inc., 244 Dundee Avenue, Greeley, Colorado (TA–W–74,850) and StarTek USA, Inc., 1250 H Street, Greeley, Colorado (TA–W–74,850A), who became totally or partially separated from employment on or after November 5, 2009, through December 28, 2012, and all workers in the group threatened with total or partial separation from employment on December 28, 2010 through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 23rd day of April 2012.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–11053 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of April 16, 2012 through April 20, 2012.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,249	Jump Clothing, Inc., Sweet Rain Apparel	Los Angeles, CA	February 13, 2010.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,397	BlueScope Buildings North America, Inc., HCI Steel Buildings Division, NW Staffing.	Arlington, WA	March 5, 2011.
81,417	Nilfisk-Advance, Inc.	Plymouth, MN	October 1, 2011.
81,417A	Leased Workers from E–Technical, Apply One Staffing, Ware Technology Services, and Staffing Partners Working On-Site at Nilfisk-Advance, Inc..	Plymouth, MN	March 7, 2011.
81,442	Illinois Tool Works, Paslode-Staples & Finished Nails Division, Express Employment Professionals.	Pontotoc, MS	March 22, 2011.
81,443	Powerex, Inc., Currently Owned by General Electric and Mitsubishi	Youngwood, PA	February 27, 2012.
81,462	Kopin Corporation, Diamond Staffing	Taunton, MA	March 29, 2011.
81,463	SNC Manufacturing Company, Inc.	Oshkosh, WI	July 25, 2011.
81,463A	Argus Technical Services, Working on Site at SNC Manufacturing Company, Inc..	Oshkosh, WI	March 28, 2011.
81,469	TODCO, Overhead Door Corporation, Time Staffing	Upper Sandusky, OH	April 2, 2011.
81,473	Hartford Financial Services Group, Inc., Consumer Markets/Underwriting Operations.	Windsor, CT	April 2, 2011.

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,416	GMGO, LLC, Gorman Group, Inc.	Shreveport, LA	March 13, 2011.
81,439	Williams International Co., LLC, On-Site Workers from Trialon Corporation, Carleton Nat'l Resources, etc..	Ogden, UT	June 4, 2011.

The following certifications have been issued. The requirements of Section 222(c) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,479	River Flats Testing Corporation	Appleton, WI	April 2, 2011.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
81,487	COM Corp Industries, ISATEC Technical Center	Garfield Heights, OH	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,276	RockTenn, RockTenn LLC CP, Corrugated Division	New Hartford, NY	
81,372	Simpson Lumber Company, LLC	Shelton, WA	
81,372A	Simpson Lumber Company, LLC	Tacoma, WA	
81,372B	Simpson Lumber Company, LLC	Longview, WA	

I hereby certify that the aforementioned determinations were issued during the period of April 16, 2012 through April 20, 2012. These determinations are available on the Department's Web site tradeact/taa/taa search form.cfm. under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: April 27, 2012.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–11052 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 2012.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 30th day of April 2012.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[29 TAA petitions instituted between 4/16/12 and 4/20/12]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
81496	Standard Motor Products (Workers)	Mishawaka, IN	04/16/12	10/21/11
81497	Eastman Kodak Company (Workers)	Rochester, NY	04/16/12	04/11/12
81498	Journal Register Company (State/One-Stop)	Mt. Clemens, MI	04/16/12	03/22/12
81499	Verizon Wireless (State/One-Stop)	Houston, TX	04/16/12	04/12/12
81500	StarTek (Workers)	Jonesboro, AR	04/16/12	03/27/12
81501	The Travelers Indemnity Company (Workers)	Knoxville, TN	04/16/12	04/05/12
81502	Hanesbrand Inc. (Workers)	Martinsville, VA	04/16/12	03/30/12
81503	Honeywell International (State/One-Stop)	Acton, MA	04/16/12	04/12/12
81504	Atkore International (Workers)	Morrisville, PA	04/16/12	04/05/12
81505	The Warranty Group, IT Department (State/One-Stop)	Chicago, IL	04/17/12	04/16/12
81506	Towers Watson (State/One-Stop)	Chicago, IL	04/17/12	04/16/12
81507	PWC (Workers)	Tampa, FL	04/17/12	04/14/12
81508	Burris, Incorporated (Company)	Spartanburg, SC	04/17/12	04/09/12

APPENDIX—Continued

[29 TAA petitions instituted between 4/16/12 and 4/20/12]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
81509	Parkdale Mills #30 (Workers)	Hillsville, VA	04/17/12	03/22/12
81510	Motorola Solutions, Inc. (Workers)	Schaumburg, IL	04/17/12	04/16/12
81511	Pemco World Air Services, Inc. (Union)	Dothan, AL	04/17/12	04/16/12
81512	Ryder Systems (Company)	Shreveport, LA	04/18/12	04/17/12
81513	HSS—MMS, LLC (Company)	Shreveport, LA	04/18/12	04/17/12
81514	Veolia Environmental Services (Company)	Shreveport, LA	04/18/12	04/17/12
81515	General Security Systems working on-site at Smurflt-Stone Corporation (Workers).	Ontonagon, MI	04/18/12	04/12/12
81516	Flo-Pro Inc. (State/One-Stop)	Bedford, NH	04/18/12	04/17/12
81517	Lane Furniture, Inc. (Workers)	Tupelo, MS	04/19/12	04/04/12
81518	Maersk Agency USA, Inc. (Company)	Madison, NJ	04/19/12	04/13/12
81519	Appleton Papers (Company)	West Carrollton, OH	04/19/12	04/16/12
81520	T–Mobile USA Inc. (Union)	7 facilities in PA, FL, TX, KS, CO, & OR—follow-up email will specify, WA.	04/19/12	04/17/12
81521	Journal Register East (Workers)	New Haven, CT	04/19/12	04/09/12
81522	Pittsburgh Glass Works (Workers)	Pittsburgh, PA	04/20/12	04/19/12
81523	Dameron Alloy Foundries (State/One-Stop)	Compton, CA	04/20/12	04/19/12
81524	FT Material Solutions, Inc. (Company)	Fairview, OR	04/20/12	04/17/12

[FR Doc. 2012–11051 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–80,485]

R.R. Donnelley, Inc., Bloomsburg, PA; Notice of Negative Determination on Reconsideration

On March 1, 2012, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of R.R. Donnelley, Inc., Bloomsburg, Pennsylvania (subject firm). The Department's Notice of affirmative determination was published in the **Federal Register** on February 21, 2012 (77 FR 9972). The workers are engaged in employment related to the production of hard and soft cover books.

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination based on the findings that the subject firm did not import hard and soft cover books, or articles like or directly competitive, during the relevant time period. A survey conducted on the subject firm's major customer revealed no imports of hard and soft cover books, or articles like or directly competitive.

In the request for reconsideration, the petitioners claimed that worker separations at the subject firm were attributable to the subject firm's international operations and increased import competition of hard and soft cover books, as well as electronic books (e-books).

During the reconsideration investigation, the Department reviewed and confirmed information provided during the initial investigation and collected additional information from the subject firm and the surveyed customer.

The reconsideration investigation findings revealed that the subject firm has not shifted the production of hard and soft cover books to a foreign country and does not import hard and soft cover books, or like or directly competitive articles. The reconsideration investigation was extended to consider the trade impact from a shift of production or imports of e-books. The information revealed that the production of e-books by the subject firm takes place domestically. Additionally, subject firm's customer stated that it does not import e-books.

Based on a careful review of information obtained during the initial investigation and the reconsideration investigation, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of R.R. Donnelley, Inc., Bloomsburg, Pennsylvania. Accordingly, the application is denied.

Signed in Washington, DC, on this 27th day of April 2012.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–11055 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–80,454]

TMI Forest Products, Inc., Crane Creek Division, Morton, WA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 6, 2012, a representative of the Washington State Labor Counsel, AFL–CIO, requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of TMI Forest Products, Inc., Crane Creek Division, Morton, Washington (subject firm). The

determination was signed on February 17, 2012. The Notice of Determination was published in the **Federal Register** on March 6, 2012 (77 FR 13355).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the TAA petition filed on behalf of workers at the subject firm was based on the findings that the subject firm did not, during the period under investigation, shift to a foreign country production of articles like or directly competitive with the fence boards produced by the workers or acquire such production from a foreign country. Additionally, the findings revealed that the workers' separation, or threat of separation, was not related to any increase in imports, by the subject firm or its customers, of articles like or directly competitive with fence boards; and that the workers' firm is not a supplier or a downstream producer to a firm that employed a group of workers who are eligible to apply for TAA.

In the request for reconsideration, the petitioner stated that worker separations are attributable to increased import competition of articles like or directly competitive with the fence boards produced by the workers, to foreign competition of raw material used in the production of fence boards, and to the Canadian practice of using Bark Beetle affected timber. The documentation supplied by the petitioner included import and export data, news and opinion articles, printed web pages, and a copy of a certification of another fencing company (based on increased imports by that company's major declining customers).

The Department has carefully reviewed the petitioner's allegations and support documentation, as well as previously-submitted information.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 24th day of April 2012.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–11056 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before June 7, 2012.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: George F. Triebsch, Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2012–062–C.

Petitioner: Signal Peak Energy, LLC, 100 Portal Drive, Roundup, Montana 59072.

Mine: Bull Mountain Mine No. 1, MSHA I.D. No. 24–01950, 100 Portal Drive, Roundup, Montana 59072, located in Musselshell County, Montana.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible electronic testing or diagnostic equipment in or inby the last open crosscut. The equipment includes laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, insulation testers (meggers), voltage, current, and power measurement devices, signal analyzer devices, ultrasonic thickness gauges, electronic component testers, electronic tachometers, total stations,

laser distance meters, 36-volt battery drills, and data collectors. Other testing and diagnostic equipment may be used if approved in advance by MSHA's District Office. The petitioner states that:

(1) All other test and diagnostic equipment used in or inby the last open crosscut will be permissible.

(2) All nonpermissible testing and diagnostic equipment used in or inby the last open crosscut will be examined by a qualified person, as defined in 30 CFR 75.153, prior to use to ensure that the equipment is being maintained in a safe operating condition. The results of the examinations will be recorded in the weekly examination book and will be made available to an authorized representative of the Secretary and miners at the mine.

(3) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible electronic test and diagnostic equipment in or inby the last open crosscut.

(4) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more of methane is detected while the nonpermissible electronic equipment is being used, the equipment will be deenergized immediately and the nonpermissible electronic equipment will be withdrawn to outby the last open crosscut.

(5) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(6) Except for time necessary to troubleshoot under actual mining conditions, coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load.''

(7) Nonpermissible electronic test and diagnostic equipment will not be used to test equipment when float coal dust is in suspension.

(8) All electronic test and diagnostic equipment will be used in accordance with the manufacturer's recommended safe use procedures.

(9) Qualified personnel who use electronic test and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with the use of electronic test diagnostic equipment.

(10) Any piece of equipment subject to this petition will not be put in service until MSHA has initially inspected the equipment.

(11) Within 60 days after this Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR Part 48 training plan to the District Manager. In addition to the requirements specified in this petition, these proposed revisions will specify initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2012–063–C.

Petitioner: Sebree Mining, LLC, 2668 State Route 120E, Providence, Kentucky 42450.

Mine: Sebree Mine, MSHA I.D. No. 15–19264, located in Webster County, Kentucky.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance for leaving barrier pillars around oil and gas wells. The petitioner proposes to mine through oil and gas wells in all mineable coalbeds. As alternative to leaving 300-foot coal barriers, the petitioner proposes the following terms and conditions:

The petitioner proposes to use the following procedures for cleaning out, preparing, plugging, and replugging oil and gas wells:

(1) A diligent effort will be made to completely clean out the well from the surface to at least 100 feet below the base of the lowest mineable coal seam. A diligent effort will be made to remove all material from the entire diameter of the well, wall to wall, with the exception of clearly defined surface casing.

(2) For each well, a diligent effort will be made to prepare down-hole logs for each well that will consist of a caliper survey and log(s) suitable for determining the top, bottom, and thickness of all coal seams. A down-hole camera survey may be used in lieu of down-hole logs.

(3) If it is not possible to remove all the casing, appropriate steps will be taken to ensure the annulus between the casing and the well walls are filled with expanding cement and contain no voids. If the casing cannot be removed, it will be cut or milled at all minable coal seams. Perforations or rips will be made 50 feet above and below the coal seams. If determined by the use of a casing bond log that the annulus at the coal seams to be mined are already adequately sealed with cement, then perforating or ripping will not be required.

(4) If the cleaned-out well produces gas, or the uppermost hydrocarbon-producing stratum is within 500 feet of the lowest minable coal seam, either a mechanical bridge plug or a cal-seal plug will be placed in competent stratum 100 feet below the lowest minable coal seam, but above the top of the uppermost hydrocarbon-producing stratum. If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used.

The petitioner proposes to use the following procedures for plugging or replugging oil and gas wells to the surface:

(1) Expanding slurry cement will be pumped down the well to form a plug that runs from at least 100 feet below the base of the lowest minable coal seam to the surface.

(2) Portland cement or a lightweight cement mixture may be used to fill the area from 100 feet above the top of the uppermost minable coal seam to the surface.

(3) Steel turnings or other magnetic particles will be embedded in the top of the cement near the surface or, if the surface casing is present, it can be used to serve as a permanent magnetic monument of the well.

(4) If the hole cannot be marked with a physical monument (i.e., prime farmland), high resolution GPS coordinates will be used.

