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Federal Register

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. FAA–2012–0941; Amendment No. 33–33]

RIN 2120–AF57

Technical Amendment; Airworthiness Standards: Aircraft Engines; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Technical amendment; correction.

SUMMARY: The FAA is correcting a technical amendment published on July 5, 2012 (77 FR 39623). In that technical amendment, the FAA clarified aircraft engine vibration test requirements in the airworthiness standards. The technical amendment was in response to inquiries from applicants requesting FAA engine type certifications and aftermarket certifications, such as supplemental type certificates, parts manufacturing approvals, and repairs. We revised the regulation to clarify that engine surveys require an engine test. Representatives of industry suggested that our technical amendment was in fact, a substantive change in the regulation, not a clarification. The FAA is correcting our prior action in response to that industry claim. This document amends the FAA's regulations to reverse the changes to § 33.83(a) amendment 33–33 and restore § 33.83(a) to its previous amendment 33–17.

DATES: This corrective action becomes effective September 20, 2012.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Dorina Mihail, Federal Aviation Administration, Engine and Propeller Directorate, Standards Staff, ANE–110, 12 New England Executive Park, Burlington, Massachusetts 01803–5229; (781) 238–7153; facsimile: (781) 238–7199; email: *dorina.mihail@faa.gov*.

For legal questions concerning this action, contact Vincent Bennett, Federal Aviation Administration, Office of Regional Counsel, ANE–7, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7044; fax (781) 238–7055; email *vincent.bennett@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

On July 5, 2012, the FAA published a Technical Amendment entitled, ''Airworthiness Standards: Aircraft Engine'' (77 FR 39623). In that technical amendment, the FAA intended to clarify vibration test requirements in § 33.83 of 14 Code of Federal Regulations Part 33. By letter dated August 3, 2012, the Modification and Replacement Parts Association (MARPA) asserts that the rule appears to be a substantive change that should have been open to public comment. The MARPA further asserts that had the rule been open for comment, it and others would have commented that the technical amendment undermines the existing regulatory system, rather than improving it, and that it imposes unnecessary burdens on the applicant and the government with no commensurate safety benefit. We do not agree with MARPA's assertion that the rule change was substantive. However, in the interest of transparency in the rulemaking process, we are changing the language of § 33.83(a) amendment 33–33 back to the language in § 33.83(a) of the previous amendment 33–17.

List of Subjects in 14 CFR Part 33

Aircraft, Aviation safety.

The Correcting Amendment

In consideration of the following, the Federal Aviation Administration corrects part 33 of Title 14, Code of Federal Regulations as follows:

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

■ 1. The authority citation for part 33 continues to read as follows:

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

■ 2. Revise § 33.83(a) to read as follows:

§ 33.83 Vibration test.

(a) Each engine must undergo vibration surveys to establish that the vibration characteristics of those components that may be subject to mechanically or aerodynamically induced vibratory excitations are acceptable throughout the declared flight envelope. The engine surveys shall be based upon an appropriate combination of experience, analysis, and component test and shall address, as a minimum, blades, vanes, rotor discs, spacers, and rotor shafts.

* * * * *

Issued in Washington, DC, on September 13, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–23105 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Subtitle A, Subchapter A

[Docket ID ED–2012–OESE–0012; CFDA Number 84.412A]

RIN 1810–AB15

Final Requirements—Race to the Top—Early Learning Challenge; Phase 2

AGENCY: Department of Education and Department of Health and Human Services.

ACTION: Final requirements.

SUMMARY: The Secretary of Education and the Secretary of Health and Human Services (hereafter ''the Secretaries'') announce requirements for Phase 2 of the Race to the Top—Early Learning Challenge (RTT–ELC) program. In Phase 2, we will make awards to certain States that applied for, but did not receive, funding under the RTT–ELC competition held in fiscal year (FY) 2011 (FY 2011 RTT–ELC competition). Specifically, we will consider eligible the five highest scoring applicants that did not receive funding in the FY 2011 RTT–ELC competition, each of which received approximately 75 percent or more of the available points under the

competition. We take this action to fund down the slate of the FY 2011 RTT–ELC competition and to establish the information and assurances that the five eligible applicants will need to provide in order to receive funding under Phase 2 of the RTT–ELC program.

DATES: *Effective Date:* These requirements are effective October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Deborah Spitz, U.S. Department of Education, 400 Maryland Avenue SW., room 3E230, Washington, DC 20202–6200. Telephone: (202) 260–3793 or by email: *RTT.Early.Learning.Challenge@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:

Executive Summary

Purpose of This Regulatory Action: The U.S. Departments of Education and Health and Human Services (hereafter ''the Departments'') will implement Phase 2 of the RTT–ELC program by funding down the slate from the FY 2011 RTT–ELC competition. Specifically, the Departments will make awards available to the next five highest scoring applicants that did not receive funding under the FY 2011 RTT–ELC competition. Because the amount of available funds in FY 2012 is limited, this action establishes specific requirements that the five eligible applicants must meet in order to receive up to 50 percent of the funds they requested in their FY 2011 RTT–ELC applications.

Summary of the Major Provisions of This Regulatory Action: In this document, we establish a limited number of application requirements, assurances, and budget requirements that the five eligible applicants must meet in order to receive funds under Phase 2 of the RTT–ELC program.

The *Application Requirements,* which can be found in section III of the *Final Requirements* section, require each eligible applicant to: (1) Describe how it would implement the activities proposed in Core Area B (selection criteria one through five) of its FY 2011 RTT–ELC application; (2) describe how it would implement the activities proposed in Competitive Preference Priority 2 of its FY 2011 RTT–ELC application; and (3) from two or more of the three Focused Investment Areas (C, D, and E) in its FY 2011 RTT–ELC application, select activities proposed in response to one or more selection criteria. The *Application Requirements* section further explains how applicants may make adjustments to the scope of the activities they proposed in their FY 2011 RTT–ELC applications to ensure that the activities can be carried out successfully with the amount of funds available in Phase 2 of the RTT–ELC program.

The *Application Assurances,* which can be found in section IV of the *Final Requirements* section, include a set of assurances for eligible applicants to include in their applications for Phase 2 RTT–ELC awards. These assurances relate to commitments made in the FY 2011 RTT–ELC applications. For example, in order to receive a Phase 2 RTT–ELC award, an eligible applicant must update the information in tables 1–13 in section (A)(1) of its FY 2011 RTT–ELC application, which described State funding, programs, and policies that supported early learning at the time the FY 2011 application was submitted. Each eligible applicant must maintain the commitments made in section (A)(1) in a manner consistent with the updated tables. Each eligible applicant must also maintain commitments to engage in the partnerships described in its FY 2011 RTT–ELC application in a manner consistent with the updated tables. These commitments are critical to building strong State systems of early learning and development. This requirement is important because the strength of these commitments influenced how reviewers scored the FY 2011 RTT–ELC applications during the FY 2011 peer review process.

The Budget Requirements, which can be found in section V of the *Final Requirements* section, require that an eligible applicant complete a revised budget and narrative that includes an explanation of why the eligible applicant has selected the activities it proposes to carry out (as described under ''Application Requirements'') and why those activities would have the greatest impact on advancing its high-quality plan for early learning.

Costs and Benefits: We have determined that these requirements will not impose significant additional costs to States, the eligible applicants under the RTT–ELC program, or the Federal Government and that the potential benefits will exceed the costs. The Departments believe States will incur minimal costs in developing plans and budgets for implementing selected activities from their FY 2011 RTT–ELC proposals because such planning will entail only revisions to existing plans and budgets already developed as part of the FY 2011 RTT–ELC application process.

Purpose of Program: The purpose of the RTT–ELC program is to improve the quality of early learning and development and close the achievement gap for children with high needs. This program focuses on improving early learning and development for young children by supporting States' efforts to increase the number and percentage of low-income and disadvantaged children, in each age group of infants, toddlers, and preschoolers, who are enrolled in high-quality early learning and development programs; and to design and implement an integrated system of high-quality early learning and development programs and services.

Program Authority: Sections 14005 and 14006, Division A, of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), as amended by section 1832(b) of Division B of Pub. L. 112–10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, and the Department of Education Appropriations Act, 2012 (Title III of Division F of Pub. L. 112–74, the Consolidated Appropriations Act, 2012) (hereafter ''the Department of Education Appropriations Act, 2012'').

We published a notice of proposed requirements (NPR) for this program in the **Federal Register** on June 20, 2012 (77 FR 36958). The NPR contained background information and our reasons for proposing the particular requirements and assurances for Phase 2 of the RTT–ELC program.

There are two significant differences between the requirements proposed in the NPR and these final requirements. First, in this notice, the Departments have clarified that applicants may make reductions and adjustments in the activities in Core Area A(3)(a)(1), Core Area B, and Competitive Preference Priority 2 based on the 50 percent reduction in available Federal funding for Phase 2 of the RTT–ELC program. Second, the Departments are requiring applicants to explain any significant changes to the information provided in section (A)(1) that have occurred since submission of their FY 2011 applications, including updates to the information provided in tables 1–13 in section (A)(1) of their FY 2011 applications. These changes are described in greater detail below in the *Analysis of Comments and Changes* section.

Public Comment: In response to our invitation in the NPR, twelve parties submitted comments on the proposed requirements. In the following section, we summarize and provide responses to the comments we received. We group major issues addressed in these comments according to subject.

Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and any changes in the requirements since publication of the NPR follows.

Eligibility and Allocation of Funds

Comment: One commenter questioned why only the five States named in the NPR are eligible to apply and asked whether other States might receive funds if the five eligible States do not apply.

Discussion: The NPR included a discussion of the reasons for limiting eligibility to the five States named in the NPR. When the Departments made FY 2011 RTT–ELC awards, we did not have sufficient funding to award grants to all high-quality applications. The Department of Education Appropriations Act, 2012 authorizes the Departments to make awards on the basis of previously submitted applications. In light of the fact that the amount of funds available in FY 2012 is inadequate to conduct a meaningful new competition, we have chosen to use the available FY 2012 funds to make awards to the next five highest scoring applications, each of which received approximately 75 percent or more of the available points under the competition. The Secretaries believe that supporting high-scoring applicants that did not receive funding under the FY 2011 RTT–ELC competition with FY 2012 funding will help build on the momentum from the FY 2011 RTT–ELC competition. Because we are funding down the FY 2011 slate and only limited funds are available, we are not opening eligibility to all non-funded applicants. If any of the five eligible applicants do not apply for funds, those funds that remain unawarded would be used to support grants made under the FY 2012 Race to the Top District competition. We would not make any remaining FY 2012 funds available to other unfunded applicants from the FY 2011 RTT–ELC competition.

Changes: None.

Comment: Two commenters recommended that the Departments establish a protocol to ensure that if any funds are not awarded to the eligible applicants, they can be recommitted to the other applicants. The commenters stated that all of the $133 million available for RTT–ELC in FY 2012 should be used for ''Early Learning Challenge purposes.''

Discussion: As described previously, the Departments decided that if any of the five eligible applicants do not apply for funds, the funds will be used for awards in the FY 2012 Race to the Top District competition, which may support district-level reforms in early learning. Funds that are not awarded through RTT–ELC Phase 2 will not be made available to other unfunded applicants from the FY 2011 competition.

Change: None.

Modification of Activities

Comment: Three commenters requested clarification about the proposed requirement that Phase 2 RTT–ELC funds not be used for new activities and sought clarification of the difference between new activities, new strategies, new tactics, and new goals. The commenters also suggested that reasonable modifications to proposed activities should be allowed due to activities that have occurred since States submitted their FY 2011 applications.

Discussion: Applicants must select key activities from their FY 2011 applications. Due to the 50 percent reduction in funding available under Phase 2 RTT–ELC, a State may adjust the scope of budget, timelines, or performance measures for those selected activities. In so doing, a State may, in fact, modify some strategies or tactics to complete an activity from its FY 2011 application in order to accomplish the goal specified in that application.

A State is not permitted, however, to use Phase 2 RTT–ELC funds for activities that were not included in its FY 2011 application because the applications of the five eligible States were reviewed, scored, and ranked through the Departments' FY 2011 RTT–ELC peer review process. It would therefore be inappropriate to allow applicants to introduce new activities in place of those activities that were proposed in their FY 2011 applications.

The Departments will provide technical assistance to applicants on what constitutes a ''new activity'' rather than an adjustment to the scope of an activity included in a State's FY 2011 RTT–ELC application. For example, creating an entirely new project to address one of the selection criteria would be a new activity, while a change in the number of regions served or subgrants awarded would be an allowable adjustment. The adjustments may not significantly diminish the program's ability to improve access to high-quality early learning programs for children with high needs. In addition, when the scope of work is adjusted by targeting specific regions in a State, the activities must be consistent across those regions. In making these adjustments, the Departments strongly encourage eligible applicants to consider how to use other appropriate Federal, State, private, and local resources in order to maximize the impact of the investment of RTT–ELC funds. If we determine that a State's Phase 2 application proposes activities that were not included in its FY 2011 application, those activities will not be funded, and we will work with the State to make the necessary adjustments.

Changes: None.

Comment: One commenter asked for clarification of whether reductions and adjustments in scope, budget, timelines, and performance targets are permitted for Core Area A(3)(a)(1), Core Area B, and Competitive Preference Priority 2.

Discussion: The intention of the Departments is that applicants carry out the activities described in Core Area A(3)(a)(1), Core Area B, and Competitive Preference Priority 2. However, in light of the reduced funding levels, applicants may modify these activities with adjustments to their scopes, budgets, timelines, and performance measures.

Changes: The Departments have clarified this in the Application Requirements section of this document. Applicants may make adjustments in scopes, budgets, timelines and performance targets for activities in Core Area A(3)(a)(1), Core Area B, and Competitive Preference Priority 2.

Required Core and Focused Investment Areas

Comment: One commenter suggested that it might be preferable to allow applicants to focus only on one of the Focused Investment Areas rather than two or more.