The petitioner proposes to use the following procedures after approval has been granted by the District Manager to mine within the safety barrier or to mine through a plugged or replugged well:

(1) A representative of the operator, a representative of the Kentucky OMSL, or the MSHA District Manager may request that a conference be conducted prior to mining through a plugged well. The purpose of the conference will be to review, evaluate, and accommodate any abnormal or unusual circumstances related to the condition of the well or surrounding strata when such conditions are encountered.

(2) The District Manager will be notified at least a week prior to mining through a well to provide an opportunity to have an MSHA representative present.

(3) When using continuous mining methods, drivage sights will be installed at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sights will not be more than 100 feet from the well.

(4) Firefighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working

face area will be available. The fire hose will be located near the working face.

(5) Sufficient supplies of roof support and ventilation materials will be available and located near the working face. In addition, an emergency plug and/or plugs will be available within the immediate area of the well intersection.

(6) Equipment involved in mining through the well will be checked for permissibility and serviced on the maintenance shift prior to mining through the well. The methane monitor on the continuous mining machine involved in mining through the well will also be calibrated on the maintenance shift prior to mining through the well.

(7) When mining is in progress, tests for methane will be made with a hand-held methane detector at least every 10 minutes, from the time that mining with the continuous mining machine is within 30 feet of the well until the well is intersected, and immediately prior to mining through. During the actual cutting-through process, no individual will be allowed on the return side until mining-through has been completed and the area has been examined and declared safe.

(8) The working area will be free from accumulations of coal dust and coal spillages, and rock dust will be placed on the roof, rib, and floor to within 20 feet of the face when mining through the well.

(9) When the well is intersected, all equipment will be deenergized and the place thoroughly examined and determined safe before mining is resumed.

(10) Any casing will be removed and no open flame will be permitted in the area until adequate ventilation has been established around the well.

(11) After a well has been intersected and the working place determined safe, mining will continue inby the well at a distance sufficient to permit adequate ventilation around the area of the well.

(12) No person will be permitted in the area of the mining-through operation except those actually engaged in the operation, company personnel, personnel from MSHA, and personnel from the Kentucky OMSL.

(13) The mining-through operation will be under the direct supervision of a certified individual. Instructions concerning the mining-through operation will be issued only by the certified individual in charge. MSHA personnel may interrupt or halt the mining through operation when necessary for the safety of the miners.

(14) Within 30 days after this Order becomes final, the petitioner will submit proposed revisions for its approved mine emergency evacuation and firefighting plan required by 30 CFR 75.1501. The petitioner will revise the plans to include the hazards and evacuation procedures to be used for well intersections.

The petitioner further states that this petition will apply to all types of mining (conventional, continuous, and longwall) and asserts that the proposed alternative method will at all times provide a measure of protection no less than that of the existing standard.

Docket Number: M–2012–064–C.

Petitioner: Lone Mountain Processing, Inc., Drawer C, St. Charles, Virginia 24282.

Mine: Mine No. 1, MSHA I.D. No. 15–18734, Route 636 Benedict Road, St. Charles, Virginia 24282, located in Harlan County, Kentucky.

Regulation Affected: 30 CFR 75.208 (Warning devices).

Modification Request: The petitioner requests a modification of the existing standard to permit a readily visible warning to be posted at the second row of permanent roof support outby unsupported roof or a physical barrier to be installed to impede travel beyond permanent support, except during the installation of roof supports. The petitioner states that:

(1) The Kentucky Office of Mine Safety and Licensing requires ''a warning device to be installed on the second row of permanent roof support outby unsupported roof.''

(2) MSHA's approved Precautions for Remote Control Operation of Continuous Mining Machines states that ''While using remote controls, the continuous mining machine operator and all other persons will position themselves no closer than the second 'full row' of installed roof bolts outby the face.''

(3) This petition is necessary to improve safety and to attain commonality between State and Federal regulations.

(4) Safety increases when the distance an employee keeps from unsupported roof increases.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2012–065–C.

Petitioner: ICG Tygart Valley, LLC, 1200 Tygart Drive, Grafton, West Virginia 26354.

Mine: Tygart #1 Mine, MSHA I.D. No. 46–09192, located in Taylor County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard requiring that barriers be established and maintained around oil and gas wells penetrating coalbeds or underground areas of coal mines to permit an alternative method of compliance. The petitioner states that:

(1) The mine is projected to encounter vertical in-seam boreholes, typical to oil and natural gas wells, as mine development progresses.

(2) The active development section is approaching these boreholes, and is projected to encounter additional boreholes in the future as mining operations continue.

(3) The procedure presented in this petition will be used to ensure that mining through these boreholes is accomplished safely and, as an alternative to compliance with 30 CFR 75.1700, will provide no less than the same measure of protection to the miners, as required by the MSHA standard.

The petitioner proposes to use the following procedures when plugging oil or gas wells:

(1) Prior to plugging an oil or gas well, a diligent effort will be made to clean the borehole to the original total depth. If this depth cannot be reached, the borehole will be cleaned out to a depth that would permit the placement of at least 200 feet of expanding cement below the base of the lowest minable coal bed.

(2) When cleaning the borehole, a diligent effort will be made to remove all of the casing in the borehole. If it is not possible to remove all of the casing, the casing that remains will be perforated or ripped at intervals spaced close enough to permit expanding cement slurry to infiltrate the annulus between the casing and the borehole wall for a distance of at least 200 feet below the base of the lowest minable coal bed.

(3) If the cleaned-out borehole produces gas, a mechanical bridge plug will be placed in the borehole in a competent stratum at least 200 feet below the base of the lowest minable coal bed, but above the top of the uppermost hydrocarbon-producing stratum. If it is not possible to set a mechanical bridge plug, a substantial brush plug may be used in its place.

The District Manager may allow the use of other effective methods of stopping any and all gas flow emitting from the wellbore before placement of cement through the minable coal seam(s). Such approval will be documented in a written response to the operators' submittal of a detailed explanation of the method to be used

and an engineering evaluation of the relative effectiveness of the alternative.

(4) A suite of logs will be made, consisting of a caliper survey, directional deviation survey, and log(s) suitable for determining the top and bottom of the lowest minable coal bed and potential hydrocarbon-producing strata and the location for the bridge plug.

(5) If the uppermost hydrocarbon-producing stratum is within 200 feet of the base of the lowest minable coal bed, properly placed mechanical bridge plugs or a suitable brush plug described in paragraph (3) above will be used to isolate the hydrocarbon-producing stratum from the expanding cement plug. Nevertheless, a minimum of 200 feet of expanding cement will be placed below the lowest minable coal bed.

(6) The wellbore will be completely filled and circulated with a gel that inhibits any flow of gas, supports the walls of the borehole, and increases the density of the expanding cement. This gel will be pumped through open-end tubing run to a point approximately 20 feet above the bottom of the cleaned out area of the borehole or bridge plug.

The petitioner proposes to use the following procedures when plugging gas and oil wells to the surface:

(1) A cement plug will be set in the wellbore by pumping expanding cement slurry down the tubing to displace the gel and fill the borehole to the surface. As an alternative, the cement slurry may be pumped down the tubing so that the borehole is filled. There will be at least 200 feet of expanding cement below the base of the lowest minable coal bed.

(2) A marker conforming to the requirements of the state regulatory authority will be installed at the borehole, or a small quantity of steel turnings or other small magnetic particles will be embedded in the top of the cement near the surface. The method used will be suitable to serve as a permanent magnetic monument of the borehole.

The following procedures will be used for the vent pipe method for plugging oil and gas wells:

(1) A 4½-inch or larger pipe will be run into the wellbore to a depth of 100 feet below the lowest minable coal bed and wedged to a smaller diameter pipe that, if desired, will extend to a point approximately 20 feet above the bottom of the cleaned-out area of the borehole or bridge plug.

(2) A cement plug will be set in the wellbore by pumping expanding cement slurry, Portland cement, or a Portland cement-fly ash mixture down the tubing to displace the gel so that the borehole is filled with cement. The borehole and the vent pipe will be filled with expanding cement for a minimum of 200 feet below the base of the lowest minable coal bed. The top of the expanding cement will extend upward to a point approximately 100 feet above the top of the lowest minable coal bed.

(3) All fluid will be evacuated from the vent pipe to facilitate testing for gases. During the evacuation of fluid, the expanding cement will not be disturbed.

(4) The top of the vent pipe will be protected to prevent liquids or solids from entering the wellbore, but permit ready access to the full internal diameter of the vent pipe when necessary.

The petitioner proposes to use the following procedures when plugging oil or gas wells for subsequent use as degasification boreholes:

(1) A cement plug will be set in the wellbore by pumping expanding cement slurry down the tubing to displace the gel and provide at least 200 feet of expanding cement below the lowest minable coal bed. The top of the expanding cement will extend upward to a point above the top of the coal bed being mined. This distance will be based on the average height of the roof strata breakage for the mine.

(2) To facilitate methane drainage, degasification casing of suitable diameter, slotted or perforated throughout its lower 150 to 200 feet, will be set in the borehole to a point 10 to 30 feet above the top of the expanding cement.

(3) The annulus between the degasification casing and the borehole wall will be cemented from a point immediately above the slots or perforations to the surface.

(4) The degasification casing will be cleaned out for its total length.

(5) The top of the degasification casing will be fitted with a wellhead equipped as required by the District Manager. Such equipment may include check valves, shut-in valves, sampling port, flame arrestor equipment, and security fencing.

The following alternative procedures for preparing and plugging oil and gas wells will apply to wells that the petitioner and the District Manager agree cannot be completely cleaned out due to damage to the well caused by subsidence, caving, or other factors; as determined by the petitioner and agreed to by the District Manager. These provisions will apply unless alternative measures are agreed upon and based upon a plan submitted to the District Manager:

(1) The petitioner will drill a hole adjacent and parallel to the well to a depth of at least 200 feet below the lowest minable coal seam.

(2) The petitioner will use a geophysical sensing device to locate any casing that may remain in the well.

(3) If the well contains casing(s), the petitioner will drill into the well from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, the petitioner will perforate or rip all casings at intervals of at least 5 feet. Beyond this distance, the petitioner will perforate or rip at least every 50 feet from at least 200 feet below the base of the lowest minable coal seam up to 100 feet above the seam being mined. The petitioner will fill the annulus between the casing, and between the casings and the well wall with expanding cement (minimum 0.5 percent expansion upon setting), and will ensure that these areas contain no voids. If the petitioner, using a casing bond log, can demonstrate to the satisfaction of the District Manager that the annulus of the well is adequately sealed with cement, then the petitioner will not be required to perforate or rip the casing for that particular well or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any casing that remains will be ripped or perforated and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.

(4) Where the petitioner determines and the District Manager agrees that there is insufficient casing in the well to allow the method outlined in paragraph (3) above to be used, then the petitioner will use a horizontal hydraulic fracturing technique to intercept the original well. From at least 200 feet below the base of the lowest minable coal seam to a point at least 50 feet above the seam being mined, the petitioner will fracture at least six places at intervals to be agreed upon by the petitioner and the District Manager after considering the geological strata and the pressure within the well. The petitioner will then pump expanding cement into the fractured well in sufficient quantities and in a manner that fills all intercepted voids.

(5) The petitioner will prepare down-hole logs for each well. The logs will consist of a caliper survey and log(s) suitable for determining the top, bottom, and thickness of all coal seams and potential hydrocarbon-producing strata and the location for the bridge plug. The petitioner may obtain the logs from the adjacent hole rather than the well if the condition of the well makes it impractical to insert the equipment

necessary to obtain the log. The District Manager may approve the use of a down-hole cameral survey in lieu of down-hole logs if, in his or her judgment, such logs would not be suitable for obtaining the data or are impractical to obtain due to the condition of the drill hole. A journal will be maintained describing the length and type material used to plug the well; the length of casing(s) removed, perforated, or ripped or left in place; and other pertinent information concerning sealing the well.

(6) After the petitioner has plugged the well, the petitioner will plug the open portions of both holes from the bottom to the surface with Portland cement or a lightweight cement mixture. The petitioner will embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4½-inch or larger casing set in cement will extend at least 36 inches above the ground level. A combination of the methods outlined in paragraph (3) and (4) above may have to be used in a single well, depending upon the conditions of the hole and the presence of casings. The petitioner and the District Manager may discuss the nature of each hole and the District Manager may require the use of more than one method.

The petitioner proposes to use the following cut-through procedures whenever the safety barrier diameter is reduced to a distance less than the District Manager would approve pursuant to § 75.1700 or the petitioner proceeds with an intent to cut through a plugged well:

(1) Prior to reducing the safety barrier to a distance less than the District Manager would approve or proceeding with intent to cut through a plugged well, the petitioner will notify the District Manager.

(2) Mining in close proximity to or through a plugged well will be done on a shift approved by the District Manager.

(3) The District Manager, a representative of the miners, and the appropriate States agency will be notified by the operator in sufficient time prior to the mining-through operation to provide an opportunity for them to have a representative present.

(4) When using continuous mining equipment, drivage sights will be installed at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sights will not be more that 50 feet from the well. When using longwall mining methods, drivage sights will be installed on 10-foot centers for a distance of 50 feet in advance of the well bore. The drivage sights will be installed in the headgate and tailgate.

(5) Firefighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the mining-through will be available when either the conventional or continuous mining method is used. The fire hose will be located in the last open crosscut of the entry or room. All fire hoses will be ready for operation during the mining-through.