Discussion: The Departments understand the request to narrow the focus areas since less funding will be available for each applicant but believe that eligible applicants will be able to implement important activities in at least two Focused Investment Areas. This program is designed to take a comprehensive approach to improving State systems of early learning, and all three Focused Investment Areas are important to the success of that approach. We are not revising the requirement as suggested by the commenter because the option to select two of the three Investment Areas provides applicants with the flexibility to select those activities that they can effectively carry out with reduced funds, while at the same time maintaining the comprehensive nature of the program. Applicants will have flexibility within the Focused Investment Areas they select as to which selection criteria they want to implement. Furthermore, eligible applicants will have flexibility

regarding the amount of funds they choose to allocate to each Focused Investment Area. Applicants must explain in their applications the Focused Investment Areas and the selection criteria they have chosen to implement and how the reduced funding amount will affect their implementation. In addition, the Departments strongly encourage eligible applicants to leverage other appropriate Federal, State, private, and local resources to support their selected activities.

Changes: We have revised paragraph (a) of the *Budget Requirements* section to reflect that the dedication of other sources of funding is an example of adjustments that would be described in the budget narrative.

Comment: One commenter suggested that all applicants be required to address Focused Investment Area D: ''A Great Early Childhood Education Workforce.''

Discussion: While workforce development is extremely important in building a high-quality State early learning system, the Departments chose not to require Focused Investment Area D for several reasons. First, the FY 2011 application did not give Area D a higher priority over Areas C and E, because the Departments believe that all three areas are important. Second, workforce issues are addressed under Core Area B. In fact, one of the reasons we are requiring applicants to address all of the selection criteria under Core Area B is that this section includes all the elements of a comprehensive early learning system, from standards, to workforce credentials, to parent engagement.

Changes: None.

Comment: One commenter stated that selection criterion B(4), which promotes access to high-quality early learning and development programs for children with high needs, should receive a high level of recognition and support in this competition.

Discussion: The Departments agree with the commenter that access to high-quality programs for children with high needs is of critical importance. To that end, both the FY 2011 RTT–ELC application and the NPR emphasized improving early learning and development programs for children with high needs. Specifically, the NPR proposed that eligible applicants be required to address all of the selection criteria in Core Area B, which includes B(4), ''Promoting access to high-quality early learning and development programs for children with high needs.'' We retain that language in these final requirements and will provide eligible applicants with technical assistance that emphasizes the importance of all criteria within Core Area B.

Changes: None.

Maintenance of State Commitments

Comment: Two commenters requested some flexibility in the proposed assurance that States maintain all of the commitments described in section (A)(1). The commenters expressed concern that holding States to section (A)(1) commitments could result in funds being reduced in other high-need areas, and requested clarification of the budgetary requirements of grantees with respect to this section.

Discussion: Applicants were judged in the FY 2011 competition based on the commitments described in those applications, and we strongly encourage States to maintain those commitments. At the same time, we understand that this is a challenging time for many States due to budget reductions. For that reason, we have chosen to maintain Assurance (b) but have specified that the State will maintain, in a manner consistent with any updates to tables 1–13 in section A(1), its commitment to and investment in high-quality, accessible early learning and development programs and services for children with high needs, as described in section (A)(1) of its FY 2011 RTT–ELC application. We have added language requiring each applicant to explain any significant changes in section (A)(1) that may have occurred since its submission of the FY 2011 application.

Changes: The Departments have added language to the Application Assurances section that requires each applicant to explain any significant changes to section (A)(1) that may have occurred since the submission of its FY 2011 application, and to provide updates to tables 1–13 in section (A)(1).

Comment: Three commenters inquired whether the tables in section (A)(1) of the FY 2011 application would need to be resubmitted in the Phase 2 application.

Discussion: The NPR was silent on whether the tables in section (A)(1) would need to be resubmitted in the Phase 2 RTT–ELC application. However, in order to ensure we have comprehensive, accurate, and current information, and provide additional flexibility on Assurance (b), the Departments will need to know which parts of the tables in section (A)(1) have changed. Therefore, the Departments are requiring that States update and resubmit tables 1–5 in their Phase 2 applications. Also, if the State has made any significant changes to the commitments, financial investments, numbers of children participating, legislation, policies, practices, or other key areas of the program described in section (A)(1) of its FY 2011 application, it must submit an explanation of those changes, including updates to tables 6–13 from section (A)(1).

Changes: The Departments have added language to the Application Assurances section that requires applicants to submit an explanation of any significant changes to section (A)(1) that have occurred in the commitments, financial investments, numbers of children participating, legislation, policies, practices, or other key areas since their submission of the FY 2011 application, including resubmission of tables 1–5 and, as needed, updating tables 6–13.

Additional Selection Criteria and Priorities

Comment: Several commenters proposed adding or changing the selection criteria and priorities from the FY 2011 application. One commenter proposed adding a competitive preference priority for expanding programs to disadvantaged communities, including rural and isolated areas. One commenter proposed a new invitational priority for mandatory full-day kindergarten. One commenter proposed a selection criterion that focuses on the strength of a State's kindergarten readiness assessment as an alternative for States that do not have a kindergarten entry assessment. One commenter proposed that a selection criterion be added that would allow States to demonstrate the effect of reforms made during the year between the FY 2011 competition and Phase 2 RTT–ELC and that would score States on the progress made. One commenter recommended that we change the licensing and inspection requirement in Competitive Preference Priority 2 so that instead of awarding points to States that implement licensing and inspection systems that cover all programs that regularly care for two or more unrelated children for a fee in a provider setting, it would instead state a broader goal of implementing a coordinated system of licensing and Tiered Quality Rating and Improvement System (TQRIS) tiers, supported by monitoring and inspection.

Discussion: These recommendations would impose new priorities or selection criteria that were not included in the FY 2011 application. The Department of Education Appropriations Act, 2012 specifically authorizes the Departments to make awards on the basis of previously submitted applications. This is the

approach we have taken because the funding available in FY 2012 is inadequate to conduct a meaningful new competition. Because we are making awards on the basis of previously submitted applications, we will not be making changes to any of the priorities or selection criteria from the FY 2011 application.

Changes: None

Comment: Several commenters recommended new program requirements for Phase 2 RTT-ELC grantees. One commenter recommended that we require the five eligible applicants to serve more young children than the current baseline by revising assurance (b) to add ''and increasing the numbers of high-need children served by local programs in the State during the grant period.'' One commenter recommended that the Departments add an assurance requiring that no less than one-third of the grant funds be provided as subgrants to local programs to improve services and serve children with high needs. One commenter proposed a new requirement that applicants demonstrate significant LEA involvement in developing their applications.

Discussion: These recommendations would impose new program requirements on the eligible applicants that were not included in the FY 2011 application. For the reasons stated previously, the Departments are not changing any of the program requirements from the FY 2011 application.

Changes: None.

Comment: Two commenters recommended that if the Departments were to impose a maintenance-of-effort requirement for these grants, they should use language modeled on past maintenance-of-effort requirements that have appropriate waiver provisions.

Discussion: This program does not have a maintenance-of-effort requirement, and the Departments have not chosen to propose one. While there is no maintenance-of-effort requirement, funds awarded in Phase 2 RTT-ELC must be used to supplement, not supplant, any Federal State, or local funds for activities such as increasing access to and improving the quality of Early Learning and Development Programs.

Change: None.

Supplement, Not Supplant

Comment: One commenter requested that language on the supplement-not-supplant requirement from the Executive Summary of the FY 2011 RTT-ELC NIA be added to the Phase 2 RTT-ELC NIA for FY 2012.

Discussion: The Program Requirements in the RTT-ELC NIA for FY 2011 stated that funds made available under an RTT-ELC grant must be used to supplement, not supplant, any Federal, State, or local funds that in the absence of the funds awarded under this grant, would be available for increasing access to and improving the quality of Early Learning and Development Programs. This requirement applies to all Phase 2 RTT-ELC awards. The Departments have included language about the RTT-ELC supplement-not-supplant requirement in the Phase 2 NIA and will include it in technical assistance provided to applicants.

Changes: None.

Grant Period

Comment: Two commenters requested clarification on the duration and flexibility of the grant period.

Discussion: Since the NPR stated that all requirements not otherwise specified were to be consistent with the FY 2011 application, the grant period will be up to four years.

Changes: None.

Contracts and Subgrants

Comment: One commenter requested clarification on whether contracting and subgranting would be allowable under these awards.

Discussion: The awarding of contracts has always been allowable under RTT-ELC. Initially, States were not permitted to subgrant funds under this program. However, the Department of Education Appropriations Act, 2012 specifically provided that a State may make subgrants to public or private agencies and organizations under the RTT-ELC program. Thus, contracting and subgranting are allowable uses of Phase 2 RTT-ELC funds. The Lead State Agency and Participating State Agencies may, consistent with the State's approved plan, distribute funds to localities and other entities through memoranda of understanding, interagency agreements, contracts, other mechanisms authorized by State procurement laws, or subgrants. As always, a State's laws and procedures govern subawards. Public Law 112–74 does not require grantees to make subgrants; it simply provides grantees with this additional mechanism for distributing RTT-ELC funds, so long as awarding subgrants is consistent with State law and does not result in a change of the scope or objectives of the grant.

Changes: None.

Supporting Documentation

Comment: Three commenters inquired whether letters of support included in the FY 2011 application would need to be resubmitted.

Discussion: Applicants do not need to resubmit letters of support.

Changes: None.

General Comments

Comment: One commenter stated that Focused Investment Area D should comprehensively address the workforce pipeline and a system of supports for the early education workforce, including appropriate compensation, workforce recruitment, preparation, professional development (including facilitating the pursuit of further credits, degrees, and coursework), mentoring, and other technical assistance. The commenter also stated that Focused Investment Area D should foster the retention of educators, administrators, and education support professionals who possess postsecondary credentials in, and a deep understanding of, child development and specialized training in early childhood education. The commenter further suggested that the program include sufficient resources to allow teachers and instructional assistants to obtain the requisite credentials without compromising quality of education and without increasing costs for families. Finally, the commenter suggested that this criterion encourage the maintenance of a strong core licensing and monitoring system that ensures the health and safety of children in all child care settings.

Discussion: As previously stated, the Department of Education Appropriations Act, 2012 specifically authorizes the Departments to make awards on the basis of previously submitted applications, and this is the approach provided for in these final requirements. As such, the Departments are not changing any of the program requirements, priorities, or selection criteria from the FY 2011 RTT-ELC application. However, the Departments note that the proposals described by this commenter are generally consistent with the requirements and definitions provided in Focused Investment Area D of the FY 2011 application. For example, the FY 2011 application included criteria that supported the establishment of a statewide system of credentials and degrees aligned with a Workforce Knowledge and Competency Framework, alignment of professional development opportunities with that Framework, increasing access for educators to effective professional development, and policies and

incentives to improve retention and career advancement. Core Area B addresses the importance of a high-quality plan for rating and monitoring early learning programs participating in the TQRIS.

Changes: None.

Final Requirements

The Secretary announces the following requirements for Phase 2 of the RTT-ELC program. Except where otherwise indicated in these final requirements, the applicable final requirements and definitions of key terms from the notice inviting applications, published in the **Federal Register** on August 26, 2011 (76 FR 53564), apply to the Phase 2 RTT-ELC application process.

I. *Award Process:* To receive a Phase 2 RTT-ELC award, an eligible applicant must submit—

(a) An application, consistent with its FY 2011 RTT-ELC application, that—

(1) Meets the application requirements described in the *Application Requirements* section; and

(2) Provides the assurances described in the *Application Assurances* section; and

(b) For review and approval by both Departments, a detailed plan and budget describing the activities selected from its FY 2011 RTT–ELC application that would be implemented with Phase 2 RTT–ELC funding, in accordance with the *Budget Requirements* section.

Note: We encourage eligible applicants to partner with each other and currently funded RTT–ELC grantees in carrying out specific activities (such as validation of a State's TQRIS, implementation of longitudinal data systems, or development of a kindergarten entry assessment). Each eligible applicant may apply for Phase 2 RTT–ELC awards individually or as a member of a consortium (with other eligible applicants) under 34 CFR 75.127–129. A consortium can be formed only with other eligible applicants and requires a single application. A partnership can be described in the application of an individual State or a consortium and can include eligible applicants as well as currently-funded grantees. In any event, an eligible applicant must propose activities for Phase 2 of the RTT–ELC program that are consistent with its FY 2011 RTT–ELC application.

II. *Eligibility Requirements:* Eligible applicants for Phase 2 RTT–ELC awards are those States that applied for funding under the FY 2011 RTT–ELC competition and received approximately 75 percent or more of the available points but that did not receive grant awards under that competition. Therefore, only the States of Colorado, Illinois, New Mexico, Oregon, and Wisconsin are eligible to apply for Phase 2 RTT–ELC awards.

III. *Application Requirements:* Eligible applicants must meet the following requirements to receive Phase 2 RTT–ELC awards:

(a) Each eligible applicant must describe how it would implement an organizational structure for managing the Phase 2 RTT–ELC grant that is consistent with the activities and commitments described in response to selection criterion A(3)(a)(1) [1] of its FY 2011 RTT–ELC application, and describe how it would implement the activities described in response to Core Area B (selection criteria one through five) of its FY 2011 RTT–ELC application using a Phase 2 RTT–ELC award. The FY 2011 RTT–ELC Core Area B criteria promote broad participation in the State's TQRIS across a range of programs, active and continuous program quality improvement, and the publication of program ratings so that families can make informed decisions about which programs can best serve the needs of their children. Specifically, in Core Area B of its FY 2011 RTT–ELC application, each applicant had to demonstrate that it had developed and adopted, or had a high-quality plan to develop and adopt, a TQRIS. In addition, each eligible applicant must also implement the activities it proposed under Competitive Preference Priority 2, including all early learning and development programs in the TQRIS.

(b) In addition to addressing the requirements in paragraph (a) of this section, each eligible applicant must select and describe how it will implement activities that it identified in its FY 2011 RTT–ELC application in response to Focused Investment Areas C, D, or E. The eligible applicant must select activities from two or more of the three Focused Investment Areas C, D, and E, and the activities must be responsive to one or more of the selection criteria under the Focused Investment Areas chosen by the applicant. (Eligible applicants may implement additional activities proposed under more than one selection criterion within each Focused Investment Area.) In determining which selection criteria to address given the amount of available funds under Phase 2 of the RTT–ELC program, each eligible applicant must give consideration to those activities that will have the greatest impact on improving access to high-quality early learning programs for children with high needs.

Note: In light of the reduced funding available, applicants may make adjustments in the scope of services provided to meet selection criteria in Core Area A(3)(a)(1), Core Area B, Competitive Preference Priority 2, and Focused Investment Areas C, D, and E. For example, an applicant may propose to serve fewer programs or regions of the State than it proposed to serve in its FY 2011 RTT–ELC application. The eligible applicant must provide a detailed explanation of its rationale for such adjustments and also must amend its targets in tables B(2)(c) and B(4)(c)(1–2) of the FY 2011 RTT–ELC application, as needed. The adjustments may not diminish the program's impact on improving access to high-quality early learning programs for children with high needs. In addition, if the scope of work is adjusted by targeting specific regions in the State, the activities must be consistent across regions. In making these adjustments, the Departments strongly encourage eligible applicants to consider how to use other appropriate Federal, State, private, and local resources to support their selected activities.

(c) In addition, each eligible applicant may implement the activities it proposed in response to the Invitational Priorities from its FY 2011 RTT–ELC application. Eligible applicants that wrote to Invitational Priority 2 are encouraged to enter into public-private partnerships to the extent that doing so would augment total funds available for carrying out the activities described in their FY 2011 RTT–ELC applications.

Note: We encourage grantees to enter into consortia, where relevant, in order to maximize the use of available funds. Please refer to section (V)(b).

(d) The Departments will use Phase 2 RTT–ELC funding to support only those activities included in an eligible applicant's FY 2011 RTT–ELC application. Therefore, an eligible applicant must not include new activities in its Phase 2 RTT–ELC application.

(e) Each Phase 2 RTT–ELC application must include current signatures by the eligible applicant's Governor or an authorized representative signing on behalf of the Governor; an authorized representative from the eligible applicant's Lead Agency; and an authorized representative from each Participating State Agency.

(f) Each Phase 2 RTT–ELC application must include a newly-signed Memorandum of Understanding and a preliminary scope of work for each Participating State Agency.

IV. *Application Assurances:* Each eligible applicant must include in its Phase 2 RTT–ELC application the following assurances from its Governor

[1] The selection criteria from the FY 2011 RTT–ELC application can be found in the Notice inviting applications for the FY 2011 RTT–ELC competition, published in the **Federal Register** on August 26, 2011 (76 FR 53564) and at *http://www2.ed.gov/programs/racetothetop-earlylearningchallenge/2011-412.doc* (pp. 26–74).

or authorized representative of the Governor of its State:

(a) While the State may make appropriate adjustments to the scope, budget, timelines, and performance targets, consistent with the reduced amount of funding that is available under the Phase 2 RTT–ELC award process, the State will maintain consistency with the absolute priority and meet all program and eligibility requirements of the FY 2011 RTT–ELC competition.

(b) The State must update tables 1–5 from section (A)(1) of its FY 2011 application. In addition, if the State has made any significant changes to the commitments, financial investments, numbers of children served, legislation, policies, practices, or other key areas of the program described in section (A)(1) of its FY 2011 application, it must submit an explanation of those changes, including updates to tables 6–13 from section (A)(1) as needed.

The State will maintain, in a manner consistent with its updates to tables 1–13, its commitment to and investment in high-quality, accessible early learning and development programs and services for children with high needs, as described in section (A)(1) of its FY 2011 RTT–ELC application.

(c) Subject to adjustments due to the reduced amount of funding available under the Phase 2 RTT–ELC award process, the State will maintain its plan to establish strong participation and commitment by Participating State Agencies and other early learning and development stakeholders as described in Section A(3) of its FY 2011 RTT–ELC application.

(d) The State will maintain its commitment to integrating and aligning resources and policies across Participating State Agencies as described in Section A(3) of its FY 2011 RTT–ELC application.

(e) The State will comply with all of the accountability, transparency, and reporting requirements that applied to the FY 2011 RTT–ELC competition. (See the notice inviting applications for the FY 2011 RTT–ELC competition, published in the **Federal Register** on August 26, 2011 (76 FR 53564).)

(f) The State will comply with the requirements of any evaluation of the RTT–ELC program, or of specific activities it proposes to pursue as part of the program, conducted and supported by the Departments.

V. *Budget Requirements:* An eligible applicant may apply for up to 50 percent of the funds it requested in its FY 2011 RTT–ELC application. The following budget requirements apply to the Phase 2 RTT–ELC award process:

(a) *Budget Narrative.* Each eligible applicant must submit a detailed narrative and budget, using the format and instructions provided in the FY 2011 RTT–ELC application package, which describes the activities it has selected from its FY 2011 RTT–ELC application that it proposes to implement with a Phase 2 RTT–ELC award. This detailed narrative must include an explanation of why the eligible applicant has selected these activities and why the eligible applicant believes they will have the greatest impact on advancing its high-quality plan for early learning. The narrative must also explain where the applicant has made adjustments (such as, a reduction in the number of participating programs or areas of the State served, or the dedication of additional Federal, State, local, or private funds to support the plan) to ensure that the activities can be carried out successfully with the amount of funds available. In reviewing the narrative, we may request that the applicant submit revisions to address concerns related to feasibility or the strategic use of funds. (See the notice inviting applications for the FY 2011 RTT–ELC competition, published in the **Federal Register** on August 26, 2011 (76 FR 53564).)

(b) *Applying as a Consortium.* As discussed previously, we encourage eligible applicants to form consortia with each other or partner with currently funded FY 2011 RTT–ELC grantees in carrying out specific activities (such as validation of a State's TQRIS, implementation of longitudinal data systems, or development of a kindergarten entry assessment). Eligible applicants may apply individually or as members of a consortium (with other eligible applicants) under 34 CFR 75.127–129. A consortium can be formed only with other eligible applicants and requires a single application. A partnership can be described in the application of an individual State or a consortium and can include eligible applicants as well as currently-funded grantees. Each eligible applicant must propose activities consistent with its FY 2011 RTT–ELC application. Therefore, each eligible applicant that chooses to apply as a member of a consortium or to partner with a current RTT–ELC grantee in carrying out project activities must include in its revised budget narrative an explanation of how the activities to be undertaken by the consortium or partnership are consistent with the applicant's FY 2011 RTT–ELC application and how the consortium or partnership will help the applicant implement its selected activities. It is important to note that an applicant may propose some activities that it would execute alone and others that it would execute as part of a consortium.

(c) *Available Funds.* The maximum amounts of funding for which each eligible applicant may apply are shown in the following table. The amounts in this table are based on the requirement that each eligible applicant may apply for up to half of the amount it requested in its FY 2011 RTT–ELC application.

State	Maximum amount
Colorado	$29,925,888
Illinois	34,798,696
New Mexico	25,000,000
Oregon	20,508,902
Wisconsin	22,701,389

Note: This notice does not solicit applications. In any year in which we choose to use one or more of these requirements, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretaries 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 local 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 regulatory action will have an annual effect on the economy of more than $100 million because the amount of government transfers through the Phase 2 RTT–ELC award process exceeds that amount. Therefore, this action is ''economically significant'' and subject to review by OMB review under

section 3(f)(1) of Executive Order 12866. Notwithstanding this determination, we have assessed the potential costs and benefits—both quantitative and qualitative—of this regulatory action and have determined that the benefits will justify the costs.

The Departments have also reviewed these requirements 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 issuing these requirements only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Departments believe these requirements are consistent with the principles in Executive Order 13563.

We have also determined that this regulatory action will not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In this regulatory impact analysis we discuss the need for regulatory action, the potential costs and benefits, net budget impacts, assumptions, limitations, and data sources, as well as regulatory alternatives we considered.

Need for Federal Regulatory Action

These requirements are needed to implement the Phase 2 RTT–ELC award process in the manner that the Departments believe will best enable the program to achieve its objectives—to create the conditions for effective reform in early learning systems in States that had high-scoring applications in the FY 2011 RTT–ELC competition but that did not receive funding in that competition, so that they can implement key elements of their comprehensive reform proposals submitted as part of their FY 2011 RTT–ELC competition applications.

Potential Costs and Benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action and have determined that these requirements will not impose significant additional costs to State applicants or the Federal Government. Most of the requirements contained in this notice involve re-affirming State commitments and plans already completed as part of the FY 2011 RTT–ELC competition or other Federal education programs. Similarly, other requirements, in particular those related to maintaining conditions for reform required under the FY 2011 RTT–ELC competition, require continuation of existing commitments and investments rather than the imposition of additional burdens and costs. The Departments believe those States that are eligible for Phase 2 awards will incur minimal costs in developing plans and budgets for implementing selected activities from their FY 2011 RTT–ELC competition proposals, because in most cases such planning will entail only revisions to existing plans and budgets already developed as part of the FY 2011 RTT–ELC application process and not the development and implementation of entirely new plans and budgets. In all cases, the Departments believe that the benefits resulting from the requirements for the Phase 2 RTT–ELC award process will exceed their costs.

Regulatory Alternatives Considered

An alternative to promulgation of these requirements would have been to use FY 2012 Race to the Top funds to make awards to the one or two highest scoring unfunded applications from the FY 2011 RTT–ELC competition and to use the remaining funds for the Race to the Top District competition to be held in FY 2012. We concluded that approximately $400 million in available FY 2012 funds is necessary to support a meaningful district-level competition.

Moreover, the Departments believe that simply funding the one or two highest scoring applicants that were not selected in the FY 2011 RTT–ELC competition would result in a missed opportunity to reward the efforts of other high-scoring applicants from that competition and to enable them to make meaningful progress on key elements of their State early learning plans.

Accounting Statement

As required by OMB Circular A–4 (available at *www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a004/a-4.pdf*), in the following table we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this regulatory action. This table provides our best estimate of the Federal payments to be made to States under this program as a result of this regulatory action. Expenditures are classified as transfers to States.

ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES

Category	Transfers
Annualized Monetized Transfers.	$132,934,875.
From Whom To Whom?	Federal Government to States.

The Phase 2 RTT–ELC award process will provide approximately $133 million in competitive grants to eligible applicants (those five applicants that did not receive funding in the FY 2011 RTT–ELC competition, but which received approximately 75 percent or more of the available points under the competition).

Waiver of Congressional Review Act

These requirements have been determined to be a major rule for purposes of the Congressional Review Act (CRA) (5 U.S.C. 801, et seq.). Generally, under the CRA, a major rule takes effect 60 days after the date on which the rule is published in the **Federal Register**. Section 808(2) of the CRA, however, provides that any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public

procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.

These final requirements are needed to implement the Phase 2 RTT–ELC program, authorized under Sections 14005 and 14006, Division A, of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), as amended by section 1832(b) of Division B of Public Law 112–10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, and the Department of Education Appropriations Act, 2012, which was signed into law on December 23, 2011. The Department must award funds under this authority to qualified applicants by December 31, 2012, or the funds will lapse. Even on an expedited timeline, it is impracticable for the Department to adhere to a 60-day delayed effective date for the final requirements and make grant awards to qualified applicants by the December 31, 2012 deadline. When the 60-day delayed effective date is added to the time the Department will need to receive applications (approximately 45 days), review the applications (approximately 21 days), and finally approve applications (approximately 28 days), the Department will not be able to award funds authorized under the Department of Education Appropriations Act, 2012 to applicants by December 31, 2012. The Department has therefore determined that, pursuant to section 808(2) of the CRA, the 60-day delay in the effective date generally required for congressional review is impracticable, contrary to the public interest, and waived for good cause.

Paperwork Reduction Act of 1995

These final requirements contain information collection requirements. However, because the eligible applicants for Phase 2 RTT–ELC awards are fewer than 10, these collections are not subject to approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3502(3)(A)(i)).

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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** 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 these Departments 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 these Departments 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 these Departments.

Dated: September 17, 2012.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education.

George Sheldon,

Acting Assistant Secretary for Children and Families, U.S. Department of Health and Human Services.

[FR Doc. 2012–23259 Filed 9–19–12; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2012–0596; FRL–9731–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Missouri State Implementation Plan (SIP) submitted September 21, 2010. This revision will amend the ambient air quality standards table to reflect revised National Ambient Air Quality Standards (NAAQS), update reference methods associated with the revised NAAQS, and update the breakpoint values for the Air Quality Index. These revisions make Missouri's rules consistent with Federal regulations and improve the clarity of the rules. EPA's approval of this SIP revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This direct final rule will be effective November 19, 2012, without further notice, unless EPA receives adverse comment by October 22, 2012. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2012–0596, by one of the following methods:

1. *www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: bhesania.amy@epa.gov*
3. *Mail or Hand Delivery:* Amy Bhesania, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2012–0596. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of

encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Amy Bhesania at (913) 551–7147, or by email at *bhesania.amy@epa.gov.*

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

Outline

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?

I. What is being addressed in this document?

EPA is approving revisions to the Missouri SIP submitted to EPA on September 21, 2010. EPA has conducted an analysis of the State's amendments and has concluded that these revisions do not adversely affect the stringency of the SIP. Missouri's revisions include amendments to rules 10 CSR 10–6.010 *Ambient Air Quality Standards,* 10 CSR 10–6.040 *Reference Methods,* and 10 CSR 10–6.130 *Controlling Emissions During Episodes of High Air Pollution Potential,* as detailed in the technical support document which is part of this docket.

The revisions to 10 CSR 10–6.010 *Ambient Air Quality Standards* update the standards to reflect changes promulgated by EPA through December 21, 2008, for the National Ambient Air Quality Standards (NAAQS) for particulate matter 10 microns or less, particulate matter 2.5 microns or less, ozone and lead. This amendment also corrects the 1971 nitrogen dioxide standard in Missouri. States are not required to adopt ambient air quality standards, but are required to implement the standards adopted by EPA pursuant to section 110 of the CAA. Missouri has adopted standards which are consistent with the EPA standards, and, therefore, this revision to update the state standards is approvable.

The revisions to 10 CSR 10–6.040 *Reference Methods* update the reference methods for measuring ambient air concentrations to determine whether areas are attaining the 2008 ozone and lead NAAQS. Additionally, the amendment incorporates by reference all reference methods found in 40 CFR Part 50 Appendices A–R as well as equivalent methods found in 40 CFR Part 53 into this rule. These appendices describe the methods for measuring ambient concentrations of various pollutants for which NAAQS have been established, and describe how attainment of various NAAQS is determined.