(6) Sufficient supplies of roof support and ventilation materials will be available and located at the last open crosscut. In addition, an emergency plug and/or plugs will be available in the immediate area of the cut-through.

(7) The quantity of air required by the approved mine ventilation plan, but not less than 6,000 cubic feet per minute (cfm) of air for scrubber-equipped continuous miners or not less than 9,000 cfm for continuous miner sections using auxiliary fans or line brattice only, will be used to ventilate the working face during the mining-through operation. The quantity of air required by the ventilation plan, but not less than 30,000 cfm, will reach the working face of each longwall during the mining-through operation.

(8) Equipment will be checked for permissibility and serviced on the shift prior to mining-through the well. The methane monitors on the continuous mining machine or the longwall shear and face will be calibrated on the shift prior to mining through the well.

(9) When mining is in progress, tests for methane will be made with a hand-held methane detector at least every 10 minutes from the time that mining with the continuous mining machine is within 30 feet of the well until the well is intersected and immediately prior to mining through. When mining with longwall mining equipment, tests for methane will be made at least every 10 minutes when the longwall face is within 10 feet of the well. During the actual cutting-through process, no individual will be allowed on the return side until mining through has been completed and the area has been examined and declared safe.

(10) When using continuous mining methods, the working area will be free from accumulations of coal dust and coal spillages, and rock dust will be placed on the roof, rib, and floor to within 20 feet of the face when mining through or near the well on the shift or shifts during which the cut-through will occur. On longwall sections, rock-dusting will be conducted and placed on the roof, rib, and floor up to both headgate and tailgate gob.

(11) When the wellbore is intersected, all equipment will be deenergized and the area thoroughly examined and determined safe before mining is resumed. Any well casing will be removed and no open flame will be permitted in the area until adequate ventilation has been established around the wellbore.

(12) After a well has been intersected and the working area determined safe, mining will continue inby the well at a distance sufficient to permit adequate ventilation around the area of the wellbore.

(13) No person will be permitted in the area of the mining-through operation except those actually engaged in the operation, company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(14) The mining-through operation will be under the direct supervision of a certified official. Instructions concerning the mining-through operation will be issued only by the certified official in charge. MSHA personnel may interrupt or halt the mining-through operation when necessary for the safety of the miners.

(15) The petitioner will file a plugging affidavit setting forth the persons who participated in the work, a description of the plugging work, and a certification by the petitioner that the well has been plugged as described.

(16) Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its approved 30 CFR Part 48 training plan to the District Manager. The provisions will include initial and refresher training regarding compliance with the terms and conditions stated in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee miners no less than the same measure of protection as afforded by the existing standard.

Docket Number: M–2012–002–M.

Petitioner: Hecla Greens Creek Mining Company, P.O. Box 32199, Juneau, Alaska 99803.

Mine: Greens Creek Mine, MSHA I.D. No. 50–01267, located in Juneau County, Alaska.

Regulation Affected: 30 CFR 57.14130 (Roll-over protective structures (ROPS) and seat belts for surface equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit employees to be transported 1,600 feet to and from the surface dry facility to work sites underground using underground mine

tractors, due to the increase in injuries from slips, trips, and falls, and an increase of human-to-bear encounters. The petitioner states that:

(1) It is common practice at many U.S. mines to transport personnel from surface dry facilities to work sites underground with tractors equipped with rear man-baskets for standing passengers, fender seats with seat belts, a driver's seat with seat belts, and ROPS designed to protect the driver. The tractors are used because they have more robust drivelines and braking systems and are elevated to better handle underground conditions.

(2) At Greens Creek Mine, the route between the dry area (miner shower facilities and meeting area) and the mine portal is flat, and the entire 1,600-foot distance is surfaced with cement and protected by guardrails with a posted speed limit of 10 miles per hour or less depending on road conditions.

(3) The tractors used at Greens Creek Mine are equipped with ROPS designed for the driver only and are fitted with manufactured rear baskets to accommodate standing riders. Some of the tractors also have fender seats. All seats are equipped with seat belts and seat belt use is mandatory.

(4) Since becoming aware of a citation given to a neighboring mine, the petitioner asserts that they have been proactive in complying with § 57.14130. However, the petitioner believes that this compliance has proven to be harmful to employees as they have seen an increase of slips, trips, and falls during the winter months with snow and ice accumulations. Employees have also been placed at risk during the spring and summer months because of the large population of brown bears that inhabit the Greens Creek mine site. Admiralty Island, where the Greens Creek mine is located, has a larger brown bear population per square mile than any other location in the world. Wildlife biologist estimates suggest a brown bear population of 2.34 bears per square mile on Admiralty Island.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Docket Number: M–2012–003–M.

Petitioner: Minnesota Mining and Manufacturing, 144 Rosecrans Street, Wausau, Wisconsin 54401.

Mine: 3M Wausau Mine, MSHA I.D. No. 47–02918; Graystone Plant, MSHA I.D. No. 47–00119, 144 Rosecrans Street, Wausau, Wisconsin 54401, located in Marathon County, Wisconsin.

Regulation Affected: 30 CFR 56.13020 (Use of compressed air).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of clothes cleaning booths at the Wausau Mine and Graystone Plant. The petitioner proposes to implement a clothes cleaning booth process that has been jointly developed with and successfully tested by the National Institute for Occupational Safety and Health (NIOSH). That process uses controlled compressed air for cleaning miners' dust-laden clothing. The petitioner states that:

(1) Data has been obtained from NIOSH that has determined that contaminated worker clothing can be a major contributor to increased employee dust exposure.

(2) The clothes cleaning process uses a regulated compressed air nozzle manifold at ≤ 30 pounds per square inch (psig) to blow dust from a worker's clothing. The process is performed in an enclosed booth, capturing the dust and then delivering it to a stack located outside of the plant.

(3) The booth is under negative pressure, with air moving downward, away from the worker's breathing zone and, therefore, no dust escapes to contaminate the work environment or other workers.

(4) The worker entering the booth is required to wear full-seal eye goggles, hearing protection, and a half-mask respirator. No significant safety or health concerns have been identified because the eyes are protected by full-seal goggles, the skin is protected by work clothes, hearing is protected by ear plugs or muffs, the lungs are protected by a respirator, and air is limited to 30 psig, which is the Occupational Safety and Health Administration's limit for cleaning purposes.

(5) Air monitoring has shown minimal to no respirable dust contamination inside the respirator during this process. The testing also showed no increase in respirable dust levels anywhere inside the plant.

(6) The engineering controls and mandatory personal protective equipment associated with this NIOSH-tested clothes cleaning process will afford miners a more effective clothes cleaning method. This will provide a direct reduction of miners' exposures to respirable crystalline silica dust, thus reducing their health risks while providing no less a degree of safety than that provided by the standard.

The petitioner further states that the following provisions will be provided if this petition is approved:

(1) Only miners trained in the operation of the NIOSH-tested clothes cleaning booth process will be permitted to use the clothes cleaning process.

(2) The petitioner will incorporate clothes cleaning booth process training in its Part 46 training plan.

(3) In lieu of 30 CFR 56.13020, whereby compressed air is not permitted to be directed towards a person, all miners entering the NIOSH-tested clothes cleaning booth process will be required to wear full-seal goggles for eye protection, ear plugs or muffs for hearing protection, and fit-tested respirators for respiratory protection.

(4) The NIOSH-tested clothes cleaning booth process will have a caution sign, conspicuously posted, indicating that the use of respiratory protection, hearing protection, and safety goggles are required before entering the booth.

(5) The air pressure through the spray manifold will be limited to 30 psig. The air spray manifold will consist of 2-foot square, ¼-inch hot rolled steel tubing, capped at the base, actuated by an electrically controlled ball valve at the top, providing a yield strength safety factor of more than 20 when compared to the 30 psig operating pressure.

(6) The air spray manifold will contain 27 total nozzles of which 26 will be Spraying Systems Co. Nozzle No. AA727–23, 18.4 SCFM @ 30 psig. The 27th and lowermost nozzle will be Spraying Systems Co. Nozzle No. AA707–23, 19.2 SCFM @ 30 psig.

(7) The uppermost spray nozzle will be located at a height of not more than 56 inches. This places the nozzle height at shoulder height for the 50th percentile male U.S. worker according to ''Ergonomics—How to Design for Ease and Efficiency,'' 2nd Edition, Kroemer, K.H., Kroemer, H.B., Kroemer, Elbert, K.D., Prentice Hall, NJ, 2001. Those miners with a shoulder height less than the 50th percentile male will use the mechanical air spray deflector, which is quick, effective, and easy to use.

(8) Spray nozzles have been recessed into the manifold, which is designed to eliminate the possibility of incidental contact with the air nozzles during use of the clothes cleaning process.

(9) Airflow through the manifold during the cleaning cycle will occur only if the measured differential pressure on the exhaust system and pressure on the main air line are within proper operating ranges. If at any time either the differential pressure or line pressure falls outside preset limits, the cleaning cycle will automatically stop via an electrical interlock system.

(10) The NIOSH-tested clothes cleaning booth is permanently ducted to the outside of the plant. Airflow through the clothes cleaning booth will be

sufficient to maintain negative pressure during use of the clothes cleaning system to prevent contamination of the environment outside of the booth.

(11) The air receiver tank supplying air to the manifold system will be of sufficient volume to permit not less than 20 seconds of continuous cleaning time. Airflow through the booth will be in the downward direction, thereby moving contaminants away from the miners' breathing zone. Miners entering the NIOSH-tested clothes cleaning booth will perform regular user checks, examining the valves and nozzle for damage or malfunction and ensuring that the door is fully closed before opening the air valve.

(12) The petitioner will ensure that periodic maintenance checks are performed in accordance with the NIOSH recommendations contained within the ''Clothes Cleaning Process Instruction Manual.''

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Dated: May 3, 2012.

George F. Triebsch,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 2012–11033 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before June 7, 2012.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov*. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: George F. Triebsch, Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of *Labor determines that:*

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2012–066–C.

Petitioner: Perry County Coal Corporation, 1845 S. KY Hwy. 15, Hazard, Kentucky 41701.

Mine: E3–1 Mine, MSHA I.D. No. 15–18662; E4–1 Mine, MSHA I.D. No. 15–18565; and E4–2 Mine, MSHA I.D. No. 15–19015, located in Perry County, Kentucky.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of battery-powered nonpermissible surveying equipment in and inby the last open crosscut, including, but not limited to, portable battery-operated mine transits, total station surveying equipment, distance meters, and laptop computers. The petitioner proposes to use up-to-date, practical, and accurate technology in the preparation of mine maps to ensure the safety of the miners by providing proper and accurate mining directional control in the mine. The petitioner states that:

(1) Underground mining, by its nature, size, and complexity, and the relative closeness to other abandoned mines, gas/oil wells, and other features, requires that accurate and precise measurements be completed in a prompt and efficient manner. The use of currently available non-electronic equipment is less accurate and less dependable than the available electronic equipment and requires more exposure of surveyors to hazardous mining environments.

(2) Application of the existing standard will result in a diminution of safety to the miners.

(3) As an alternative method, the petitioner will examine all nonpermissible electronic surveying equipment to ensure that the equipment is being maintained in a safe operating condition prior to use in or inby the last open crosscut. The petitioner will have a qualified person, as defined in 30 CFR 75.153, to examine the equipment at intervals not to exceed 7 days. Results of the examinations will be recorded in the weekly examination of electrical equipment book. The examinations will include:

(i) Checking the instrument for any physical damage and the integrity of the case;

(ii) Removing the battery and inspecting for corrosion and damage;

(iii) Inspecting the contact points to ensure a secure connection to the battery;

(iv) Reinserting the battery and powering up and shutting down the instrument to ensure proper connections; and

(v) Checking the battery compartment cover to ensure that it is securely fastened.

(4) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible surveying equipment in or inby the last open crosscut or in the return.

(5) Nonpermissible surveying equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more

of methane is detected while the nonpermissible surveying equipment is being used, the equipment will be deenergized immediately and the nonpermissible electronic equipment will be withdrawn out of the return.

(6) Nonpermissible surveying equipment will not be used in areas where float coal dust is in suspension. Batteries contained in the surveying equipment will be changed out or charged in fresh air and not in the return.

(7) Qualified personnel who use the surveying equipment will be properly trained to recognize the hazards and limitations associated with the use of nonpermissible surveying equipment.

(8) The nonpermissible surveying equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with the terms and conditions in this petition.

(9) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR Part 48 training plan to the District Manager. These proposed revisions will specify initial and refresher training regarding the terms and conditions stated in the Proposed Decision and Order.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2012–067–C.

Petitioner: Sunrise Coal, LLC, 1183 East Canvasback Drive, Terre Haute, Indiana 47802.

Mine: Carlisle Mine, MSHA I.D. No. 12–02349, 1466 East State Road 58, Carlisle, Indiana 47838, located in Sullivan County, Indiana.

Regulation Affected: 30 CFR 75.705 (Work on high-voltage lines; deenergizing and grounding).

Modification Request: The petitioner requests a modification of the existing standard to permit work on high-voltage lines during testing of the CDC/NIOSH-funded, Microdesign, Inc., Communication System using power lines as a mine distribution channel. The petitioner states that:

(1) One implementation of this system involves using radio frequency (RF) signal couplers that are loosely placed around the high-voltage cable over the cable guard (''distribution line couplers''). This system requires knocking high-voltage breakers multiple times, locking and tagging out the cable, and reenergizing the cable once the distribution line couplers have been repositioned. By implementing safeguards and policies concerning the handling of high-voltage cable, an improvement in safety can be achieved by limiting the amount of times the breaker is opened and closed.