The revisions to 10 CSR 10–6.130 *Controlling Emissions During Episodes of High Air Pollution Potential* update the breakpoint values in Table A of the Air Quality Index (AQI) for eight-hour ozone. The breakpoint values are used to determine whether contingency measures should be implemented during periods of excessive air pollutant concentrations.

II. Have the requirements for approval of a SIP revision been met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is approving the request to amend the Missouri SIP by approving the State's request to amend 10 CSR 10–6.010 *Ambient Air Quality Standards,* 10 CSR 10–6.040 *Reference Methods,* and 10 CSR 10–6.130 *Controlling Emissions During Episodes of High Air Pollution Potential.* Approval of these revisions will ensure consistency between state and Federally-approved rules. EPA has determined that these changes will not relax the SIP or adversely impact air emissions.

We are processing this action as a direct final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 11, 2012.

Karl Brooks,

Regional Administrator, Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

■ 2. In § 52.1320 the table in paragraph (c) is amended by revising entries for 10–6.010, 10–6.040, and 10–6.130 to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA Approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.010	Ambient Air Quality Standards	05/30/10	9/20/12 [*insert* **Federal Register** *page number where the document begins*].	
*	*	*	*	*
10–6.040	Reference Methods	05/30/10	9/20/12 [*insert* **Federal Register** *page number where the document begins*].	
*	*	*	*	*
10–6.130	Controlling Emissions During Episodes of High Air Pollution Potential.	05/30/10	9/20/12 [*insert* **Federal Register** *page number where the document begins*].	
*	*	*	*	*

* * * * *

[FR Doc. 2012–23125 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0546; FRL–9714–1]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District. This action was published on June 13, 2012 and concerns volatile organic compound (VOC) emissions from the manufacture of polystyrene, polyethylene, and polypropylene products. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on October 22, 2012.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2011–0546 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Rynda Kay, EPA Region IX, (415) 947–4118, *Kay.Rynda@epa.gov.*

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

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I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On June 13, 2012 (77 FR 35327), EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Amended	Submitted
SJVUAPCD ..	4682	Polystyrene, Polyethylene, and Polypropylene Products Manufacturing	12/15/2011	02/23/2012

We proposed to approve this rule because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this rule into the California SIP.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: July 26, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(411)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(411) * * *

(i) * * *

(B) San Joaquin Valley Air Pollution Control District.

(*1*) Rule 4682, ''Polystyrene, Polyethylene, and Polypropylene Products Manufacturing,'' amended on December 15, 2011.

* * * * *

[FR Doc. 2012–21218 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0550; FRL–9718–1]

Revisions to the California State Implementation Plan, San Diego County, Antelope Valley and Monterey Bay Unified Air Pollution Agencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the San Diego County Air Pollution Control District (SDCAPCD), Monterey Bay Unified Air Pollution Control District (MBUAPCD) and Antelope Valley Air Quality Management District (AVAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from coating of metal containers, closures and coils, from graphic arts operations, from the provision of sampling and testing facilities required for permitting and from adhesives and sealant applications. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on November 19, 2012 without further notice, unless EPA receives adverse comments by October 22, 2012. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2012–0550, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Adrianne Borgia, EPA Region IX, (415) 972–3576, *borgia.adrianne@epa.gov.*

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B. Do the rules meet the evaluation criteria?
C. EPA Recommendations To Further Improve the Rules
D. Public Comment and Final Action
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I. The State's Submittal

A. What rules did the state submit?

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

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted & effective	Submitted
SDCAPCD ...	67.4	Surface Coating of Metal Parts and Products	11/9/11, 11/9/11	02/23/12
SDCAPCD ...	67.16	Miscellaneous Coating	11/9/11, 5/9/12	02/23/12
Local agency	**Rule No.**	**Rule title**	**Revised or amended**	**Submitted**
MBUAPCD ...	205	Provision of Sampling and Testing Facilities	Revised 03/21/01	05/31/01
AVAQMD	1168	Adhesive and Sealant Applications	Amended 09/20/11	02/23/12

B. Are there other versions of these rules?

We approved an earlier version of SDCAPCD Rule 67.4 into the SIP on November 3, 1997 (62 FR 59284) and an earlier version of SDCAPCD Rule 67.16 was approved into the SIP on March 27, 1997 (62 FR 14639). An earlier version of MBUAPCD Rule 205 was approved into the SIP on July 13, 1987 (52 FR 26148). There are no approved earlier versions of AVAQMD Rule 1168.

C. What is the purpose of the submitted rules?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions by limiting VOC content in coatings and solvents. EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), and must not relax existing requirements (see sections 110(1) and 193). In addition, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), in moderate and above ozone nonattainment areas. Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' EPA, May 25, 1988 (the Bluebook),
2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'' EPA, Region 9, August 21, 2001 (the Little Bluebook),
3. ''Control Techniques Guidelines for Control of Volatile Organic Emissions from Existing Stationary Sources, Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light-Duty Trucks'' EPA, May 1977 (EPA–450/2–76–028),
4. ''Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings'', EPA, September 2008 (EPA–453/R–08–003),
5. ''Control Techniques Guidelines for Control of Volatile Organic Emissions from Solvent Metal Cleaning'', EPA, September 2006 (EPA 453/–06–001),
6. ''Control Techniques Guidelines for Control of Volatile Organic Emissions from Existing Stationary Sources, Volume I: Control Methods for Surface Coating Operations'', EPA, November 1976 (EPA–450/2–76–028),
7. ''Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing'', EPA, September 2006 (EPA–453/R–06–002),
8. ''Control Techniques Guidelines for Flexible Package Printing'', EPA, September 2006 (EPA–453/R–06–003),
9. ''Control Techniques Guidelines for Industrial Cleaning Solvents'', EPA, September 2006 (EPA 453/R–06–001),
10. ''Control Techniques Guidelines for Miscellaneous Industrial Adhesives'', EPA, September 2008 (EPA–453/R–08–005) and
11. ''Determination of Reasonably Available Control Technology (RACT) and Best Available Retrofit Control Technology (BARCT) for Adhesives and Sealants'', CARB, December, 1998

B. Do the rules meet the evaluation criteria?

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

C. EPA Recommendations To Further Improve the Rules

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

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by October 22, 2012, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on November 19, 2012. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: August 3, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(282)(i)(C) and (411)(i)(C) and (D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(282) * * *

(i) * * *

(C) Monterey Bay Unified Air Pollution Control District

(*1*) Rule 205, ''Provision of Sampling and Testing Facilities,'' revised on March 21, 2001.

* * * * *

(411) * * *

(i) * * *

(C) San Diego County Air Pollution Control District

(*1*) Rule 67.4, ''Metal Container, Metal Closure and Metal Coil Coating Operations,'' adopted and effective on November 9, 2011.

(*2*) Rule 67.16, ''Graphic Arts Operations,'' adopted on November 9, 2011 and effective on May 9, 2012.

(D) Antelope Valley Air Quality Management District

(*1*) Rule 1168, ''Adhesive and Sealant Applications,'' amended on September 20, 2011.

[FR Doc. 2012–21221 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R06–RCRA–2010–0066; SW FRL–9730–5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition submitted by ExxonMobil Refining and Supply Company (ExxonMobil) Baytown Refinery to exclude from hazardous waste control (or delist) a certain solid waste. This final rule responds to the petition submitted by ExxonMobil to have the F039 underflow water generated at the North Landfarm (NLF) in Baytown, Texas excluded, or delisted, from the definition of a hazardous waste.

After careful analysis and evaluation of comments submitted by the public, the EPA has concluded that the petitioned wastes are not hazardous waste when disposed of in Subtitle D landfills. This exclusion applies to 7,427 cubic yards per year of the F039 underflow water. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in Subtitle D landfills but imposes testing conditions to ensure that the future-generated wastes remain qualified for delisting.

DATES: *Effective Date:* September 20, 2012.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in the EPA Freedom of Information Act review room on the 7th floor from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665–6444 for appointments. The reference number for this docket is EPA–R06–RCRA–2012–0138. The public may copy material from any regulatory docket at no cost for the first 100 pages and at a

cost of $0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For general information, contact Melissa Smith, at (214) 665–7357. For technical information concerning this notice, contact Wendy Jacques, U. S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, (214) 665–7395, or *jacques.wendy@epa.gov.*

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

I. Overview Information
A. What action is EPA finalizing?
B. Why is EPA approving this delisting?
C. What are the limits of this exclusion?
D. How will ExxonMobil manage the waste if it is delisted?
E. When is the final delisting exclusion effective?
F. How does this final rule affect states?
II. Background
A. What is a ''delisting''?
B. What regulations allow facilities to delist a waste?
C. What information must the generator supply?
III. EPA's Evaluation of the Waste Data
A. What waste did ExxonMobil petition EPA to delist?
B. How much waste did ExxonMobil propose to delist?
C. How did ExxonMobil sample and analyze the waste data in this petition?
IV. Public Comments Received on the Proposed Exclusion
A. Who submitted comments on the proposed rule?
B. Comments and Responses
V. Statutory and Executive Order Reviews

I. Overview Information

A. What action is EPA finalizing?

After evaluating the petition, EPA proposed on June 19, 2012, to exclude the underflow water from the lists of hazardous wastes under 40 CFR 261.31 and 261.32 (see 73 FR 54760). EPA is finalizing the decision to grant ExxonMobil's delisting petition to have the underflow water excluded, or delisted from the definition of hazardous waste subject to certain continued verification and monitoring conditions.

B. Why is EPA approving this delisting?

ExxonMobil's petition requests a delisting for the underflow water listed as F039. ExxonMobil does not believe that the petitioned waste meet the criteria for which EPA listed them. ExxonMobil also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria, and the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(1)–(4). In making the initial delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in §§ 261.11(a)(2) and (a)(3). Based on this review, EPA agrees with the petitioner that the waste is non-hazardous with respect to the original listing criteria. If EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition. EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. EPA considered whether the waste is acutely toxic, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability. EPA believes that the petitioned wastes do not meet the listing criteria and thus should not be a listed waste. EPA's decision to delist wastes from the facility is based on the information submitted in support of this rule, including descriptions of the waste and analytical data from the ExxonMobil, Beaumont, Texas facility.

C. What are the limits of this exclusion?

This exclusion applies to the waste described in the petition only if the requirements described in Table 1 and 2 of part 261, Appendix IX and the conditions contained herein are satisfied.

D. How will ExxonMobil manage the waste if it is delisted?

ExxonMobil will either: (1) Continue to accumulate the underflow water in a holding tank, sample the water once each calendar year, analyze the annual sample for target constituents and submit the results to the EPA for review; or (2) route the underflow to the underflow collection system and then to the series of ditches to the underground Baytown Refinery East sewer. In the latter case, samples of the underflow water would be collected from the underflow sump once each calendar year, analyzed for target constituents and the results submitted to the EPA for review. Ultimately, the underflow will enter the waste water treatment system where it is commingled with other wastewaters from the Baytown Chemical Plant and Baytown Olefins Plant.

E. When is the final delisting exclusion effective?

This rule is effective September 20, 2012. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA allows rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. These reasons also provide a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

F. How does this final rule affect states?

Because EPA is issuing this exclusion under the Federal RCRA delisting program, only states subject to Federal RCRA delisting provisions would be affected. This would exclude two categories of States: States having a dual system that includes Federal RCRA requirements and their own requirements, and States who have received our authorization to make their own delisting decisions.

Here are the details: We allow states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the State. Because a dual system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, we urge petitioners to contact the State regulatory authority to establish the status of their wastes under the State law.

EPA has also authorized some States (for example, Louisiana, Georgia, Illinois) to administer a delisting program in place of the Federal program, that is, to make State delisting decisions. Therefore, this exclusion does not apply in those authorized States. If ExxonMobil transports the petitioned waste to or manages the waste in any State with delisting authorization, ExxonMobil must obtain delisting authorization from that State before they can manage the waste as nonhazardous in the State.

II. Background

A. What is a delisting petition?

A delisting petition is a request from a generator to EPA or another agency

with jurisdiction to exclude from the list of hazardous wastes, wastes the generator does not consider hazardous under RCRA.

B. What regulations allow facilities to delist a waste?

Under 40 CFR 260.20 and 260.22, facilities may petition the EPA to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 266, 268 and 273 of Title 40 of the Code of Federal Regulations. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator-specific'' basis from the hazardous waste lists.

C. What information must the generator supply?

Petitioners must provide sufficient information to EPA to allow the EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. In addition, the Administrator must determine where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

III. EPA's Evaluation of the Waste Data

A. What waste did ExxonMobil petition EPA to delist?

In August 2010, ExxonMobil petitioned EPA to exclude from the lists of hazardous wastes contained in §§ 261.31 and 261.32, underflow water (F039) generated from its facility located in Baytown, Texas. The waste falls under the classification of listed waste pursuant to §§ 261.31 and 261.32.

B. How much waste did ExxonMobil propose to delist?

Specifically, in its petition, ExxonMobil requested that EPA grant a standard exclusion for 7,427 cubic yards (1,500,000 gallons) per year of the underflow water.

C. How did ExxonMobil sample and analyze the waste data in this petition?

To support its petition, ExxonMobil submitted:

(1) Historical information on waste generation and management practices; and

(2) Analytical results from five samples for total concentrations of compounds of concern (COC)s.

IV. Public Comments Received on the Proposed Exclusion

A. Who submitted comments on the proposed rule?

The EPA received public comments on the June 2012, proposed rule from two citizens. The comments and responses are addressed below.

B. What comments were submitted on the ExxonMobil delisting petition?

Comment: The DRAS link identified in the **Federal Register** proposed rule (i.e., *http://www.epa.gov/reg5rcra/wptdiv/hazardous/delisting/dras-software.html*) appears to be broken.

Response: The correct link is *http://www.epa.gov/Region5/waste/hazardous/delisting/dras-software.html*.

Comment: It appears that DRAS was run using the ''landfill'' waste management unit (WMU) input, but the Proposed Rule states that disposal in a surface impoundment is the most reasonable, worst-case disposal scenario. Do you know why the landfill WMU was used in DRAS rather than the surface impoundment input?

Response: This was a mistake on the part of EPA. The delisting limits have been reevaluated in DRAS using the ''surface impoundment'' WMU. The updated DRAS report is in the docket file and the new delisting limits are in Table 1 of part 261, Appendix IX of this rule. This error does not affect the decision to grant the petition. In all cases, the delisting concentration is lower than initially proposed.

Comment: In the Proposed Rule on page 36450, Table 1, Constituent, Maximum Total Concentration (mg/L), among 40 chemicals, 30 species are ND (none detected). What EPA method was applied? Were these ND species filtered through soil and nature decayed in the soil?

Response: As documented in the laboratory analytical reports included as Attachment 4 to the delisting petition, the following SW–846 Methods were utilized to analyze samples collected in support of the delisting process: 7470 (Mercury), 6020 (Metals), 8270 (Semivolatiles), 8260 (Volatiles), 9056 (Fluoride), M4500CN E&G (Cyanide), SM4500P E (Phosphorus), and 1613B (Dioxins and Furans). The laboratory Quality Assurance Plan (Attachment 2 of the delisting petition) indicates that the analytical methods cited above are capable of achieving the detection and reporting limits required to characterize the samples relative to EPA's regulatory limits. A review of the laboratory analytical results confirms the required detection and reporting limits were achieved. Per the EPA-approved Sampling and Analysis Plan, the samples were collected from the Underflow Sump at the North Landfarm in the ExxonMobil Baytown Refinery. Water in the Underflow Sump originates as rain that falls onto the landfarm plots, as irrigation applied to the plots (in the form of fire water, wash rack water, or underflow water), or as liquid in waste(s) applied to the landfarm plots. These liquids percolate through approximately 10 feet of waste at the North Landfarm to a fine sand layer that underlies the North Landfarm but overlies a clay liner. Within said sand layer are a series of pipes (the Underflow Collection Lines) which collect the percolation liquids and convey them to the Underflow Sump. Therefore, the samples collected are representative of liquids that have been ''filtered through soil and nature decayed in the soil'' and have had sufficient opportunity to contact constituents present therein.

V. Statutory and Executive Order Reviews

Under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), this rule is not of general applicability and therefore is not a regulatory action subject to review by the Office of Management and Budget (OMB). 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.*) because it applies to a particular facility only. Because this rule is of particular applicability relating to a particular facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because this rule will affect only a particular facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA. Because this rule will affect only a particular facility, this rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, ''Federalism,'' (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this rule. Similarly, because this rule

will affect only a particular facility, this rule does not have tribal implications, as specified in Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments'' (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this rule. This rule also is not subject to Executive Order 13045, ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The basis for this belief is that the Agency used the DRAS program, which considers health and safety risks to infants and children, to calculate the maximum allowable concentrations for this rule. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866. This rule does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988, ''Civil Justice Reform,'' (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

Lists of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: September 10, 2012.

Carl E. Edlund,

Director, Multimedia Planning and Permitting Division, Region 6.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

■ 2. In Tables 1 and 2 of Appendix IX to part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
ExxonMobil North Landfarm.	Baytown, TX	North Landfarm underflow water (EPA Hazardous Waste Numbers F039 generated at a maximum rate of 1,500,000 gallons (7,427 cubic yards) per calendar year after issuing notice that ExxonMobil will initiate closure of the North Landfarm. For the exclusion to be valid, ExxonMobil must implement a verification testing program for each of the waste streams that meets the following Paragraphs: (1) Delisting Levels: All concentrations for those constituents must not exceed the maximum allowable concentrations in mg/l specified in this paragraph. North Landfarm underflow water. Leachable Concentrations (mg/l): Arsenic—0.0779; Barium—20.6; Benzene—0.0437; Benzo(a)anthracene—0.0453; Benzo(b)fluoranthene—0.206; Benzo(k)fluoranthene—12200; Benzo(a)pyrene—0.0297; Cadmium—0.119; Carbon tetrachloride—0.0549; Chlorobenzene—0.951; Chloroform—0.0379; Chromium—5; Chrysene—4.53; Cobalt—0.738; Copper—51.4; o-Cresol—200; m-Cresol—200; p-Cresol—200; 1,2-Dichloroethane—0.0463; 1,1-Dichloroethylene—0.0612; 2,4-Dinitrotoluene—0.00795; Fluoride—25.2; Hexachlorobenzene—0.0285; Hexachloroethane—0.287; Lead—4.95; Manganese—12.2; Mercury—0.0291; Methyl ethyl ketone—197; Molybdenum—3.09; Nitrobenzene—0.164; Pentachlorophenol—0.0109; Pyridine—0.328; Selenium—1.04; Silver—3.38; Total-TCDD—.00000239; Tetrachloroethylene—0.0106; Trichloroethylene—0.0439; 2,4,6-Trichlorophenol—0.184; Vinyl Chloride—0.00386; Zinc—168. (2) Waste Holding and Handling: (A) Waste classification as non-hazardous cannot begin until compliance with the limits set in paragraph (1) for the North Landfarm underflow water has occurred for two consecutive sampling events. (B) If constituent levels in any annual sample and retest sample taken by ExxonMobil exceed any of the delisting levels set in paragraph (1) for the North Landfarm underflow water, ExxonMobil must do the following: (i) Notify EPA in accordance with paragraph (6) and (ii) Manage and dispose the North Landfarm underflow water as hazardous waste generated under Subtitle C of RCRA. (3) Testing Requirements: Upon notification that it will initiate closure of the North Landfarm, ExxonMobil must perform analytical testing by sampling and analyzing the North Landfarm underflow water as follows: (A) Initial Verification Testing:

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(i) Collect one representative sample of the North Landfarm underflow water for analysis of all constituents listed in paragraph (1) within the first 30 days after notifying the TCEQ of the intention to initiate closure activities for the North Landfarm. Sampling must be performed in accordance with the sampling plan approved by EPA in support of the exclusion. (ii) If the data from the initial verification testing program demonstrate that the North Landfarm underflow water meets the Maximum Allowable Delisting Concentrations for the indicator parameters included in paragraph (1), collect two representative samples of the North Landfarm underflow water twice during the first six months of waste generation. Analyze the samples for all constituents listed in paragraph (1). Any representative sample taken that exceeds the delisting levels listed in paragraph (1) indicates that the North Landfarm underflow water must continue to be disposed as hazardous waste in accordance with the applicable hazardous waste requirements until such time that two consecutive representative samples indicate compliance with delisting levels listed in paragraph (1). (iii) Within sixty (60) days after taking its last representative sample, ExxonMobil will report its analytical test data to EPA. If levels of constituents measured in the samples of the North Landfarm underflow water do not exceed the levels set forth in paragraph (1) of this exclusion for six consecutive months, ExxonMobil can manage and dispose the non-hazardous North Landfarm underflow water according to all applicable solid waste regulations. (B) Annual Testing: (i) If ExxonMobil completes the testing specified in paragraph (3) above and no sample contains a constituent at a level which exceeds the limits set forth in paragraph (1), ExxonMobil must begin annual testing as follows: ExxonMobil must test a representative grab sample of the North Landfarm underflow water for all constituents listed in paragraph (1) at least once per calendar year. If any measured constituent concentration exceeds the delisting levels set forth in paragraph (1), ExxonMobil must collect an additional representative sample within 10 days of being made aware of the exceedence and test it expeditiously for the constituent(s) which exceeded delisting levels in the original annual sample. (ii) The samples for the annual testing shall be a representative grab sample according to appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW–846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B,1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B. Methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that samples of the ExxonMobil North Landfarm underflow water are representative for all constituents listed in paragraph (1). (iii) The samples for the annual testing taken for the second and subsequent annual testing events shall be taken within the same calendar month as the first annual sample taken. (iv) The annual testing report should include the total amount of delisted waste in cubic yards disposed during the calendar year. (4) Changes in Operating Conditions: If ExxonMobil significantly changes the process described in its petition or starts any processes that generate(s) the waste that may or could affect the composition or type of waste generated (by illustration, but not limitation, changes in equipment or operating conditions of the treatment process), it must notify EPA in writing and it may no longer handle the waste generated from the new process as non-hazardous until the waste meet the delisting levels set in paragraph (1) and it has received written approval to do so from EPA. ExxonMobil must submit a modification to the petition complete with full sampling and analysis for circumstances where the waste volume changes and/or additional waste codes are added to the waste stream. (5) Data Submittals: ExxonMobil must submit the information described below. If ExxonMobil fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in paragraph (6). ExxonMobil must: (A) Submit the data obtained through paragraph 3 to the Chief, Corrective Action and Waste Minimization Section, Multimedia Planning and Permitting Division, U. S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, Texas 75202, within the time specified. All supporting data can be submitted on CD–ROM or comparable electronic media. (B) Compile records of analytical data from paragraph (3), summarized, and maintained on-site for a minimum of five years. (C) Furnish these records and data when either EPA or the State of Texas requests them for inspection. (D) Send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. § 1001 and 42 U.S.C. § 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.

TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.'' (6) Reopener (A) If, anytime after disposal of the delisted waste ExxonMobil possesses or is otherwise made aware of any environmental data (including but not limited to underflow water data or ground water monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Division Director in granting the petition, then the facility must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data. (B) If either the annual testing (and retest, if applicable) of the waste does not meet the delisting requirements in paragraph 1, ExxonMobil must report the data, in writing, to the Division Director within 10 days of first possessing or being made aware of that data. (C) If ExxonMobil fails to submit the information described in paragraphs (5), (6)(A) or (6)(B) or if any other information is received from any source, the Division Director will make a preliminary determination as to whether the reported information requires EPA action to protect human health and/or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If the Division Director determines that the reported information requires action by EPA, the Division Director will notify the facility in writing of the actions the Division Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed EPA action is not necessary. The facility shall have 10 days from receipt of the Division Director's notice to present such information. (E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), the Division Director will issue a final written determination describing EPA actions that are necessary to protect human health and/or the environment. Any required action described in the Division Director's determination shall become effective immediately, unless the Division Director provides otherwise. (7) Notification Requirements: ExxonMobil must do the following before transporting the delisted waste. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision. (A) Provide a one-time written notification to any state Regulatory Agency to which or through which it will transport the delisted waste described above for disposal, 60 days before beginning such activities. (B) For onsite disposal a notice should be submitted to the State to notify the State that disposal of the delisted materials has begun. (C) Update one-time written notification, if it ships the delisted waste into a different disposal facility. (D) Failure to provide this notification will result in a violation of the delisting exclusion and a possible revocation of the decision.
*	*	* * * * *

TABLE 2—WASTE EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
ExxonMobil North Landfarm.	Baytown, TX	North Landfarm underflow water (EPA Hazardous Waste Numbers F039 generated at a maximum rate of 1,500,000 gallons (7,427 cubic yards) per calendar year after notification that ExxonMobil will initiate closure of the North Landfarm.
*	*	* * * * *

* * * * *

[FR Doc. 2012–23091 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0008; FRL–9729–9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the New Hanover County Airport Burn Pit Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency Region 4 announces the deletion of the New Hanover County Airport Burn Pit Superfund Site (Site) located in Wilmington, North Carolina, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (DENR), have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This action is effective September 20, 2012.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–1989–0008. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the site information repositories.

Locations, contacts, phone numbers and viewing hours are:

Regional Site Information Repository: U.S. EPA Record Center, Attn: Ms. Debbie Jourdan, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Hours of Operation 8 a.m.–4 p.m. (by appointment only) Monday through Friday.

Local Site Information Repository: New Hanover County Public Library 28401, 201 Chestnut Street, Wilmington, North Carolina 28401.

Hours of operation: 9 a.m.–8 p.m., Monday and Tuesday, 9 a.m.–6 p.m., Wednesday and Thursday, 9 a.m.–5 p.m. Friday and Saturday, closed on Sunday.

FOR FURTHER INFORMATION CONTACT: Beverly Hudson-Stepter, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303. Contact No: (404) 562–8816. Electronic mail at: *stepter.beverly@epa.gov*.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: New Hanover County Airport Burn Pit Superfund Site located in Wilmington, North Carolina. A Notice of Intent To Delete was published in the **Federal Register** on June 22, 2012.

The closing date for comments on the Notice of Intent to Delete was July 22, 2012. No public comments were received during the comment period. Therefore, a responsiveness summary was not prepared and placed in the docket, EPA–R04–SFUND–2012–0091, on *www.regulations.gov,* or in the repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection; Air pollution control; Chemicals; Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 27, 2012.

Gwendolyn Keyes Fleming,

Regional Administrator, Region 4.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to Part 300 is amended by removing ''New Hanover County Airport Burn Pit Site,'' ''Wilmington, North Carolina.''

[FR Doc. 2012–23153 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 110816505–2184–03]

RIN 0648–XC201

Fisheries of the Northeastern United States; Northeast Multispecies Fisheries Management Plan; Northern Red Hake Quota Harvested

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

ACTION: Temporary rule; possession limit reduction.

SUMMARY: The northern red hake possession limit is reduced to the incidental possession limit of 400 lb (181.44 kg) for the remainder of the 2012 fishing year.

DATES: Effective at 0001 hr local time, September 20, 2012, through 2400 hr local time April 30, 2013.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, (978) 281–9177, or *Jason.Berthiaume@noaa.gov.*

SUPPLEMENTARY INFORMATION: The regulations at 50 CFR 648.86(d)(4) require that, if the NMFS Northeast Region Administrator (Regional Administrator) projects that 90 percent of the total allowable landings (TAL) has been landed for a small-mesh multispecies stock, the Regional Administrator shall reduce the possession limit for that stock to the incidental possession limit of 400 lb (181.44 kg) for the remainder of the fishing year.

The 2012 fishing year northern red hake TAL is 199,077 lb (90,300 kg) (77 FR 19138; March 30, 2012) and 90 percent of the TAL is 179,169 lb (81,270 kg). Based on dealer, vessel trip report, and other available information, NMFS

has determined that as of September 8, 90 percent of the available 2012 TAL for northern red hake has been landed. Therefore, effective 0001 hr, September 20, 2012, the possession limit for northern red hake is reduced to the incidental possession limit of 400 lb (181.44 kg). This incidental possession limit will be in effect through the remainder of the fishing year, which ends April 30, 2013.

Classification

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

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

Dated: September 17, 2012.