(2) Data is collected by programmable radio equipment that is either attached to the distribution line couplers, other RF couplers plugged in the power center, or power transformer (PT) provided 120 volts AC outlets or antennas. (U.S. Patent 8,116,714 describes some of the equipment that we use for these tests and several relevant applications.)

(3) The Carlisle Mine uses 12, 470 volts in high-voltage distribution lines. The high-voltage distribution lines are maintained in compliance with 30 CFR 75.800 through 75.811.

(4) The distribution line couplers are passive and greatly attenuate signals below a few kHz.

(5) Before installation or removal of the distribution line couplers, the high-voltage line will be visually examined by a qualified person (as defined 30 CFR 75.153).

(6) Testing will not be done in wet conditions.

(7) The installation or removal of the distribution line couplers will be done by a qualified person as defined in 30 CFR 75.153.

(8) During installation and removal of the distribution line couplers, Class 2 insulating gloves with leather protective gloves will be worn. Class 2 gloves are rated to 17,000 volts and will be electrically tested every six months in accordance with a nationally recognized standard. The gloves will be visually inspected before each use and the insulating gloves will be field air-tested before each use to ensure their effectiveness. A sufficient storage facility will be provided for the cable handling protective equipment and clearly marked to indicate its purpose, and the facility will be examined weekly to assure that the equipment is present.

(9) This petition will only be used at the Carlisle Mine during field testing of the Northern Microdesign Communication System or a derivative commercial product that uses the same components.

The petitioner asserts that this proposed alternative method will provide at least the same level of protection of personnel as that afforded by the existing standard.

Docket Number: M–2012–068–C.

Petitioner: Little Buck Coal Company #2, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Buck Mt. Slope Mine, MSHA I.D. No. 36–09860, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1200(d) and (i) (Mine maps).

Modification Request: The petitioner requests a modification of the existing standard to permit the substitution of cross-sections in lieu of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000-foot intervals of advance from the intake slope. The petitioner also requests to limit the required mapping of mine workings above and below to those present within 100 feet of the vein(s) being mined unless these veins are interconnected to other veins beyond the 100 feet limit through rock tunnels. The petitioner states that:

(1) Due to the steep pitch encountered in mining anthracite coal veins, contours provide no useful information and their presence would make portions of the map illegible.

(2) Use of cross-sections in lieu of contour lines has been practiced since the late 1800's. Cross-sections provide critical information relative to the spacing between veins and proximity to other mine workings that fluctuate considerably.

(3) The vast majority of current underground anthracite mining involves either second mining of remnant pillars from previous mining/mine operators or the mining of veins of lower quality in proximity to inaccessible and frequently flooded abandoned mine workings that may or may not be mapped.

(4) All mapping for mines above and below is researched by our contract engineer for the presence of interconnecting rock tunnels between veins in relation to our mine. A hazard analysis will be done when mapping indicates the presence of known or potentially flooded workings.

(5) Mine workings found to exist beyond 100 feet from our mine, when no rock tunnel connections are found, are recognized as presenting no hazard to our mine due to the pitch of the vein and rock separation between.

(6) Additionally, the mine workings above and below are usually inactive and abandoned and, therefore, not subject to changes during the life of the mine.

(7) Where evidence indicates that prior mining was conducted on a vein above and below, and research has been exhausted on the availability of mine mapping, the vein will be considered to be mined and flooded, and appropriate precautions taken under 30 CFR 75.388, where possible.

(8) Where potential hazards exist and in-mine drilling capabilities limit penetration, surface boreholes may be used to intercept the workings, and

results will be analyzed prior to the beginning of mining in the affected area.

The petitioner asserts that the proposed alternative method will provide at least the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2012–069–C.

Petitioner: Little Buck Coal Company #2, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Buck Mt. Slope, MSHA I.D. No. 36–09860, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1202 and 75.1202–1(a) (Temporary notations, revisions, and supplements).

Modification Request: The petitioner requests a modification of the existing standard to permit the required interval of surveys to be established on an annual basis from the initial survey in lieu of the currently required 6-month interval. The petitioner states that:

(1) The map at the mine will continue to be updated by hand notations on a daily basis and subsequent surveys will be conducted prior to commencing retreat mining and whenever a drilling program under 30 CFR 75.388 or plan for mining into inaccessible areas under § 75.389 is required.

(2) The low production and slow rate of advance in anthracite mining make surveying on 6-month intervals impractical. In most cases annual development is frequently limited to less than 500 feet of gangway advance with associated up-pitch development.

(3) The vast majority of small anthracite mines are non-mechanized and use hand-loading methods of mining.

(4) Development above the active gangway is designed to mine into the level above at designated intervals, thereby maintaining sufficient control between both surveyed gangways.

(5) The available engineering/surveyor resources are limited in the anthracite coal fields, with surveying on an annual basis difficult to achieve with four individual contractors currently available.

The petitioner asserts that the proposed alternative method will provide at least the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2012–070–C.

Petitioner: Little Buck Coal Company #2, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Buck Mt. Slope Mine, MSHA I.D. No. 36–09860, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1400 (Hoisting equipment; general).

Modification Request: The petitioner requests a modification of the existing standard for cages, platforms, or other devices used to transport persons in shafts or slopes in underground coal mines. The petitioner seeks to permit the use of a slope conveyance (gunboat) to transport persons without installing safety catches or other no less effective devices but instead use an increased rope strength/safety factor and secondary safety rope connection in place of such devices. The petitioner states that:

(1) The haulage slope of this anthracite mine is typical of those in the anthracite region, with a relatively high angle and frequently changing pitches.

(2) A functional safety catch capable of working in slopes with knuckles and curves is not commercially available. A makeshift device would be activated on or by knuckles or curves when no emergency exists. Activation of a safety catch can damage the haulage system and subject persons being transported to hazards from dislodged timbering, roof material, or guide rails, and to being battered about within the conveyance.

(3) A safer alternative is to provide secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main termination and use a hoisting rope having a safety factor greater than that recommended in the American Standards Specifications for the Use of Wire Rope in Mines or at least three times greater than the strength required under 30 CFR 75.1431(a).

The petitioner asserts that the proposed alternative method will provide at least the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2012–071–C.

Petitioner: Little Buck Coal Company #2, 33 Pine Lane, Pine Grove, Pennsylvania 17963.

Mine: Little Buck Slope Mine, MSHA I.D. No. 36–09958, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1400 (Hoisting equipment; general).

Modification Request: The petitioner requests a modification of the existing standard for cages, platforms, or other devices used to transport persons in shafts or slopes in underground coal mines. The petitioner seeks to permit the use of a slope conveyance (gunboat) to transport persons without installing safety catches or other no less effective devices but instead use an increased rope strength/safety factor and secondary safety rope connection in place of such devices. The petitioner states that:

(1) The haulage slope of this anthracite mine is typical of those in the anthracite region, with a relatively high angle and frequently changing pitches.

(2) A functional safety catch capable of working in slopes with knuckles and curves is not commercially available. A makeshift device would be activated on or by knuckles or curves when no emergency exists. Activation of a safety catch can damage the haulage system and subject persons being transported to hazards from dislodged timbering, roof material, or guide rails, and to being battered about within the conveyance.

(3) A safer alternative is to provide secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main termination and use a hoisting rope having a safety factor greater than that recommended in the American Standards Specifications for the Use of Wire Rope in Mines or at least three times greater than the strength required under 30 CFR 75.1431(a).

The petitioner asserts that the proposed alternative method will provide at least the same measure of protection afforded the miners under the existing standard.

Docket Number: M–2012–072–C.

Petitioner: Consolidation Coal Company, 1000 CONSOL Energy Drive, Canonsburg, Pennsylvania 15317–6506.

Mine: Loveridge No. 22 Mine, MSHA I.D. No. 46–01433, Metz Portal, Fairview, West Virginia 26570, located in Marion County, West Virginia.

Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 18.35(a)(2) (Portable trailing cables and cords).

Modification Request: The petitioner requests a modification of the existing standard to permit the maximum length of trailing cables for supplying power to loading machines to be increased to 1,000 feet. The petitioner states that the Loveridge No. 22 Mine is developing longwall panels as part of a continuing mining cycle. The longwall development panels consist of a three-entry system with 275-foot deep cuts to improve roof and abutment pressure control during longwall mining. Ventilation is also improved by limiting the number of stoppings, which have a built-in ventilation pressure loss factor. The Loveridge No. 22 mine is also developing main and submain sections as part of the continuing mining cycle. Enclosures No. 1 and 2 attached to the petition indicate typical entry development section prints showing the need for cable lengths greater than 700 feet for this development system. Enclosure No. 3 attached to the petition is a summary of short-circuit calculations justifying the instantaneous trip setting for the circuit breakers

protecting the trailing cables supplying power to 995-volt loading machines in the Loveridge No. 22 Mine. To examine or obtain a copy of the petition and enclosures, contact MSHA using the information in the ''For Further Information Contact'' section of this notice.

The petitioner proposes to use the following procedures as an alternative to the existing standard:

(1) This petition will apply only to trailing cables supplying three-phase 995-volt power to loading machines.

(2) The maximum lengths of the trailing cables will be 1,000 feet.

(3) All trailing cables exceeding 700 feet in length and supplying three-phase 995-volt power to loading machines will be #2 American Wire Gauge (AWG) or larger.

(4) All circuit breakers used to protect #2 AWG trailing cables exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 800 amperes. The trip setting of these circuit breakers will be sealed or locked, and these circuit breakers will have permanent, legible labels. The calibration, sealing, and labeling will be performed by the manufacturer or at a repair facility outfitted with calibrated test equipment. Each label will identify the circuit breaker as being suitable for protecting #2 AWG cables. The labels will be maintained in legible condition.

(5) Replacement instantaneous trip units used to protect #2 AWG trailing cables will be calibrated to trip at 800 amperes and this setting will be sealed or locked. The calibration, sealing, and labeling will be performed by the manufacturer or at a repair facility outfitted with calibrated test equipment.

(6) During each production day, persons designated by the operator will visually examine the trailing cables to ensure that the cables are in safe operating condition and that the instantaneous settings of the specially calibrated breakers do not have seals or locks removed and that they do not exceed the settings described in paragraphs (4) and (5) above.

(7) Any trailing cables that are not in safe operating condition will be removed from service immediately and repaired or replaced.

(8) Each splice or repair in the trailing cables will be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair materials. The outer jacket of each splice or repair will be vulcanized with flame-resistant material or made with material that has been accepted by MSHA as flame-resistant.

(9) In the event the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable will be removed from service immediately and repaired or replaced. Additional precautions will be taken to ensure that, in the future, the cable is protected and maintained in safe operation condition.

(10) Permanent warning labels will be installed and maintained on the cover(s) of the power center identifying the location of each sealed short-circuit protection device. These labels will warn miners not to change or alter these sealed short-circuit settings.

(11) The alternative method will not be implemented until all miners who have been designated to examine the integrity of seals and verify the short-circuit settings and proper procedures for examining trailing cables for defects and damage have received the elements of training specified in paragraph (12) below.

(12) Within 60 days after this petition is granted, the petitioner will submit proposed revisions for their approved 30 CFR part 48 training plans to the District Manager. The training will include the following elements:

(a) Mining methods and operating procedures that will protect the trailing cables against damage.

(b) Proper procedures for examining the trailing cables to ensure that the cables are in safe operating conditions.

(c) The hazards of setting the instantaneous circuit breakers too high to adequately protect the trailing cables.

(d) How to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained. The procedures of 30 CFR 48.3 for approval of proposed revisions to already approved training plans will apply.

The petitioner asserts that the proposed alternative method will at all times guarantee at least the same measure of protection to the miners as would be provided by the existing standard.

Docket Number: M–2012–073–C.

Petitioner: Jim Walter Resources, Inc., 3000 Riverchase Galleria, Suite 1700, Birmingham, Alabama 35244.

Mine: No. 4 Mine, MSHA I.D. No. 01–01247, located in Tuscaloosa County, Alabama.

Regulation Affected: 30 CFR 75.507 (Power connection points).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of one or more three-phase 2,400-volt or 4,160-volt alternating-current submersible pumps installed in boreholes of return and bleeder entries outby the last open crosscut. The power connection points would not be ventilated with intake air in the No. 4 Mine. The petitioner states that:

(1) In March 2012, the No. 4 Mine was idle for approximately eight days due to water accumulations in the areas covered by this petition.

(2) The No. 4 Mine is a bituminous coal mine that uses continuous mining and longwall mining machinery.

(3) The three-phase 2,400-volt or 4,160-volt alternating-current electric power circuit(s) for the pump(s) will be designed and installed to:

(a) Contain either a direct or derived neutral wire that must be grounded through a suitable resistor at the source transformer or power center and through a grounding resistor that must extend along with the power conductors and serve as the grounding conductor for the frame of the pump and all associated electric equipment that may be supplied power from this circuit. The borehole casing will be bonded to the system grounding medium.

(b) Contain a grounding resistor that limits the ground-fault current to not more than the values listed below:

(i) For circuits of 2,400 volts or less: 6.5 amperes.

(ii) For circuits of 2,400 volts: 3.75 amperes.

(c) The grounding resistor(s) must be rated for the maximum fault current available and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(4) The high-voltage pump circuit(s) will be provided with a suitable circuit interrupting device of adequate interrupting capacity with devices to provide protection against undervoltage, grounded-phase, short-circuit, and overload.

(5) The undervoltage protection device must operate on a loss of voltage to prevent automatic restarting of the equipment.

(6) The grounded-phase protection device will be provided as follows:

(a) The grounded-phase protection device must be set not to exceed 40 percent of the current rating of the neutral grounding resistor.

(b) The high-voltage circuit must also provide the following:

(i) A ''look ahead'' circuit device to prevent closing the contactor when a phase to ground fault condition exists on the system.

(ii) A test circuit that will inject a test current through the grounded-phase current transformer.

(7) The short-circuit protection device will not be set to exceed the required short-circuit protection for the power cable or 75 percent of the minimum available phase-to-phase short circuit current, whichever is less.

(8) The power system must contain a disconnecting device located on the surface and installed in conjunction with the contactor to provide the following:

(a) A means to provide visual evidence that the power is disconnected from the pump circuit(s).

(b) A means to lock, tag-out, and ground the system.

(c) The high-voltage circuit will be designed to prevent entry into the pump controller unless the disconnect handle is in the off position and the circuit is grounded.

(d) The disconnect device will be clearly identified and provided with a warning sign stating, ''Danger, Do Not Enter unless the circuit is opened, locked, tagged-out, and grounded.''

(9) The pump power system(s) must include a fail-safe ground check circuit or other no less effective device approved by MSHA that must cause either a circuit breaker or a contactor to open when either the ground or pilot wire is broken. This device must be installed and maintained operable to monitor the ground continuity from the starter box to the wall head.

(10) The incoming high-voltage three-phase alternating current system must be provided with a low-resistance grounded medium for the grounding of the lightning arrestors for the pump power circuit(s) that is separated from the mine neutral grounding medium by a distance of not less than 25 feet.

(11) A motor controller must be provided and used for pump start-up and shut-down. The pressure differential switch will be designed and installed in a manner that ensures that the pump motors cannot start and/or run in either the manual or automatic mode if the water is lower than 30 feet above the pump inlet, the motor, or the electrical connections of the pumps. The electric control circuits of the pumps will be designed and installed with both a pressure differential switch (PDS) and an under-current recognition device (UCR) that will function independently as redundant mechanisms for deenergizing the pump motor. Both the PDS and the UCR will be suitable for use with a submersible pump. The under-current trip level would be set at 10 percent less than normal operating current. Over-current, ground fault, and overload fault protection will not be able to be reset from a remote start-up or shut-down control location.

(12) The surface pump(s) control and power circuits must be examined as required by 30 CFR 77.502.

(13) The power cable(s) to the submersible pump motor must be suitable for this application and have a current carrying capacity not less than 125 percent of the full load current of the submersible pump motor and an outer jacket suitable for a ''wet location.'' Optional high-voltage cable (or cabling) to be used for deep-well pump application will include cabling that is armor-jacketed with a continuous armor interlocking jacket. This armor will make contact with the pump discharge casing in each area that is banded to the casing. The armor will be grounded to the grounded side of the neutral grounding resistor located at the source transformers. The pump discharge casing will also be grounded to the grounded side of the neutral grounding resistor.

(14) Splices and connections made in submersible pump cables will be made in a workmanlike manner and meet the requirements of 30 CFR 75.604.

(15) The pump installations will comply with all other applicable title 30 CFR requirements.

(16) The petitioner will notify the District Manager during a normal business day when it has plans to operate a high-voltage deepwell pump for the first time (including the planned date of operation). Upon receiving the petitioner's notice, the District Manager will have an opportunity to inspect the already-installed pump and the pump's electrical system(s) prior to initial operation. The operator may proceed to operate the pump pursuant to this petition for modification if the District has not completed the inspection of the pump and the pump's electrical system(s) the next business day after receiving the operator's notice of the planned initial operation.

(17) Within 60 days after this petition for modification is granted, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These revisions will specify task training for all qualified mine electricians who perform electric work and monthly electric examinations as required by 30 CFR 77.502, and refresher training regarding the alternative method outlined in the petition and the terms and conditions stated in the petition.

(18) The procedures of 30 CFR 48.3 for approval of proposed revisions to already approved training plans will apply.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

Dated: May 3, 2012.

George F. Triebsch,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 2012–11034 Filed 5–7–12; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (12–031)]

Notice of Intent To Grant Exclusive Copyright License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent To Grant Exclusive Copyright License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive, copyright-only license in the United States to software and its documentation described in NASA Case No. KSC–12909 entitled ''Systems Maintenance Automated Repair Tasks,'' to Diversified Industries, C&IS Inc., having its principal place of business at 3251 Progress Drive, Suite A, Orlando, FL 32826. The copyright in the software and documentation have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of the Chief Counsel, Mail Code CC–A, NASA John F. Kennedy Space Center, Kennedy Space Center, FL 32899. Telephone:

321–867–7214; Facsimile: 321–867–1817.

FOR FURTHER INFORMATION CONTACT: Randall M. Heald, Patent Counsel, Office of the Chief Counsel, Mail Code CC–A, NASA John F. Kennedy Space Center, Kennedy Space Center, FL 32899. Telephone: 321–867–7214; Facsimile: 321–867–1817. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov/*.

Sumara M. Thompson-King,

Acting Deputy General Counsel.

[FR Doc. 2012–10955 Filed 5–7–12; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (12–032)]

Notice of Intent To Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent To Grant an Exclusive License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license to practice the inventions described and claimed in NASA Case Number(s) LAR–16079–1 entitled ''Liquid Crystalline Thermosets From Oligo-Esters, Ester-Imides And Ester-Amides,'' U.S. Patent Number 6,939,940; LAR–17157–1 entitled ''Liquid Crystalline Thermosets From Ester, Ester-Imide, And Ester-Amide Oligomers'' U.S. Patent Number 7,507,784; and LAR–17402–1 entitled ''Wholly Aromatic Liquid Crystalline Polyetherimide (LC–PEI) Resins,'' U.S. Patent Number 7,964,698, to Allotropica Technologies, Incorporated having its principal place of business in Chapel Hill, North Carolina. The patent rights have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 030, Hampton, VA 23681; (757) 864–5057 (phone), (757) 864–9190 (fax).

FOR FURTHER INFORMATION CONTACT: Thomas K. McBride Jr., Patent Attorney, Office of Chief Counsel, NASA Langley Research Center, MS 030, Hampton, VA 23681; (757) 864–5057; Fax: (757) 864–9190. Information about other NASA inventions available for licensing can be found online at *http://techtracs.nasa.gov/*.

Sumara M. Thompson-King,

Acting Deputy General Counsel.

[FR Doc. 2012–10956 Filed 5–7–12; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, May 22, 2012.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTER TO BE CONSIDERED:

8413, Safety Study: *The Safety of Experimental Amateur-Built Aircraft.*

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314–6305 by Friday, May 18, 2012.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates including weather-related cancellations are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing, (202) 314–6403 or by email at *bingc@ntsb.gov.*

Dated: Friday, May 4, 2012.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2012–11185 Filed 5–4–12; 4:15 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0102; Docket No. 50–409, License DPR–045]

LaCrosse Boiling Water Reactor, Exemption From Certain Requirements, Vernon County, WI

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: John Hickman, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Mail Stop T8F5, Washington, DC 20555–0001; telephone: 301–415–3017; email: *John.Hickman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) staff is considering a request dated December 1, 2010, by Dairyland Power Cooperative, (DPC, the licensee) requesting exemptions from certain security requirements in Title 10 of the Code *Federal Regulations* (10 CFR) 73.55, for the LaCrosse Boiling Water Reactor (LACBWR).

This Environmental Assessment (EA) has been developed in accordance with the requirements of 10 CFR 51.21.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would exempt LACBWR, a 10 CFR Part 50 licensee, from certain 10 CFR Part 73 security requirements because LACBWR is permanently shut-down and defueled. The part of this proposed action involving safeguards plans meets the categorical exclusion provision in 10 CFR 51.22(c)(25)(vi)(F), because it is an exemption from the Commission's regulations and (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative

public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve safeguard plans (which include physical protection plans). Therefore, this part of the action does not require either an environmental assessment or an environmental impact statement. This environmental assessment was prepared for the part of the proposed action that does not involve safeguards plans (i.e., the exemption from the implementation date required by 10 CFR 73.55(a)(1)).

Need for Proposed Action

The NRC revised 10 CFR 73.55 through the issuance of a final rule on March 27, 2009 (74 FR 13926). Section 73.55 requires that licensees establish and maintain physical protection and security for activities involving special nuclear material (SNM). Section 73.55(a)(1) requires implementation of the 10 CFR 73.55 requirements by March 31, 2010. The revised regulation stated that it was applicable to all Part 50 licensees. The NRC became aware that many Part 50 licensees with facilities in decommissioning status did not recognize the applicability of this regulation to their facilities. By letter dated August 2, 2010, the NRC discussed the applicability of the revised 10 CFR 73.55 to all Part 50 licensees, stating that each licensee needs to evaluate the applicability of the regulation to its facility and either make appropriate changes to its Physical Security Plan (PSP), or request an exemption.

The proposed action is needed because the permanently shut-down and defueled status of LACBWR affects the level of security necessary to protect against radiological sabotage or diversion and the implementation date in 10 CFR 73.55(a)(1) has passed. The shutdown status of LACBWR means that there are no longer interconnected operating systems which require security to prevent offsite releases or protect SNM. Granting the licensee an exemption from the March 31, 2010, implementation date would allow the licensee to continue to follow its existing, NRC-approved PSP.

Environmental Impacts of the Proposed Action

The NRC staff evaluated the environmental impacts of the proposed action and concludes that exempting the facility from the implementation date will not have any adverse environmental impacts. The NRC staff has also determined that the proposed action alleviates the licensee from complying with security requirements that are not necessary for the permanently shut-down and defueled status. In addition, there will be no construction or major renovation of any buildings or structures, no ground disturbing activities, no alteration to land or air quality, or any affect on historic and cultural resources associated with an extension of the compliance deadline. Therefore, the proposed action does not reduce the protection of the stored spent fuel. The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, there will be no construction or renovation of buildings or structures, or any ground disturbing activities associated with an extension of the compliance deadline. In addition the proposed action does not affect non-radiological plant effluents and has no other environmental impact. Finally, there will be no impact on historic sites. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the exemption request would result in no change in current environmental impacts because there will be no construction or major renovation of any buildings or structures, nor any ground disturbing activities associated with an extension of the compliance deadline. Thus the environmental impacts of the proposed action and no-action alternative are similar. Therefore, the no-action alternative is not further considered.

Conclusion

The NRC staff has concluded that the proposed action will not significantly impact the quality of the human environment, and that the proposed action is the preferred alternative.

Agencies and Persons Consulted

In accordance with its stated policy, on August 23, 2011, the NRC staff consulted with the Wisconsin State official of the Radiation Protection Section, Wisconsin Department of Health Services, regarding the environmental impact of the proposed action. The State official had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA as part of its review of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

For further details with respect to the proposed action, see the licensee's letter dated December 1, 2010, [ADAMS Accession Number ML103400106]. Documents related to this action, including the application and supporting documentation, are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents.

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 30th day of April 2012.

For the Nuclear Regulatory Commission.

Bruce Watson,

Acting Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2012–11038 Filed 5–7–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission, [NRC–2012–0002].

DATE: Weeks of May 7, 14, 21, 28, June 4, 11, 2012.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of May 7, 2012

Friday, May 11, 2012

9:00 a.m. Briefing on Potential Medical Isotope Production Licensing Actions, (Public Meeting), (Contact: Jessie Quichocho, 301–415–0209).

This meeting will be webcast live at the Web address: *www.nrc.gov*.

Week of May 14, 2012—Tentative

There are no meetings scheduled for the week of May 14, 2012.

Week of May 21, 2012—Tentative

There are no meetings scheduled for the week of May 21, 2012.

Week of May 28, 2012—Tentative

Friday, June 1, 2012

9:00 a.m. Briefing on Results of the Agency Action Review Meeting (AARM) (Public Meeting) (Contact: Rani Franovich, 301–415–1868).

This meeting will be webcast live at the Web address: *www.nrc.gov*.

Week of June 4, 2012—Tentative

Thursday, June 7, 2012

9:30 a.m. Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: Tanny Santos, 301–415–7270).

This meeting will be webcast live at the Web address: *www.nrc.gov*.

Week of June 11, 2012—Tentative

Friday, June 15, 2012

9:30 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) on Grid Reliability (Public Meeting) (Contact: Jim Andersen, 301–415–3565).

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.

* * * * *

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*.

Dated: May 3, 2012.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2012–11162 Filed 5–4–12; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval of revised collection of information.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is modifying the collection of information under its regulation on Payment of Premiums (OMB control number 1212–0007; expires December 31, 2013) and is requesting that the Office of Management and Budget (OMB) approve the revised collection of information under the Paperwork Reduction Act for three years. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by June 7, 2012.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to 202–395–6974.

Copies of the collection of information and comments may be obtained without charge by writing to the Disclosure Division, Office of General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; visiting the Disclosure Division; faxing a request to 202–326–4042; or calling 202–326–4040 during normal business hours. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The premium payment regulation and the premium instructions (including illustrative forms) for 2012 are available at *www.pbgc.gov*.