Lindsay Fullenkamp,

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

[FR Doc. 2012–23254 Filed 9–17–12; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 77, No. 183
Thursday, September 20, 2012

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 107

[Docket No. APHIS–2011–0048]

RIN 0579–AD66

Viruses, Serums, Toxins, and Analogous Products; Exemptions From Preparation Pursuant to an Unsuspended and Unrevoked License

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening the comment period for our proposed rule that clarified our interpretation of the veterinary practitioner exemption provided by the Virus-Serum-Toxin Act. This action will allow interested persons additional time to prepare and submit comments.

DATES: We will consider all comments that we receive on or before November 16, 2012.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0048-0001*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2011–0048, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0048* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; phone (301) 851–3426, fax (301) 734–4314.

SUPPLEMENTARY INFORMATION: The Virus-Serum-Toxin Act, as amended (21 U.S.C. 151–159) includes an exemption that allows veterinary biologics to be prepared by a veterinary practitioner solely for administration to animals in the course of a State-licensed professional practice of veterinary medicine under a veterinarian-client-patient relationship. On July 18, 2012, we published in the **Federal Register** (77 FR 42195–42197, Docket No. APHIS–2011–0048) a proposal that clarified our interpretation of this exemption.

Comments on the proposed rule were required to be received on or before September 17, 2012. We are reopening the comment period on Docket No. APHIS–2011–0048 for an additional 60 days. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between September 18, 2012, (the day after the close of the original comment period) and the date of this notice.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 14th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23202 Filed 9–19–12; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0986; Directorate Identifier 2012–NM–077–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) 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 Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Gulfstream G150 airplanes. This proposed AD was prompted by a review that determined that the runway slope and anti-ice corrections to V_1 and take-off distances in the Gulfstream G150 Airplane Flight Manual (AFM) were presented in a non-conservative manner. This proposed AD would require revising the performance section of the AFM to include procedures to advise the flightcrew of certain runway slope and anti-ice corrections and take-off distance values. We are proposing this AD to prevent the use of published non-conservative data, which could result in the inability to meet the required take-off performance, with consequent hazard to safe operation during performance-limited take-off operations.

DATES: We must receive comments on this proposed AD by November 5, 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 Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D–25, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. 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: Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1503; 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–2012–0986; Directorate Identifier 2012–NM–077–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 Civil Aviation Authority of Israel (CAAI), which is the aviation authority for Israel, has issued Israeli Airworthiness Directive 01–12–02–02, dated March 2, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> This [Israeli] AD mandates revised limitations in the G150 AFM, pertaining to the Performance Section. Each operator must incorporate Temporary Rev.3 to the G150 AFM.

The unsafe condition is the use of published non-conservative data, which could result in the inability to meet the required take-off performance, with consequent hazard to safe operation during performance-limited take-off operations. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Gulfstream has issued Gulfstream G150 Temporary Revision 3, dated December 14, 2011, to Section V, Performance, of the Gulfstream G150 AFM. 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 56 products of U.S. registry. We also estimate that it would take about 1 work-hour 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 $4,760, or $85 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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:

Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft

Industries, Ltd.): Docket No. FAA–2012–0986; Directorate Identifier 2012–NM–077–AD.

(a) Comments Due Date

We must receive comments by November 5, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace LP (Type Certificate previously held by Israel Aircraft Industries, Ltd.) Model Gulfstream G150 airplanes; certificated in any category; all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 01, Operations information.

(e) Reason

This AD was prompted by a review that determined that the runway slope and anti-ice corrections to V_1 and take-off distances in the G150 Airplane Flight Manual (AFM) were presented in a non-conservative manner. We are issuing this AD to prevent the use of published non-conservative data, which could result in the inability to meet the required take-off performance, with consequent hazard to safe operation during performance-limited take-off operations.

(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) AFM Revision

Within 60 days after the effective date of this AD, revise Section V, Performance, of the Gulfstream G150 AFM to include the information in Gulfstream G150 Temporary Revision 3, dated December 14, 2011. This TR introduces corrections for runway slope. Operate the airplane according to the procedures in the TR.

Note 1 to paragraph (g) of this AD: This may be done by inserting copies of Gulfstream G150 TR Revision 3, dated December 14, 2011, in the AFM. When this TR has been included in general revisions of the AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in Gulfstream G150 TR Revision 3, dated December 14, 2011, and the TR may be removed.

(h) 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: Tom Groves, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1503; 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.

(i) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(j) Related Information

(1) Refer to MCAI Israeli Airworthiness Directive 01–12–02–02, dated March 2, 2012; and Gulfstream G150 TR Revision 3, dated December 14, 2011, to Section V, Performance of the Gulfstream G150 AFM; for related information.

(2) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D–25, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email pubs@gulfstream.com; Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 7, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–23149 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0987; Directorate Identifier 2012–NM–130–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 737–300, 737–400, 737–500, and 757–200 series airplanes. This proposed AD was prompted by a report of damage caused by electrical arcing to the wires that connect seat electronics boxes (SEBs). This proposed AD would require installing a new relay and doing certain wiring changes of the entertainment control switch if necessary. We are proposing this AD to prevent power from being supplied to passenger seats when the entertainment control switch is in the OFF position, which could cause an electrical shock hazard resulting in serious or fatal injury to maintenance personnel.

DATES: We must receive comments on this proposed AD by November 5, 2012.

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

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

For service information identified in this proposed 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; 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: Binh Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6485; fax: 425–917–6590; email: *binh.tran@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–2012–0987; Directorate Identifier 2012–NM–130–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 a report of an electrical arcing from a seat track cover. An investigation found that there was damage to the wires that connect SEBs caused by electrical arcing at a terminator. The airplane manufacturer found that the entertainment control switch has no effect on removing electrical power from the SEBs. This condition, if not corrected, could supply power when the entertainment control switch is in the OFF position, which could cause an electrical shock hazard resulting in serious or fatal injury to maintenance personnel.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 737–23–1302, dated August 24, 2009 (for Model 737–300, –400, –500 series airplanes); and Boeing Special Attention Service Bulletin 757–23–0107, Revision 1, dated May 16, 2012 (for Model 757–200 series airplanes). The service information describes procedures for installing a new relay and doing certain wiring changes of the entertainment control switch if necessary.

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 under ''Differences Between the Proposed AD and the Service Information.''

Differences Between the Proposed AD and the Service Information

Note 1 in Paragraph 3.A. of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–23–1302, dated August 24, 2009, allows the sequence of steps to be changed. This proposed AD would not allow the step sequence to be changed.

Costs of Compliance

We estimate that this proposed AD affects 28 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
Wire bundle change, relay installation, and operational test (one Group 1 Model 737 airplane).	29 work-hours × $85 per hour = $2,465.	$0	$2,465	$2,465
Wire bundle change, relay installation, and operational test (one Group 2 Model 737 airplane).	14 work-hours × 85 per hour = 1, 275.	0	1,275	1,275
Wire bundle change, relay installation, and operational test (26 Model 757 airplanes).	34 work-hours × 85 per hour = 2,890.	0	2,890	75,140

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–2012–0987; Directorate Identifier 2012–NM–130–AD.

(a) Comments Due Date

We must receive comments by November 5, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–23–1302, dated August 24, 2009; and Model 757–200 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 757–23–0107, Revision 1, dated May 16, 2012.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 23, Communications.

(e) Unsafe Condition

This AD was prompted by a report of damage caused by electrical arcing to the wires that connect seat electronics boxes. We are issuing this AD to prevent power from being supplied to passenger seats when the entertainment control switch is in the OFF position, which could cause an electrical shock hazard resulting in serious or fatal injury to maintenance personnel.

(f) Compliance

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

(g) Installation of New Relay and Wiring Bundle Change

Within 24 months after the effective date of this AD: Change the wire bundle route, and install a new relay and applicable wiring of the entertainment control switch, in accordance with the Accomplishment Instructions of the service information specified in paragraph (g)(1) or (g)(2) of this AD, as applicable.

(1) For Model 737–300, –400, and –500 series airplanes: Use Boeing Special Attention Service Bulletin 737–23–1302, dated August 24, 2009.

(2) For Model 757–200 series airplanes: Use Boeing Special Attention Service Bulletin 757–23–0107, Revision 1, dated May 16, 2012.

(h) 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.

(i) Related Information

(1) For more information about this AD, contact Binh Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6485; fax: 425–917–6590; email: *binh.tran@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; 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 September 7, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–23150 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0995; Directorate Identifier 2012–NM–056–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 A330–300 series airplanes and Model A340–200 and –300 series airplanes. This proposed AD was prompted by reports that, during a flight test, several spoiler servo-controls (SSCs) did not remain locked in the retracted position (hydraulic locking function) after manual depressurization of the corresponding hydraulic circuit. Loss of that locking function—which is ensured by a blocking valve—was caused by an internal leak from a sheared seal on the blocking valve. This proposed AD would require inspecting to determine if certain SSCs are installed, performing an operational test of any affected SSC, and replacing if necessary. We are proposing this AD to prevent loss of the hydraulic locking function during take-off and go-around phases, which, in combination with malfunction of one engine, could result in reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by November 5, 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—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*. 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–2012–0995; Directorate Identifier 2012–NM–056–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 2012–0009, dated January 13, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Two operators have reported that several spoilers did not remain locked in the retracted position (lifted up without order) after manual depressurization of the corresponding hydraulic circuit during flight test.
>
> Subsequent checks on ground confirmed that, for each affected spoiler surface, the spoiler was fitted with one MZ-type Spoiler Servo Control (SSC) (Part Number (P/N) MZ4339390–12 or P/N MZ4306000–12).
>
> The results of the investigations on the affected SSCs, done by the supplier, revealed that the loss of the hydraulic locking function—which is ensured by a blocking valve—was due to an internal leakage caused by a sheared seal. This seal is installed at the left end of the blocking valve.
>
> During the on-wing modification of the maintenance cover, blocking valve movement may have damaged the seal on the outer diameter of the blocking valve assembly, causing the loss of the hydraulic locking function.
>
> This condition, if not detected and corrected, if occurring during take-off and go-around phases in combination with one engine inoperative, could jeopardize the aeroplane safe flight.
>
> For the reasons described above, this [EASA] AD requires the identification of the installed SSCs, to perform an operational test of the hydraulic locking function of the affected SSCs and to accomplish the applicable corrective actions if any discrepancy is detected during the operational test. This [EASA] AD also requires reporting operational test results to Airbus.

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

Other Related Rulemaking

On August 26, 2009, the FAA issued AD 2009–18–20, Amendment 39–16017 (74 FR 46313, September 9, 2009), applicable to certain Airbus Model A330–300, A340–200, and A340–300 series airplanes. That AD requires identifying the part number of spoiler servo-controls installed on the airplane at all positions to determine the number of affected hydraulic circuits, and modifying affected spoiler servo-controls. The actions required by that AD are intended to prevent loss of the three hydraulic systems, which could result in reduced controllability of the airplane.

Relevant Service Information

Airbus has issued All Operators Telex (AOT) A330–27A3185 and AOT A340–27A4181, both dated January 4, 2012. 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.

Differences Between This AD and the MCAI or Service Information

Unlike the procedures recommended in Airbus AOTs A330–27A3185 and A340–27A4181, both dated January 4, 2012, this proposed AD would not permit further flight after a faulty SSC is detected on the green or yellow hydraulic line. Instead, this proposed AD would require replacing the SSC with a new or serviceable SSC before further flight. We find that, to achieve an adequate level of safety for the affected fleet, damaged SSCs must be replaced before further flight.

Although the MCAI mandates performing the operational test within 90 days after the effective date of the AD, we have determined that the operational test should be performed within 90 days after identification of the part.

These differences have been coordinated with EASA.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 61 products of U.S. registry. We also estimate that it would take up to 7 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 $36,295, or $595 per product.

In addition, we estimate that any necessary follow-on actions would take about 36 work-hours and require parts costing $34,928, for a cost of $37,988 per affected SSC. 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 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–2012–0995; Directorate Identifier 2012–NM–056–AD.

(a) Comments Due Date

We must receive comments by November 5, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; and Model A340–211, –212, –213, –311, –312, and –313 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by reports that, during flight test, several spoiler servo-controls (SSCs) did not remain locked in the retracted position (hydraulic locking function) after manual depressurization of the corresponding hydraulic circuit. Loss of that locking function—which is ensured by a blocking valve—was caused by an internal leak from a sheared seal on the blocking valve. We are issuing this AD to prevent loss of the hydraulic locking function during take-off and go-around phases, which, in combination with malfunction of one engine, could result in reduced controllability 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) Actions

Within 90 days after the effective date of this AD: Inspect to determine the part number (P/N) of all SSCs installed, in accordance with Airbus All Operators Telex (AOT) A330–27A3185 (for Model A330–300 series airplanes) or A340–27A4181 (for Model A340–200 and –300 series airplanes), both dated January 4, 2012. A review of airplane maintenance records is acceptable in lieu of the inspection to identify the part number of the SSC installed, provided that part number can be conclusively determined from that review.

(1) For any SSC having P/N MZ4339390–12 or P/N MZ4306000–12 (MZ-type): Within 90 days after identification of the part, perform an operational test of the hydraulic locking function at each position fitted with an MZ-type SSC, in accordance with the Accomplishment Instructions of Airbus AOT A330–27A3185 (for Model A330–300 series airplanes) or A340–27A4181 (for Model A340–200 and –300 series airplanes), both dated January 4, 2012.

(2) If any discrepancy is detected during the operational test specified in paragraph (g)(1) of this AD, or if the test fails, before further flight, replace the affected SSC with a new or serviceable SSC, in accordance with Airbus AOT A330–27A3185 (for Model A330–300 series airplanes) or A340–27A4181 (for Model A340–200 and –300 series airplanes), both dated January 4, 2012.

(h) Reporting to Airbus

Submit a report of the findings of the operational test required by paragraph (g)(1) of this AD (both positive and negative) to Airbus, Customer Services, Engineering and Technical Support, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex France, Attn: Daniel Lopez-Fernandez, SEEL6; fax: (+33) 5 61 93 04 52; email: *daniel.lopez-fernandez@airbus.com;* at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD.

(1) If the test was done on or after the effective date of this AD: Submit the report within 30 days after the test.

(2) If the test was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(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: 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.