FOR FURTHER INFORMATION CONTACT: James Bloch, Program Analyst, Legislative and Policy Division, or Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Section 4007 of Title IV of the Employee Retirement Income Security Act of 1974 (ERISA) requires pension plans covered under Title IV pension insurance programs to pay premiums to PBGC. Pursuant to section 4007, PBGC has issued its regulation on Payment of Premiums (29 CFR part 4007). Under § 4007.3 of the premium payment regulation, plan administrators are required to file premium payments and information prescribed by PBGC. Premium information must be filed electronically using ''My Plan Administration Account'' (''My PAA'') through PBGC's Web site except to the extent PBGC grants an exemption for

good cause in appropriate circumstances, in which case the information must be filed using an approved PBGC form. The plan administrator of each pension plan covered by Title IV of ERISA is required to submit one or more premium filings for each premium payment year. Under § 4007.10 of the premium payment regulation, plan administrators are required to retain records about premiums and information submitted in premium filings.

PBGC needs information from premium filings to identify the plans for which premiums are paid, to verify whether the amounts paid are correct, to help PBGC determine the magnitude of its exposure in the event of plan termination, to help track the creation of new plans and transfer of participants and plan assets and liabilities among plans, and to keep PBGC's insured-plan inventory up to date. That information and the retained records are also needed for audit purposes.

All plans covered by Title IV of ERISA pay a flat-rate per-participant premium. An underfunded single-employer plan also pays a variable-rate premium based on the value of the plan's unfunded vested benefits.

Large-plan filers (i.e., plans that were required to pay premiums for 500 or more participants for the prior plan year) are required to pay PBGC's flat-rate premium early in the premium payment year. To accommodate plans that find it impractical to do an accurate participant count until later in the premium payment year, PBGC permits filers to make an estimated flat-rate premium filing.

All plans are required to make a comprehensive premium filing. Comprehensive filings are used to report flat- and (for single-employer plans) variable-rate premiums, premium-related data, and information about plan identity, status, and events. (For large plans, the comprehensive filing reconciles an estimated flat-rate premium paid earlier in the year.)

PBGC intends to revise the 2013 filing procedures and instructions to:

- Provide for revoking a prior election to use the Alternative Premium Funding Target (APFT) to determine unfunded vested benefits (UVBs). (Under PBGC regulations, an election to use the APFT is irrevocable for 5 years; 2008 was the first year that plans were permitted to elect the APFT, so 2013 is the first year for which it is necessary to collect this information.)
- Require plan administrators using the APFT to report the ''effective interest rate'' (defined in section 303(h) of ERISA and section 430(h) of the Internal Revenue Code). PBGC will use this information to update its annual contingency list and financial statements more accurately.
- Require that the plan effective date be reported for all plans rather than just new and newly covered plans. This date helps PBGC trace plans that change Employer Identification Number or Plan Number.
- Require plan administrators to provide a breakdown of the total premium funding target into the same categories of participants used for reporting on Schedule SB to Form 5500, i.e., active participants, terminated vested participants, and retirees and beneficiaries receiving payment. PBGC uses the premium funding target to estimate termination liability, e.g., for the annual contingency list, and a breakdown will enable PBGC to make a much better estimate than simply using only the total premium funding target.
- Require plan administrators to report a contact name to make it easier for PBGC to contact a plan. Filers also will have the option of providing an additional plan contact.
- Require plan administrators to break down the premium credit information in the comprehensive premium filing into two items rather than aggregating the premium credit. This information will help PBGC to manage the application of overpayments.
- Reorder and re-number some items on the illustrative form that accompanies and is part of the instructions, and make other minor changes.

The collection of information under the regulation has been approved by OMB through December 31, 2013, under control number 1212–0007. PBGC is requesting that OMB extend approval of this revised collection of information for three years. 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.

PBGC estimates that it will receive 29,900 premium filings per year from 24,600 plan administrators under this collection of information. PBGC further estimates that the average annual burden of this collection of information is 8,200 hours and $54,387,000.

Issued in Washington, DC, this 2nd day of May 2012.

John H. Hanley,

Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation.

[FR Doc. 2012–10962 Filed 5–7–12; 8:45 am]

BILLING CODE 7709–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form N–6, SEC File No. 270–446, OMB Control No. 3235–0503.

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Form N–6 (17 CFR 239.17c and 274.11d) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) and under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) registration statement of separate accounts organized as unit investment trusts that offer variable life insurance policies.'' Form N–6 is the form used by insurance company separate accounts organized as unit investment trusts that offer variable life insurance contracts to register as investment companies under the Investment Company Act of 1940 and/or to register their securities under the Securities Act of 1933. The primary purpose of the registration process is to provide disclosure of financial and other information to investors and potential investors for the purpose of evaluating an investment in a security. Form N–6 also requires separate accounts organized as unit investment trusts that offer variable life insurance policies to provide investors with a prospectus and a statement of additional information (''SAI'') covering essential information about the separate account when it makes an initial or additional offering of its securities.

The Commission estimates that approximately 436 registration statements (429 post-effective amendments plus 7 initial registration statements) are filed on Form N–6 annually. The estimated hour burden per portfolio for preparing and filing an initial registration statement on Form N–6 is 770.25 hours. The estimated annual hour burden for preparing and filing initial registration statements is 5,391.75 hours (7 initial registration statements annually times 770.25 hours

per registration statement). The Commission estimates that the hour burden for preparing and filing a post-effective amendment on Form N–6 is 67.5 hours. The total annual hour burden for preparing and filing post-effective amendments is 28,957.5 hours (429 post-effective amendments annually times 67.5 hours per amendment). The frequency of response is annual. The total annual hour burden for Form N–6, therefore, is estimated to be 34,349.25 hours (5,391.75 hours for initial registration statements plus 28,957.5 hours for post-effective amendments).

The Commission estimates that the cost burden for preparing an initial Form N–6 filing is $23,440 per portfolio and the current cost burden for preparing a post-effective amendment to a previously effective registration statement is $8,523 per portfolio. The Commission estimates that, on an annual basis, 7 portfolios will be referenced in an initial Form N–6 and 429 portfolios will be referenced in a post-effective amendment of Form N–6. Thus, the total cost burden allocated to Form N–6 would be $3,820,447.

The information collection requirements imposed by Form N–6 are mandatory. Responses to the collection of information will not be kept confidential. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

Please direct your written comments to 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.*

Dated: May 2, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11006 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form N–4; SEC File No. 270–282; OMB Control No. 3235–0318.

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The collection of information is entitled: ''Form N–4 (17 CFR 239.17b) under the Securities Act of 1933 and (17 CFR 274.11c) under the Investment Company Act of 1940, registration statement of separate accounts organized as unit investment trust.'' Form N–4 is the form used by insurance company separate accounts organized as unit investment trusts that offer variable annuity contracts to register as investment companies under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) and/or to register their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Section 5 of the Securities Act (15 U.S.C. 77e) requires the filing of a registration statement prior to the offer of securities to the public and that the registration statement be effective before any securities are sold, and Section 8 of the Investment Company Act (15 U.S.C. 80a–8) provides for the registration of investment companies. Pursuant to Form N–4, separate accounts organized as unit investment trusts that offer variable annuity contracts provide investors with a prospectus and a statement of additional information covering essential information about a separate account. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to or at the time of sale or delivery of securities.

The purpose of Form N–4 is to meet the filing and disclosure requirements of the Securities Act and the Investment Company Act and to enable filers to provide investors with information necessary to evaluate an investment in a security. The information required to be filed with the Commission permits verification of compliance with securities law requirements and assures the public availability and dissemination of the information.

The estimated annual number of filings on Form N–4 is 124 initial registration statements and 1,127 post-effective amendments. The estimated average number of portfolios per filing is one, both for initial registration statements and post-effective amendments on Form N–4. Accordingly, the estimated number of portfolios referenced in initial Form N–4 filings annually is 124 and the estimated number of portfolios referenced in post-effective amendment filings on Form N–4 annually is 1,127. The estimate of the annual hour burden for Form N–4 is approximately 278.5 hours per initial registration statement and 197.25 hours per post-effective amendment, for a total of 256,834.75 hours ((124 initial registration statements × 278.5 hours) + (1,127 post-effective amendments × 197.25 hours)).

The current estimated annual cost burden for preparing an initial Form N–4 filing is $22,319 per portfolio and the current estimated annual cost burden for preparing a post-effective amendment filing on Form N–4 is $21,155 per portfolio. The Commission estimates that, on an annual basis, 124 portfolios will be referenced in initial Form N–4 filings and 1,127 portfolios will be referenced in post-effective amendment filings on Form N–4. Thus, the estimated total annual cost burden allocated to Form N 4 would be $26,609,241 ((124 × $22,319) + (1,127 × $21,155)).

Providing the information required by Form N–4 is mandatory. Responses will not be kept confidential. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

Please direct your written comments to 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.*

Dated: May 2, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11005 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 206(4)–3; SEC File No. 270–218; OMB Control No. 3235–0242.

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 206(4)–3 (17 CFR 275.206(4)–3) under the Investment Advisers Act of 1940, which is entitled ''Cash Payments for Client Solicitations,'' provides restrictions on cash payments for client solicitations. The rule requires that an adviser pay all solicitors' fees pursuant to a written agreement. When an adviser will provide only impersonal advisory services to the prospective client, the rule imposes no disclosure requirements. When the solicitor is affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, indicate to the prospective client that he is affiliated with the adviser. When the solicitor is not affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, provide the prospective client with a copy of the adviser's brochure and a disclosure document containing information specified in rule 206(4)–3. Amendments to rule 206(4)–3, adopted in 2010 in connection with rule 206(4)–5, specify that solicitation activities involving a government entity, as defined in rule 206(4)–5, are subject to the additional limitations of rule 206(4)–5. The information rule 206(4)–3 requires is necessary to inform advisory clients about the nature of the solicitor's financial interest in the recommendation so the prospective clients may consider the solicitor's potential bias, and to protect clients against solicitation activities being carried out in a manner inconsistent with the adviser's fiduciary duty to clients. Rule 206(4)–3 is applicable to all Commission-registered investment advisers. The Commission believes that approximately 4,159 of these advisers have cash referral fee arrangements. The rule requires approximately 7.04 burden hours per year per adviser and results in a total of approximately 29,279 total burden hours ($7.04 \times 4{,}159$) for all advisers.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication. The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB 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 OMB number.

Please direct your written comments to 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.*

Dated: May 2, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11004 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 30e–2, SEC File No. 270–437, OMB Control No. 3235–0494.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 30e–2 (17 CFR 270.30e–2) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') requires registered unit investment trusts (''UITs'') that invest substantially all of their assets in shares of a management investment company (''fund'') to send their unitholders annual and semiannual reports containing financial information on the underlying company. Specifically, rule 30e–2 requires that the report contain all the applicable information and financial statements or their equivalent, required by rule 30e-1 under the Investment Company Act (17 CFR 270.30e–1) to be included in reports of the underlying fund for the same fiscal period. Rule 30e–1 requires that the underlying fund's report contain, among other things, the information that is required to be included in such reports by the fund's registration statement form under the Investment Company Act. The purpose of this requirement is to apprise current shareholders of the

operational and financial condition of the UIT. Absent the requirement to disclose all material information in reports, investors would be unable to obtain accurate information upon which to base investment decisions and consumer confidence in the securities industry might be adversely affected. Requiring the submission of these reports to the Commission permits us to verify compliance with securities law requirements.

Rule 30e–2, however, permits, under certain conditions, delivery of a single shareholder report to investors who share an address (''householding''). Specifically, rule 30e–2 permits householding of annual and semi-annual reports by UITs to satisfy the delivery requirements of rule 30e–2 if, in addition to the other conditions set forth in the rule, the UIT has obtained from each applicable investor written or implied consent to the householding of shareholder reports at such address. The rule requires UITs that wish to household shareholder reports with implied consent to send a notice to each applicable investor stating that the investors in the household will receive one report in the future unless the investors provide contrary instructions. In addition, at least once a year, UITs relying on the rule for householding must explain to investors who have provided written or implied consent how they can revoke their consent. The purpose of the notice and annual explanation requirements associated with the householding provisions of the rule is to ensure that investors who wish to receive individual copies of shareholder reports are able to do so.

The Commission estimates that the annual burden associated with rule 30e–2 is 121 hours per respondent, including an estimated 20 hours associated with the notice requirement for householding and an estimated 1 hour associated with the explanation of the right to revoke consent to householding. The Commission estimates that there are currently approximately 760 UITs. Therefore, the Commission estimates that the total hour burden is approximately 91,960 hours. In addition to the burden hours, the Commission estimates that the annual cost of contracting for outside services associated with rule 30e–2 is $20,000 per respondent, for a total annual cost of approximately $15,200,000.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 30e–2 is mandatory. The information provided under rule 30e–2 will not be kept confidential. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

Please direct your written comments to 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.*

Dated: May 2, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11003 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, May 10, 2012 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, May 10, 2012 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Consideration of amici participation; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated:May 3, 2012.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2012–11109 Filed 5–4–12; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [77 FR 25521, April 30, 2012].

STATUS: Closed Meeting.

PLACE: 100 F Street NE., Washington, DC

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: May 3, 2012 at 2:00 p.m.

CHANGE IN THE MEETING: Additional Item.

The following matter will also be considered during the 2:00 p.m. Closed Meeting scheduled for Thursday, May 3, 2012: A personnel matter.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions as set forth in 5 U.S.C. 552b(c)(2) and (6) and 17 CFR 200.402(a)(2) and (6), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the item listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: May 3, 2012.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2012–11114 Filed 5–4–12; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66903; File No. SR–NYSEAmex-2012–27]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing an Increase to the Login Fee Within the NYSE Amex Options Fee Schedule

May 2, 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 April 27, 2012, 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, 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 increase the login fee within the NYSE Amex Options Fee Schedule (''Fee Schedule'') and to make this increase operative on May 1, 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 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to increase the login fee within the Fee Schedule and to make this increase operative on May 1, 2012.