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

(j) Related Information

(1) Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0009, dated January 13, 2012, and the service information specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD, for related information.

(i) Airbus AOT A330–27A3185, dated January 4, 2012.

(ii) Airbus AOT A340–27A4181, dated January 4, 2012.

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

Issued in Renton, Washington, on September 11, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–23217 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0994; Directorate Identifier 2012–NM–119–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 supersede an existing airworthiness directive (AD) that applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. The existing AD currently requires repetitive inspections of the aft attach lugs of the elevator tab control mechanisms, and replacement of any discrepant elevator tab control mechanism. Since we issued that AD, Boeing has developed a modification of the aft attach lugs of the elevator tab control mechanisms, which will adequately address the unsafe condition. This proposed AD would require replacing the left and right elevator tab control mechanisms with elevator tab control mechanisms that have the modified attach lugs, which would terminate the existing requirements. We are proposing this AD to prevent discrepancies in the aft attach lugs of the elevator tab control mechanism, which could result in severe elevator and tab vibration. Consequent structural failure of the elevator or horizontal stabilizer could result in loss of structural integrity and aircraft control.

DATES: We must receive comments on this proposed AD by November 5, 2012.

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

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

For service information identified in this AD, contact 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; 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, WA. 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: Kelly McGuckin, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6490; fax: 425–917–6590; email: *kelly.mcguckin@faa.gov*.

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–2012–0994; Directorate Identifier 2012–NM–119–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

On August 11, 2010, we issued AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010), for all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. That AD requires repetitive inspections of the aft attach lugs of the elevator tab control mechanisms, and replacement of any discrepant elevator tab control mechanism. That AD was prompted by reports of failure of the aft attach lugs on the elevator tab control mechanisms, which resulted in severe elevator vibration. That AD also was prompted by reports of gaps in elevator tab control mechanisms and analysis that additional elevator tab control mechanisms might have bearings that will come loose. We issued that AD to detect and correct discrepancies in the aft attach lugs of the elevator tab control mechanism, which could result in elevator and tab vibration. Consequent structural failure of the elevator or horizontal stabilizer could result in loss of structural integrity and aircraft control.

Actions Since Existing AD (AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)) Was Issued

The preamble to AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010), specifies that we consider the requirements ''interim action'' and that the manufacturer is developing a modification to address the unsafe condition. That AD explains that we might consider further rulemaking if a modification is developed, approved, and available. The manufacturer now has developed such a modification, and we have determined that further rulemaking is indeed necessary; this proposed AD follows from that determination.

Relevant Service Information

We reviewed Boeing Service Bulletin 737–27–1300, dated April 16, 2012, which describes procedures for replacing elevator tab control mechanisms that have sheet metal aft attach lugs with elevator tab control mechanisms that have new machined aft attach lugs.

Boeing Service Bulletin 737–27–1300, dated April 16, 2012, has been approved as an alternative method of compliance with the requirements of paragraphs (g) through (t) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010).

Clarification of Part Name

The elevator tab control mechanism is incorrectly identified as the ''elevator control tab mechanism'' in certain

paragraphs of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). We have corrected that part name in this proposed AD.

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 the same type design.

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). This proposed AD would also require replacement of the left and right elevator tab control mechanisms with elevator tab control mechanisms that have new machined aft attach lugs, which would terminate the existing requirements.

Costs of Compliance

We estimate that this proposed AD affects 1,096 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
Retained actions	7 work-hours × $85 per hour = $595 per inspection cycle.	$0	$595 per inspection cycle.
Mechanism replacement (one option for proposed terminating action).	12 work-hours × $85 per hour = $1,020.	$58,579 [1] $1,140 (installation kit)	$60,739 per airplane.
Mechanism modification and replacement (one option for proposed terminating action).	24 work-hours × $85 per hour = $2,040.	$5,858 (for the modification) $1,140 (installation kit) $2,145 (tooling [2])	$11,183 per airplane.

[1] This is the estimated cost for both a left and right mechanism. Boeing is planning a seed/exchange program so operators are not forced to purchase a new mechanism.
[2] Per the Boeing service information, tooling is available from Boeing for $90 per day.

Authority for This Rulemaking

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

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

Regulatory Findings

We have determined that this 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 that the 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 removing airworthiness directive (AD) 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010), and adding the following new AD:

The Boeing Company: Docket No. FAA–2012–0994; Directorate Identifier 2012–NM–119–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by November 5, 2012.

(b) Affected ADs

This AD supersedes AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010).

(c) Applicability

This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of failure of the aft attach lugs on the elevator tab control mechanisms, which resulted in severe elevator vibration. This AD also results from reports of gaps in elevator tab control mechanisms and analysis that additional elevator tab control mechanisms might have bearings that will come loose. We are issuing this AD to prevent discrepancies in the aft attach lugs of the elevator tab control mechanism, which could result in severe elevator and tab vibration. Consequent structural failure of the elevator or horizontal stabilizer could result in loss of structural integrity and aircraft control.

(f) Compliance

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

(g) Retained Repetitive Inspections for Group 1 Airplanes

This paragraph restates the requirements of paragraph (m) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010), with revised terminating action. For Group 1 airplanes, as identified in Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010: Except as required by paragraph (h) of this AD, within 12 days after

April 29, 2010 (the effective date of AD 2010–09–05), do a detailed inspection for discrepancies of the inboard and outboard aft attach lugs of the left and right elevator tab control mechanisms, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010. Repeat the inspection thereafter at intervals not to exceed 300 flight hours. Doing the replacement specified in paragraph (l) of this AD before September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)), terminates the requirements of this paragraph. Doing the inspection required by paragraph (n) of this AD terminates the requirements of this paragraph.

(h) Retained ETOPS Flight Provisions

This paragraph restates the requirements of paragraph (n) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010), with a terminating action provision. For Group 1 airplanes as identified in Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010: Beginning 7 days after April 29, 2010 (the effective date of AD 2010–09–05), no person may operate an airplane on an extended twin operations (ETOPS) flight unless the initial inspection required by paragraph (g) of this AD has been accomplished. Doing the inspection required by paragraph (n) of this AD terminates the requirements of this paragraph.

(i) Retained One-Time Inspection for Group 2, Configuration 1, Airplanes

This paragraph restates the requirements of paragraph (o) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010), with revised terminating action provisions. For Group 2, Configuration 1, airplanes as identified in Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010: Within 30 days after April 29, 2010 (the effective date of AD 2010–09–05), do a one-time detailed inspection for discrepancies of the inboard and outboard aft attach lugs of the left and right elevator tab control mechanisms, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010. Doing the inspection required by paragraph (n) of this AD terminates the requirements of this paragraph.

(j) Corrective Actions for Paragraphs (g), (i), and (k) of This AD

This paragraph restates the requirements of paragraph (p) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010). If, during any inspection required by paragraph (g), (i), or (k) of this AD, any discrepancy is found, before further flight, replace the elevator tab control mechanism by doing the actions specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) Do a detailed inspection for discrepancies of the replacement elevator tab control mechanism; and, if no discrepancy is found, install the replacement elevator tab control mechanism; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010. If any discrepancy is found, then that elevator tab control mechanism cannot be installed and the actions specified in this paragraph must be done before further flight on another replacement elevator tab control mechanism.

(2) Re-inspect the installed elevator tab control mechanism using the inspection procedure specified in paragraph (i) of this AD.

(k) Retained Repetitive Inspections for Certain Group 2, Configuration 1, Airplanes

This paragraph restates the requirements of paragraph (q) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010), with revised terminating action provisions. For Group 2, Configuration 1, airplanes as identified in Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010, on which the elevator tab control mechanism is replaced with a mechanism other than a new, Boeing-built mechanism: Within 300 flight hours after doing the replacement, do a detailed inspection for discrepancies of the inboard and outboard aft attach lugs of the left and right elevator tab control mechanisms, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010. Repeat the inspection thereafter at intervals not to exceed 300 flight hours. Doing the replacement specified in paragraph (l) of this AD before September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)), is terminating action for this paragraph. Doing the inspection required by paragraph (n) of this AD terminates the requirements of this paragraph.

(l) Terminating Action Credit for Paragraphs (g), (i), and (k) of This AD

This paragraph restates the requirements of paragraph (r) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010), with revised terminating action provisions. Replacing an elevator tab control mechanism with a new, Boeing-built mechanism before September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)), as specified in paragraphs (l)(1) and (l)(2) of this AD, terminates the inspections required by paragraphs (g), (i), and (k) of this AD. Replacement of the elevator tab control mechanism on or after September 9, 2010 (the effective date of AD 2010–17–19), does not terminate the inspections required by paragraphs (g), (i), and (k) of this AD.

Note 1 to paragraph (l) of this AD: Additional guidance can be found in paragraphs 3.B.7.b.(1)(a)1) and 3.B.7.b.(1)(a)2) of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010, for establishing whether the mechanism is Boeing-built.

(1) Do a detailed inspection for discrepancies of the new, Boeing-built replacement elevator tab control mechanism; and, if no discrepancy is found, install the replacement elevator tab control mechanism; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010. If any discrepancy is found, then that elevator tab control mechanism cannot be installed and the actions specified in this paragraph must be done on another new, Boeing-built replacement elevator tab control mechanism.

(2) Re-inspect the installed elevator tab control mechanism using the inspection procedure specified in paragraph (i) of this AD.

(m) Retained Reporting for Paragraphs (g), (i), and (k) of This AD

This paragraph restates the requirements of paragraph (s) of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010). For airplanes identified in Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010: At the applicable time specified in paragraph (m)(1) or (m)(2) of this AD, submit a report of any findings (positive and negative) of the first inspection required by paragraphs (g), (i), and (k) of this AD, and any positive findings from the repetitive inspections required by paragraphs (g) and (k) of this AD, to Boeing Commercial Airplanes Group, Attention: Manager, Airline Support, email: *rse.boecom@boeing.com*. The report must include the inspection results including a description of any discrepancies found, the airplane line number, and the total number of flight cycles and flight hours accumulated on the airplane.

(1) If the inspection was done on or after April 29, 2010 (the effective date of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010)): Submit the report within 10 days after the inspection.

(2) If the inspection was done before April 29, 2010 (the effective date of AD 2010–09–05, Amendment 39–16270 (75 FR 21499, April 26, 2010)): Submit the report within 10 days after April 29, 2010 (the effective date of AD 2010–09–05).

(n) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (n) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). For airplanes having line numbers 1 through 3909 inclusive: At the applicable time specified in paragraph (n)(1), (n)(2), or (n)(3) of this AD, do a detailed inspection for discrepancies of the inboard and outboard aft attach lugs of the left and right elevator tab control mechanisms, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010. For Groups 1 and 2 airplanes identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010, repeat the inspection thereafter at intervals not to exceed 300 flight hours, except as provided by paragraph (t)(2) of this AD. For Group 3 airplanes identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010, repeat the inspection thereafter at intervals not to exceed 1,800 flight hours, except as required by paragraphs (p) and (t)(2) of this AD. Doing the inspection specified in this paragraph terminates the requirements of paragraphs (g), (h), (i), and (k) of this AD.

(1) For Group 1 airplanes identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010: Within 300 flight hours after doing an inspection in accordance with Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010, or within 30 days after September 9, 2010

(the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)), whichever occurs later.

(2) For Group 2 airplanes identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010: At the later of the times specified in paragraphs (n)(2)(i) and (n)(2)(ii) of this AD.

(i) Before the accumulation of 2,000 total flight cycles or 4,000 total flight hours, whichever occurs first.

(ii) Within 14 days after September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)).

(3) For Group 3 airplanes identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010: Within 180 days or 1,800 flight hours after September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)), whichever occurs first.

(o) Retained Corrective Actions for Paragraphs (n) and (p) of This AD

This paragraph restates the requirements of paragraph (o) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). If, during any inspection required by paragraph (n) or (p) of this AD, any discrepancy is found, before further flight, replace the elevator tab control mechanism by doing the actions specified in paragraphs (o)(1) and (o)(2) of this AD.

(1) Do a detailed inspection for discrepancies of the replacement elevator tab control mechanism; and, if no discrepancy is found, install the replacement elevator tab control mechanism; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010. If any discrepancy is found, then that elevator tab control mechanism cannot be installed and the actions specified in this paragraph must be done before further flight on another replacement elevator tab control mechanism.

(2) Re-inspect the installed elevator tab control mechanism using the inspection procedure specified in paragraph (n) of this AD.

(p) Retained Reduced Repetitive Inspection Interval for Group 3 Airplanes

This paragraph restates the requirements of paragraph (p) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). For Group 3 airplanes as identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010, on which the elevator tab control mechanism is replaced during the actions required by paragraph (o) of this AD: Within 300 flight hours after doing the replacement, do a detailed inspection for discrepancies of the inboard and outboard aft attach lugs of the replaced elevator tab control mechanism, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010. Repeat the inspection of the replaced elevator tab control mechanism thereafter at intervals not to exceed 300 flight hours, except as provided by paragraph (t)(2) of this AD.

(q) Retained Credit for Initial Inspection Done in Accordance With the Original Issue of the Service Bulletin

This paragraph restates the requirements of paragraph (q) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). For Group 1 airplanes as identified in Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010: Inspections done in accordance with Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010, are acceptable for compliance with only the initial inspection required by paragraph (n) of this AD.

(r) Retained Reporting for Paragraphs (n) and (p) of This AD

This paragraph restates the requirements of paragraph (r) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). For airplanes having line numbers 1 through 3909 inclusive: At the applicable time specified in paragraph (r)(1) or (r)(2) of this AD, submit a report of any findings (positive and negative) of the first inspection required by paragraphs (n) and (p) of this AD, except for airplanes on which a report required by paragraph (m) of this AD has been submitted, only submit positive findings; and submit a report of any positive findings from the repetitive inspections required by paragraphs (n) and (p) of this AD; to Boeing Commercial Airplanes Group, Attention: Manager, Airline Support, email: *rse.boecom@boeing.com*. The report must include the inspection results including a description of any discrepancies found, the airplane line number, and the total number of flight cycles and flight hours accumulated on the airplane.

(1) If the inspection was done on or after September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)): Submit the report within 10 days after the inspection.

(2) If the inspection was done before September 9, 2010 (the effective date of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010)): Submit the report within 10 days after September 9, 2010 (the effective date of AD 2010–17–19).