The Exchange currently charges Floor brokers a $150 per month login fee for access to the Floor broker Workstation (''FBW''), which is an Exchange-sponsored Floor broker order entry system.[3] In addition to enabling Floor brokers to electronically submit orders to the Exchange, the FBW contributes to Floor brokers complying with various Exchange rules, such as the order format and system entry requirements of NYSE Amex Options Rule 955NY.

The Exchange proposes to increase the login fee from $150 per login per month to $215 per login per month. This proposed increase, which would be the first in the more than three years since the login fee was implemented, would permit the Exchange to offset the increase in the Exchange's cost to make the FBW available to Floor brokers and would also permit the Exchange to continue to make enhancements and upgrades to the FBW available to Floor brokers.

The Exchange proposes that the increase to the login fee become effective on May 1, 2012.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(4) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities. Specifically, the Exchange believes that the proposed rule change is reasonable, equitable and not unfairly discriminatory because it would permit the Exchange to offset the increase in the Exchange's cost to make the FBW available to Floor brokers. The Exchange also believes that the proposed rule change is reasonable, equitable and not unfairly discriminatory because it would permit the Exchange to continue to make enhancements and upgrades to the FBW available to Floor brokers. Additionally, the Exchange believes that the proposed rule change is reasonable, equitable and not unfairly discriminatory because the login fee, and the proposed increase thereof, is applicable to all Floor brokers that receive access to the FBW.

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)[6] of the Act and subparagraph (f)(2) of Rule 19b–4[7] thereunder, because it establishes a due, fee, or other charge imposed by the NYSE Amex.

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–NYSEAmex–2012–27 on the subject line.

Paper Comments

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59478 (February 27, 2009), 74 FR 9857 (March 6, 2009) (SR–NYSEALTR–2009–19).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File Number SR–NYSEAmex-2012–27. 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 10:00 a.m. and 3:00 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–NYSEAmex–2012–27 and should be submitted on or before May 29, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11000 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66905; File No. SR–NASDAQ–2012–056]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 7001 and 7018(h)

May 2, 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 April 30, 2012, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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

NASDAQ proposes amendments to Rules 7001 and 7018(h). NASDAQ will implement the proposed change on May 1, 2012. The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com*, at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 III [sic] 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

NASDAQ is proposing to eliminate its long-standing trade reporting fee found in Rule 7018(h) and institute an increase in its monthly trading rights fee under Rule 7001. NASDAQ's goal in making this change is to assess a more uniform fee for the post-trade processing that NASDAQ provides to members that trade on the NASDAQ Market Center. Currently, Rule 7018(h) assesses a fee of $0.029 per side per trade report if a member is party to an average daily volume of trade reports during the month of less than 15,000, but does not assess a fee for higher volumes of trade reports. NASDAQ is proposing instead to increase the monthly trading rights fee from $500 to $1,000 for all members.

The fee under Rule 7018(h) was assessed for the provision of post-trade processing by the Automated Confirmation Transaction system (''ACT'') and the BRACE systems. ACT and BRACE are NASDAQ's proprietary systems that facilitate post-execution price and volume reporting, reconciliation, and clearing of trades occurring on NASDAQ.[3] Specifically, ACT matches and processes trade changes/corrections and sends transactions reports to the securities information processors that disseminate trade information to the public. BRACE sends trade information to National Securities Clearing Corporation (''NSCC'') for clearing. The systems also store data for downloading and review by member firms, clearing firms, and by FINRA for regulatory analysis. Data produced through NASDAQ's post-trade processes is stored, at considerable expense, for a period of at least five years. The increase in the trading rights fee is intended to ensure that all members defray a portion of the substantial fixed costs associated with post-trade processing.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. NASDAQ believes that the fee change is reasonable because it is designed to ensure that all members defray a portion of the substantial fixed costs associated with post-trade processing. Moreover, the size of the increase in the trading rights fee compares favorably with other monthly fees for fixed cost services provided by the Exchange, such as the fees for access services under Rule 7015. NASDAQ also notes that many of the members that have previously paid a fee under Rule 7018(h) will see a reduction in their monthly charges; NASDAQ further believes that it is reasonable for members that have not previously paid a fee for post-trade processing to be assessed a charge that reflects the benefits from these services. The fee change is consistent with an equitable allocation of fees because it will ensure that all members that receive benefits from the post-trade processing provided by NASDAQ pay a fee that contributes to the costs incurred in operating the systems that perform these functions.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ACT also supports the operation of the FINRA/NASDAQ Trade Reporting Service.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4) and (5).

Finally, the fee change is not unfairly discriminatory because it applies to all members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Because the market for exchange services is extremely competitive, members may readily opt to disfavor NASDAQ if they believe that alternatives offer them better value. For this reason and the reasons discussed in connection with the statutory basis for the proposed rule change, NASDAQ does not believe that the proposed changes will impair the ability of members or competing trading venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[6] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

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–NASDAQ–2012–056 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2012–056. 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 10:00 a.m. and 3:00 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–NASDAQ–2012–056 and should be submitted on or before May 29, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11002 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66904; File No. SR–NYSEArca–2012–40]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing a Fee Change for the Floor Broker Electronic Order Capture Device

May 2, 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 April 30, 2012, 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, 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 the NYSE Arca Options Fee Schedule (''Fee Schedule'') to revise the fee for the Floor Broker Electronic Order Capture Device (''EOC Device''). 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.

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 the Fee Schedule to revise the fee for the EOC Device.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The EOC Device is used by Floor Brokerage operations to comply with the requirements of NYSE Arca Rule 6.67, Order Format and System Entry Requirements, namely, the systemization of order details and electronic tracking of all events in the life of an order, up to and including cancellation or execution. The Exchange's current Electronic Order Capture System [3] platform was implemented in February 2010, and the $175 monthly fee for the new EOC Devices began being charged on March 1, 2010.

Effective May 1, 2012, the Exchange proposes to cap the current monthly fee of $175 for each EOC Device at $4,200, which represents 24 months of charges. If any OTP Holder has paid more than $4,200 as of that date, the Exchange will provide a credit so that such OTP Holder will be charged the same total amount as other OTP Holders.[4] If an OTP Holder requests a new EOC Device or the Exchange replaces the current Electronic Order Capture System platform, the OTP Holder will be charged $175 per month for each new EOC Device until the $4,200 cap is reached again.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) [5] of the Securities Exchange Act of 1934 (the ''Act''), in general, and Section 6(b)(4) [6] 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 and is not unfairly discriminatory. The Exchange believes that it is reasonable to implement a cap that takes into account (1) the value to the OTP Holder of the equipment, installation, and maintenance provided by the Exchange, and (2) the cost to the Exchange of providing such resources and services. In addition, the Exchange believes that it is reasonable to resume the monthly fee if an OTP Holder requests a new EOC Device or the Exchange replaces the current platform because the Exchange will be incurring new costs to provide a new EOC Device. The Exchange also believes that the cap is equitably allocated and not unfairly discriminatory because it will apply to all OTP Holders beginning on the same date and take into account payments made for EOC Devices currently used. The Exchange recognizes that certain OTP Holders have been using an EOC Device since February 2010, when the most recent Electronic Order Capture System was implemented, and will provide a credit so that all OTP Holders using the current EOC Device will be subject to the same total fees. As such, the Exchange believes that the proposed change is reasonable, equitable, and not unfairly discriminatory.

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) [7] of the Act and subparagraph (f)(2) of Rule 19b–4 [8] thereunder, because it establishes a due, fee, or other charge imposed by the NYSE Arca.

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–NYSEArca–2012–40 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2012–40. 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 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2012–40 and should be submitted on or before May 29, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–11001 Filed 5–7–12; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* NYSE Arca Rule 6.1(b)(39).

[4] For example, if an OTP Holder began using an EOC Device on March 1, 2010, the OTP Holder will have paid a total of $4,550 by May 1, 2012. The Exchange will credit such an OTP Holder $350.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading; In the Matter of Anthracite Capital, Inc., Auto Data Network Inc., Avenue Group, Inc., Ckrush, Inc., Clickable Enterprises, Inc., and DCI USA, Inc.

May 4, 2012

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Anthracite Capital, Inc. because it has not filed any periodic reports since the period ended September 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Auto Data Network Inc. because it has not filed any periodic reports since the period ended November 30, 2004.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Avenue Group, Inc. because it has not filed any periodic reports since the period ended March 31, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ckrush, Inc. because it has not filed any periodic reports since the period ended March 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Clickable Enterprises, Inc. because it has not filed any periodic reports since the period ended March 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of DCI USA, Inc. because it has not filed any periodic reports since the period ended June 30, 2008.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on May 4, 2012, through 11:59 p.m. EDT on May 17, 2012.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2012–11153 Filed 5–4–12; 4:15 pm]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2012–0010]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Office of Child Support Enforcement (OCSE))—Match Number 1074

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with OCSE.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869, or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub.L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed, and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Daniel F. Callahan,

Acting Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA With the Office of Child Support Enforcement (OCSE)

A. Participating Agencies

SSA and OCSE

B. Purpose of the Matching Program

The purpose of this matching program is to assist us in (1) establishing or verifying eligibility and payment amounts under the Supplemental Security Income (SSI) program; (2) establishing and verifying eligibility or continuing entitlement under the Disability Insurance (DI) program; and (3) administering the Ticket to Work and Self Sufficiency (Ticket) Programs.

On a quarterly basis, we will match records maintained in our DI, Special Veterans Benefits and SSI Record against the quarterly wage (QW) and unemployment insurance (UI) records contained in OCSE's National Directory of New Hires (NDNH). We will also use an online query to read QW, UI, and new hire data contained in OCSE's NDNH.

C. Authority for Conducting the Matching Program

The legal authority for disclosures under this Agreement are the Social Security Act (Act) and the Privacy Act of 1974, as amended. Section 453(j)(4) of the Act provides that OCSE shall provide the Commissioner of Social Security with all information in the NDNH. 42 U.S.C. 653(j)(4). We have the authority to use this data to determine entitlement and eligibility for the programs we administer pursuant to sections 453(j)(4), 1631(e)(1)(B) and (f), and 1148 of the Act. 42 U.S.C. 653(j)(4), 1320b–19(d)(1), and 1383(e)(1)(B) and (f). Disclosures under this Agreement are made in accordance with 5 U.S.C. 552a(b)(3), and in compliance with the matching procedures in 5 U.S.C. 552a(o), (p), and (r).

The Commissioner of Social Security is required to verify a recipient's or applicant's eligibility for SSI using independent or collateral sources. We cannot determine an applicant's eligibility for SSI benefits solely on the applicant's declaration concerning eligibility factors or other relevant facts. We also obtain information to ensure that we provide SSI benefits only to eligible individuals (or eligible spouses) and that we are paying the correct amounts of such benefits. Section 1631(e)(1)(B) of the Act.

Subsection 1631(f) of the Act provides that ''The head of any federal agency shall provide such information as the Commissioner of Social Security needs for purposes of determining eligibility for or amount of benefits, or verifying information with respect thereto.''

To comply with section 1148 of the Act, we must verify earnings of beneficiaries/recipients to ensure accurate payments to employer network providers under the Ticket-to-Work program.

D. Categories of Records and Persons Covered by the Matching Program

Our Systems of Records (SOR) covered by this program are the SSI Record and Special Veterans Benefits (SSR), SSA/OEEAS, 60–0103 notice last published on January 11, 2006 (71 **Federal Register** (FR) 1830); and the Completed Determination Record-Continuing Disability Determination file (CDR–CDD), SSA/OD 60–0050 notice last published January 11, 2006 (72 FR 1813).

OCSE will match our information in the SSR and CDR–CDD against the NDNH. The NDNH contains new hire, QW, and UI information furnished by state and federal agencies and is maintained by OCSE in its SOR ''OCSE National Directory of New Hires'' (NDNH), No. 09–80–0381, published in the FR on January 5, 2011, at 76 FR 560. Routine use (9) of the system of records authorizes disclosure of NDNH information to us, 76 FR 560, 562 (January 5, 2011).

Until January 31, 2013, through the Master File Query Menu (MFQM), we will use online queries to read records in the NDNH database. To limit disclosure and to prohibit browsing, our access is restricted by anti-browsing technology to only those Social Security numbers (SSN) that have a direct business relationship with SSI, DI, or Ticket programs (i.e., the record must have a valid SSI, DI, or Ticket payment or application issue). If no business relationship exists with us, OCSE denies access to NDNH and the user is unable to proceed. If a business relationship exists with us, we can access the NDNH to display an SSN-specific new hire, QW, or UI report in the NDNH. The MFQM extracts information from our SSR (for SSI recipients) or CDR–CDD (for ticket holders and disability beneficiaries) to facilitate query access. After January 31, 2013, we will invoke the OCSE web service to perform online lookups.

E. Inclusive Dates of the Matching Program

The effective date of this matching program is no sooner than April 20, 2012, provided that the following notice periods have lapsed: 30 days after publication of this notice in the FR and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2012–11047 Filed 5–7–12; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 7871]

Certification Related to the Khmer Rouge Tribunal; Correction

AGENCY: Department of State.

ACTION: Notice; correction.

SUMMARY: The Department of State published a document in the **Federal Register** of on August 16, 2011 concerning a Certification Related to the Khmer Rouge Tribunal. Inadvertently, the Memorandum of Justification was not included in the document for publication in the **Federal Register** and this notice corrects this error.

FOR FURTHER INFORMATION CONTACT: Ariel Wyckoff, (202) 647 9446.

Correction

In the **Federal Register** of August 16, 2011, in FR Volume 76, page 50808, the following Memorandum of Justification should have been printed as an attachment to the original notice, PN 7556:

MEMORANDUM OF JUSTIFICATION UNDER SECTION 7071 (c) OF THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010, AS CARRIED FORWARD BY THE FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Section 7071 (c) of the Department of State, Foreign Operations and Related Program Appropriations Act, 2010 (Div. F P.L. 111–117), as carried forward by Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112–10), provides that funds appropriated in the act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the Extraordinary Chambers in the Courts of Cambodia (ECCC), also commonly known as the ''Khmer Rouge Tribunal'' (KRT). Deputy Secretary Nides has signed the certification pursuant to State Department Delegation of Authority 245–1.

Factors Justifying Determination and Certification

Allegations of corruption were abundant in the ECCC's early years until the Director of Administration was replaced in late 2008. His replacement, who remains the Director today has been extraordinarily competent and has cooperated well with the donor community, other court officials, and the United Nations Office of Legal Affairs.

The allegations and change in administration did not compromise the fundamental integrity of the ECCC. In July 2010 the ECCC successfully concluded Case 001—the trial against the former chief of the Tuol Sleng torture center, Kaing Guek Eav (''Duch''). His trial and conviction were the first meaningful attempt to hold a Khmer Rouge official accountable for war crimes committed under the Khmer Rouge regime. The United States, foreign governments, and NGOs monitoring the ECCC agree that the

proceedings met international standards of justice.

The ECCC, in cooperation with the UN, has taken additional steps to protect the integrity of its proceedings against allegations of corruption. In August 2009 the United Nations Office of Legal Affairs and the Government of Cambodia reached agreement to establish an Independent Counselor to serve as a deterrent against corruption and address potential future incidents of corruption or other forms of misconduct at the court. Shortly after his appointment, the Counselor released a ''Meet the Independent Counselor'' document to all court staff explaining his role, how he can be reached, and when he should be contacted. The circular outlined his roles and responsibilities, which include provision of an annual report to the UN Office of Legal Affairs and the Cambodian Government. The guidelines established for the Independent Counselor confirm his obligations to protect the confidentiality of complainants, to ensure that there are no reprisals for whistle-blowing and to provide a report of his activities to both the UN and RGC. The United States, in coordination with other donor nations, has conducted diplomatic efforts with both the United Nations Office of Legal Affairs and Government of Cambodia to assist in making the Independent Counselor fully operational, which have been effective. Addressing the ECCC in October 2010, the Secretary General commended the work of the Independent Counselor and the effect it has had on the perception of the court—that the ECCC's administration will not tolerate any form of corruption.

Because of all these steps taken to combat corruption and make the processes of the Court transparent, independent and efficient, it is the view of the State Department, other donor countries, prominent court officials, and non-governmental organizations (NGOs), that the ECCC appears to have resolved the corruption and mismanagement issues raised in 2008.

The United States currently plays a leadership role with respect to oversight of the ECCC by serving as a member of the New York-based ECCC Steering Committee. The United States also plays a leading role in the donors group in Phnom Penh, Cambodia. An additional contribution of funds will indicate an ongoing commitment to the work of the ECCC, and improve our position in discussions at the Steering Committee and with other current and potential donors. The Steering Committee oversees the budget and the timelines established by the ECCC and is currently satisfied that the ECCC is administratively and financially sound.

The ECCC provides a monthly report to the UN Controller and the UN Department of Economic and Social Affairs, which closely monitors the activities of the court including its expenditures. In addition, all hiring on the international side of the court is vetted by the UN Department of Economic and Social Affairs. The UN Office of Legal Affairs actively engages on judicial management issues. For example, the ECCC accepted the UN's recommendation that the Pre-Trial Chamber sit on a full-time basis in order to improve the ECCC's efficiency and to expedite its decision-making. In addition, last year's U.S. contribution provided partial funding for a high-level official to work specifically on ECCC management-related issues. This official has effectively personally intervened with high level Cambodian officials to address ECCC management issues.

In late April the ECCC's Office of the Co-Investigating Judges (OCIJ) ended its investigation for Case 003 and forwarded the evidence to the Office of the Co-Prosecutors. The international co-prosecutor, Andrew Cayley, dissatisfied with the amount and depth of evidence, requested the OCIJ to conduct further investigations.

The issue of whether Case 003 falls within the jurisdiction of the ECCC is one on which reasonable persons can disagree. There is a formal process under the governing documents of the ECCC for resolving this disagreement. We see no basis for any assertions of mismanagement and possible misconduct in the OCIJ's handling of Case 003.

The Department looks forward to the final closing order and appeal so that this issue regarding further investigation into Case 003 can be resolved in with finality.

Certification and United States Policy Objectives

Certification recognizes the efforts of the United Nations and the Government of Cambodia to address allegations of corruption and mismanagement within the ECCC. It is not an indication, however, that no further work needs to be done. Both parties must continue to exercise oversight of the ECCC's operations, and the donor community and NGOs must continue their vigilant engagement with the United Nations and the Cambodian government to ensure that the ECCC remains corruption-free and well-managed.

Dated: May 1, 2012.

Ariel Wyckoff,

Program Analyst, Bureau of East Asian and Pacific Affairs, U.S. Department of State.

[FR Doc. 2012–11093 Filed 5–7–12; 8:45 am]

BILLING CODE 4710–30–P

DEPARTMENT OF STATE

[Public Notice 7818]

Overseas Security Advisory Council (OSAC) Meeting Notice; Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on June 5 and 6, 2012. Pursuant to Section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(7)(E), it has been determined that the meeting will be closed to the public. The meeting will focus on an examination of corporate security policies and procedures and will involve extensive discussion of trade secrets and proprietary commercial information that is privileged and confidential, and will discuss law enforcement investigative techniques and procedures. The agenda will include updated committee reports, a global threat overview, and other matters relating to private sector security policies and protective programs and the protection of U.S. business information overseas.

For more information, contact Marsha Thurman, Overseas Security Advisory Council, U.S. Department of State, Washington, DC 20522–2008, phone: 571–345–2214.

Dated: April 17, 2012.

Scott P. Bultrowicz,

Director of the Diplomatic Security Service, U.S. Department of State.

[FR Doc. 2012–11092 Filed 5–7–12; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF STATE

[Public Notice 7872]

Notice of Meeting

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (FACA), the Advisory Committee on the Secretary of State's Strategic Dialogue with Civil Society will convene in Washington, DC on May 16, 2012. The Committee provides advice on the formulation of U.S. policies, proposals, and strategies for engagement with, and protection of, civil society worldwide. The objective of this meeting is to

review the progress of the Committee's five subcommittees. The meeting is open to public participation through live stream at *http://www.state.gov/s/sacsed/c47725.htm.*

DATES: The meeting will be held on May 16, 2012, from 12:15 p.m. to 1:45 p.m.

ADDRESSES: The meeting will be held at the U.S. Department of State, 2201 C Street NW., Washington, DC.

Written comments may be submitted to Madeleine Ioannou via email to *civilsociety@state.gov* or facsimile to (202) 736–7880. All comments, including names and addresses when provided, are placed in the record and are available for inspection and copying. The public may inspect comments received at the U.S. Department of State, 2201 C Street, NW., Room 1317, Washington, DC 20520. Please call ahead to (202) 736–7824 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Madeleine Ioannou, Committee Executive Secretary, U.S. Department of State, 2201 C Street NW., Room 1317, Washington, DC 20520; (202) 736–7308; *civilsociety@state.gov.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public and will be streamed live at: *http://www.state.gov/s/sacsed/c47725.htm.* Agenda items to be covered include: (1) Introductions, (2) Presentations by the Chairs of the Subcommittees, (3) Discussion of any Public Submissions, (4) General Discussion, (5) Adjournment. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee staff by sending an email to *civilsociety@state.gov.*

Dated: April 25, 2012.

Madeleine Ioannou,

Office of the Senior Advisor for Civil Society and Emerging Democracies, U.S. Department of State.

[FR Doc. 2012–11095 Filed 5–7–12; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation (AST); Notice of Availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Launch and Reentry of SpaceShipTwo Reusable Suborbital Rockets at the Mojave Air and Space Port

AGENCY: Federal Aviation Administration (FAA), lead Federal agency and United States Air Force and National Aeronautics and Space Administration, cooperating agencies, DOT.

ACTIONS: Notice of Availability of Final EA and FONSI.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), Council on Environmental Quality NEPA implementing regulations (40 Code of Federal Regulations parts 1500 to 1508), and FAA Order 1050.1E, Change 1, the FAA is announcing the availability of the Final EA and FONSI for the Launch and Reentry of SpaceShipTwo Reusable Suborbital Rockets at the Mojave Air and Space Port.

The Final EA was prepared to analyze the potential environmental impacts of issuing experimental permits and/or launch licenses to operate SpaceShipTwo reusable suborbital rockets and WhiteKnightTwo carrier aircraft at the Mojave Air and Space Port in Mojave, California. Under the Proposed Action, the FAA would issue experimental permits and/or launch licenses to multiple operators for the operation of SpaceShipTwo and WhiteKnightTwo at the Mojave Air and Space Port. Both WhiteKnightTwo and SpaceShipTwo would be piloted during operations. The Mojave Air and Space Port comprises an area of approximately 3,000 acres in Kern County, California, and is east of the unincorporated town of Mojave. The Final EA addresses the potential environmental impacts of implementing the Proposed Action and the No Action Alternative of not issuing an experimental permit and/or launch license for the operation of SpaceShipTwo and WhiteKnightTwo at the Mojave Air and Space Port.

The FAA has posted the Final EA and FONSI on the FAA/AST Web site: *http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/review/permits/.* A paper copy of the Final EA and FONSI may be reviewed during regular business hours at the following locations:

Edwards AFB Base Library, 95 SPTG/SVMG, 5 West Yeager Blvd., Building 2665, Edwards AFB, CA 93524–1295.

Kern County Library, Boron Branch, 26967 20 Mule Team Road, Boron, CA 93516.

Kern County Library, California City Branch, 9507 California City Boulevard, California City, CA 93505.

Kern County Library, Kernville Branch, 48 Tobias Street, Kernville, CA 93238.

Kern County Library, Mojave Branch, 16916–1/2 Highway 14, Mojave, CA 93501.

Kern County Library, Ridgecrest Branch, 131 East Las Flores Avenue, Ridgecrest, CA 93555.

Kern County Library, Tehachapi Branch, 450 West F Street, Tehachapi, CA 93561.

Kern County Library, Wofford Heights Branch, 6400–B Wofford Boulevard, Wofford Heights, CA 93285.

Kern River Valley Library, 7054 Lake Isabella Boulevard, Lake Isabella, CA 93240.

Kern River Valley Library, Wanda Kirk Branch (Rosamond), 3611 Rosamond Boulevard, Rosamond, CA 93560.

Additional Information: Under the Proposed Action, the FAA would issue experimental permits and/or launch licenses for the operation of SpaceShipTwo and WhiteKnightTwo at the Mojave Air and Space Port in Mojave, CA. The Proposed Action does not include any construction activities. The Mojave Air and Space Port's existing infrastructure would be used for takeoff and landing activities. Experimental permits would be valid for one year. Launch licenses would be valid for two years. The FAA could renew experimental permits and launch licenses if requested, in writing, by the permitees at least 60 days before the permit expires, and/or by the licensees at least 90 days before the license expires. The Final EA assumes that the FAA could issue either new or renewed experimental permits and/or launch licenses. For purposes of analyzing environmental impacts in the Final EA, the FAA developed a conservative set of assumptions regarding the possible number of launches and reentries that could be conducted under any one experimental permit and/or launch license for the SpaceShipTwo at the Mojave Air and Space Port. The FAA has assumed a maximum of up to 30 total launches and reentries per year of SpaceShipTwo for a total of up to 150 launches and reentries of SpaceShipTwo between 2012 and 2016. This estimation is a conservative number and considers potential multiple launches per day and potential launch aborts.

The only alternative to the Proposed Action analyzed in the Final EA is the No Action Alternative. Under the No Action Alternative, the FAA would not issue experimental permits and/or launch licenses for the operation of SpaceShipTwo and WhiteKnightTwo from the Mojave Air and Space Port. Existing operations at Mojave Air and Space Port would continue.

The resource areas considered in the Final EA include air quality; biological resources (including fish, wildlife, and plants); historical, architectural, archaeological, and cultural resources; hazardous materials, pollution prevention, and solid waste; health and safety; land use (including Department of Transportation Section 4(f) properties); light emissions and visual resources; noise and compatible land use; socioeconomic resources, environmental justice, and children's environmental health and safety; and cumulative impacts.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Czelusniak, Environmental Program Lead, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Room 325, Washington, DC 20591; email *Daniel.Czelusniak@faa.gov;* or phone (202) 267–5924;.

Issued in Washington, DC on: May 1, 2012.

Michael McElligott,

Manager, Space Transportation Development Division.

[FR Doc. 2012–11018 Filed 5–7–12; 8:45 am]

BILLING CODE 4310–13–P

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