(s) Retained Provision Regarding Return of Parts

This paragraph restates the provision specified in paragraph (s) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). Although Boeing Alert Service Bulletin 737–27A1297, dated April 16, 2010; and Boeing Alert Service Bulletin 737–27A1297, Revision 1, dated August 2, 2010; specify to return the affected elevator tab control mechanism to the manufacturer, this AD does not require the return of the part to the manufacturer.

(t) Retained Parts Installation Limitations

This paragraph restates the requirements of paragraph (t) of AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010). As of September 9, 2010 (the effective date of AD 2010–17–19), and until the effective date of this new AD, comply with the conditions specified in paragraphs (t)(1) and (t)(2) of this AD.

(1) No person may install an elevator tab control mechanism, part number 251A2430–( ), on any airplane, unless the mechanism has been inspected before and after installation using the inspection procedures specified in paragraphs (o)(1) and (o)(2) of this AD, and no discrepancies have been found.

(2) An elevator tab control mechanism, part number 251A2430–( ), may be installed, provided that the inspection specified in paragraph (n) of this AD is done within 300 flight hours after doing the installation, and that the inspection specified in paragraph (n) of this AD is repeated thereafter at intervals not to exceed 300 flight hours.

(u) New Replacement

For airplanes having line numbers 1 through 3909 inclusive: Within 60 months after the effective date of this AD, replace the left and right elevator tab control mechanisms with elevator tab control mechanisms that have new machined aft attach lugs, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–27–1300, dated April 16, 2012. This replacement terminates the requirements of paragraphs (g) through (t) of this AD.

(v) New Parts Installation Prohibition

For all airplanes: As of the effective date of this AD, no person may install, on any airplane, an elevator tab control mechanism having P/N 251A2430–13, –14, –15, –16, –17, –18, –101, –102, –103, –104, –105, or –106.

(w) Paperwork Reduction Act Burden Statement

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

(x) 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) AMOCs approved for AD 2010–17–19, Amendment 39–16413 (75 FR 52242, August 25, 2010), are approved as AMOCs for the corresponding provisions of this AD.

(y) Related Information

(1) For more information about this AD, contact Kelly McGuckin, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6490; fax: 425–917–6590; email: *kelly.mcguckin@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, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; 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, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 6, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–23218 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0985; Directorate Identifier 2011–NM–250–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, –700C, –800, –900, and –900ER series airplanes. This proposed AD was prompted by a report of chafing damage to a wire bundle that was arcing to hydraulic tubing and caused by insufficient separation between the wire bundle and the hydraulic tubing in the main landing gear (MLG) wheel well. This proposed AD would require an inspection for damage of wire bundles and hydraulic tubing on the right side of the forward bulkhead of the MLG wheel well; installation of new clamps; and corrective actions, as applicable. We are proposing this AD to detect and correct possible damage caused by insufficient separation between the wire bundles and hydraulic tubing to prevent electrical arcing in a flammable fluid leakage zone, which could lead to a wheel well fire.

DATES: We must receive comments on this proposed AD by November 5, 2012.

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

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

For service information identified in this 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: Marie Hogestad, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6418; fax: (425) 917–6590; email: *marie.hogestad@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–2012–0985; Directorate Identifier 2011–NM–250–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 a report of a Model 737–800 airplane that was found with the circuit breaker of the #2 engine spar valve open. Maintenance found that a wire had chafed and was arcing to a hydraulic line. The chafing condition was caused by inadequate separation between the wire bundle and the hydraulic line. Boeing inspected additional airplanes in production and found that there was not sufficient separation, based on design requirements, between the wire bundles and adjacent hydraulic tubing at that location. Wire chafing damage and electrical arcing in a flammable fluid leakage zone could lead to a wheel well fire.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 737–29–1113, dated March 23, 2011. That service bulletin describes procedures for a general visual inspection for damage of wire bundles W6128, W7122, W8122, and W8222 and hydraulic tubing part numbers (P/Ns) 272A4451–136 and 272A4451–137, installation of new clamps between the wire bundles and the adjacent hydraulic tubing, and corrective actions as applicable. Corrective actions include repairing damaged wire bundles and replacing or repairing damaged hydraulic tubing.

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 under ''Differences Between the Proposed AD and the Service Information.''

Differences Between the Proposed AD and the Service Information

The applicability of the proposed AD differs from paragraph 1.A., ''Effectivity,'' in Boeing Special Attention Service Bulletin 737–29–1113, dated March 23, 2011, to be consistent with the effectivity specified in a correction provided in Boeing Information Notice (IN) 737–29–1113 IN 01, dated May 20, 2011.

Where Boeing Special Attention Service Bulletin 737–29–1113, dated March 23, 2011 specifies a compliance time ''after the original issue date of this service bulletin,'' this proposed AD would require compliance within the specified compliance time after the effective date of this AD.

Costs of Compliance

We estimate that this proposed AD affects 520 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
Inspection and installation	2 work-hours × $85 per hour = $170	$0	$170	$88,400

We have received no definitive data that would enable us to provide labor cost estimates for the on-condition actions (repairing or replacing of damaged wire bundles and damaged hydraulic tubing) specified in this proposed AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

We 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–2012–0985; Directorate Identifier 2011–NM–250–AD.

(a) Comments Due Date

We must receive comments by November 5, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes; certificated in any category; line numbers (L/Ns) 1060 through 3347 excluding L/Ns 3138, 3158, 3169, 3175, 3216, 3224, 3253, 3274, 3290 to 3293 inclusive, and 3295 to 3347 inclusive.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 29: Hydraulic Power.

(e) Unsafe Condition

This AD was prompted by a report of chafing damage to a wire bundle that was arcing to hydraulic tubing and caused by insufficient separation between the wire bundle and the hydraulic tubing in the main landing gear (MLG) wheel well. We are issuing this AD to detect and correct possible damage caused by insufficient separation between the wire bundles and hydraulic tubing to prevent electrical arcing in a flammable fluid leakage zone, which could lead to a wheel well fire.

(f) Compliance

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

(g) Inspection and Installation

Within 24 months after the effective date of this AD: Do a general visual inspection of hydraulic tubing having part numbers (P/Ns) 272A4451–136 and 272A4451–137, and wire bundles W6128, W7122, W8122, and W8222 for wire chafing or damage, install new clamps in the right MLG wheel well, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–29–1113, dated March

23, 2011. All corrective actions must be done before further flight.

(h) 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.

(i) Related Information

(1) For more information about this AD, contact Marie Hogestad, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6418; fax: (425) 917–6590; email: *marie.hogestad@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 September 7, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–23148 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0939; Directorate Identifier 2011–NM–200–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 A330–202, –203, –223, –243, –302, –323, –342, and –343 airplanes; and Model A340–313 airplanes. This proposed AD was prompted by reports that a specific batch of cargo doors might have deviations in quality related to door structure, such as irregular bore holes, improper application of sealant and paint, or uncleanliness. This proposed AD would require inspecting to identify the part and serial numbers of the forward and aft cargo doors, and replacing the affected cargo doors. We are proposing this AD to prevent the degraded structural capability of the cargo door, a primary structure, from leading to failure of the door, which could lead to a breach through the door or the door detaching from the airplane, resulting in potential rapid decompression.

DATES: We must receive comments on this proposed AD by November 5, 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—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.* 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–2012–0939; Directorate Identifier 2011–NM–200–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 2011–0177, dated September 15, 2011 (corrected September 28, 2011) (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Investigations have shown that a specific batch of cargo doors might have deviations in

quality, such as irregular bore holes, improper application of sealant and paint or cleanliness. These production deviations are related to the quality of the door structure.

This condition, if not corrected, may degrade the structural integrity of the affected Forward (Fwd) and Aft cargo doors.

For the reasons described above, this [EASA] AD requires a one-time inspection to identify the [part and serial numbers of the] Fwd and Aft cargo doors, and replacement of the affected cargo doors.

* * * * *

The unsafe condition is the degraded structural capability of the cargo door, a primary structure, which could lead to failure of the door, which could detach from the airplane or have a breach through the door, resulting in potential decompression. Required actions include contacting the FAA, or EASA (or its delegated agent), for repair instructions for any door part/serial number that cannot be identified for a specified airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Mandatory Service Bulletins A330–52–3083 (for affected Model A330 airplanes) and A340–52–4093 (for Model A340–313 airplanes), both dated May 31, 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 6 products of U.S. registry. We also estimate that it would take about 2 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 $1,020, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 52 work-hours and require parts costing $0, for a cost of $4,420 per product; the manufacturer has agreed to reimburse these labor costs. 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. 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–2012–0939; Directorate Identifier 2011–NM–200–AD.

(a) Comments Due Date

We must receive comments by November 5, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model A330–202, –203, –223, –243, –302, –323, –342, and –343 airplanes, manufacturer serial numbers (MSN) 0796, 0832, 0840, 0845, 0849, 0853, 0855, 0861, 0862, 0866, 0868, 0871, 0873, 0876, 0879, 0882, 0885, 0887, 0889, 0891, 0892, 0896, 0898, 0899, 0903, 0904, 0905, 0907, 0913, 0927, 0930, 0935, 0936, 0937, 0940, 0943, 0944, 0946, 0949, 0952, 0954, 0964, 0971, 0975, 0982 through 0986 inclusive, 0988, 0989, 0990, 0992, 0994, 0995, 0997, 0998, 0999, 1001, 1002, 1003, 1006, 1007, 1009 through 1016 inclusive, 1018, 1020, 1022, 1023, 1026, 1028, 1029, 1037, 1045, 1049, 1052, 1053, 1055, 1058, 1060, 1061, 1065 through 1067 inclusive, 1071 through 1075 inclusive, 1077, 1080, and 1082.

(2) Model A340–313 airplane, MSN 0955.

(d) Subject

Air Transport Association (ATA) of America Code 52: Doors.

(e) Reason

This AD was prompted by reports that a specific batch of cargo doors might have deviations in quality related to door structure, such as irregular bore holes, improper application of sealant and paint, or uncleanliness. We are issuing this AD to prevent the degraded structural capability of the cargo door, a primary structure, from leading to failure of the door, which could detach from the airplane or have a breach through the door, resulting in potential rapid decompression.

(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

At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Inspect to identify the part number and serial number of the airplane's forward and aft cargo doors, as applicable to MSN, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–52–3083, dated May 31, 2011 (for Model A330 airplanes); or Airbus Mandatory Service Bulletin A340–52–4093, dated May 31, 2011 (for Model A340 airplanes). A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the door can be conclusively determined from that review.

(1) Prior to the accumulation of 7,400 total flight cycles, or 72 months after the airplane's first flight, whichever occurs first.

(2) Within 60 days after the effective date of this AD.

(h) Replacement

If, during the inspection required by paragraph (g) of this AD, the part number and serial number of the airplane's forward and/or aft cargo doors, as applicable to airplane MSN, are identified in Airbus Mandatory Service Bulletin A330–52–3083, dated May 31, 2011 (for Model A330 airplanes); or Airbus Mandatory Service Bulletin A340–52–4093, dated May 31, 2011 (for Model A340 airplanes): Before further flight, replace the affected door with a new or serviceable door, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–52–3083, dated May 31, 2011; or Airbus Mandatory Service Bulletin A340–52–4093, dated May 31, 2011; as applicable.

(i) Repair

If, during the inspection required by paragraph (g) of this AD, there is any discrepancy between the installed forward and/or aft cargo doors part/serial number and the airplane MSN, as that part/serial number and MSN are identified in Airbus Mandatory Service Bulletin A330–52–3083, dated May 31, 2011 (for Model A330 airplanes); or Airbus Mandatory Service Bulletin A340–52–4093, dated May 31, 2011 (for Model A340 airplanes): Within 10 days after accomplishing the inspection, contact the FAA, or the European Aviation Safety Agency (EASA) (or its delegated agent), for further instructions and time limits, and accomplish those instructions within the specified time limits.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane a forward or aft cargo door that was removed from any airplane as required by paragraph (h) of this AD.

(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 EASA Airworthiness Directive 2011–0177, dated September 15, 2011 (corrected September 28, 2011), and the service information identified in paragraphs (l)(1) and (l)(2) of this AD, for related information.

(1) Airbus Mandatory Service Bulletin A330–52–3083, dated May 31, 2011.

(2) Airbus Mandatory Service Bulletin A340–52–4093, dated May 31, 2011.

Issued in Renton, Washington, on September 6, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–23147 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 423

Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Based on comments received in response to its Advance Notice of Proposed Rulemaking (''ANPR''), the Federal Trade Commission proposes to amend its trade regulation rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods as Amended (''Rule'') to: Allow garment manufacturers and marketers to include instructions for professional wetcleaning on labels; permit the use of ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles—Care labelling code using symbols,'' in lieu of terms; clarify what can constitute a reasonable basis for care instructions; and update the definition of ''dryclean.'' In addition, the Commission seeks comment on several other issues.

DATES: Written comments must be received on or before November 16, 2012. Parties interested in an opportunity to present views orally should submit a request to do so as explained below, and such requests must be received on or before November 16, 2012.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Care Labeling Rule, 16 CFR Part 423, Project No. R511915'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/carelabelingnprm* by following the instructions on the Web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex B), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Robert M. Frisby, Attorney, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–2098.

SUPPLEMENTARY INFORMATION: The Commission finds that using expedited procedures in this rulemaking will serve the public interest. Specifically, they support the Commission's goals of clarifying and updating existing regulations without undue expenditure of resources, while ensuring that the public has an opportunity to submit data, views, and arguments on whether the Commission should amend the Rule. Because written comments should adequately present the views of all interested parties, the Commission is not scheduling a public hearing or workshop. However, if any person would like to present views orally, he or she should follow the procedures set forth in the **DATES**, **ADDRESSES**, and **SUPPLEMENTARY INFORMATION** sections of this document. Pursuant to 16 CFR 1.20, the Commission will use the procedures set forth in this document, including: (1) Publishing this Notice of Proposed

Rulemaking (''NPRM''); (2) soliciting written comments on the Commission's proposals to amend the Rule; (3) holding an informal hearing (such as a workshop) if requested by interested parties; (4) obtaining a final recommendation from staff; and (5) announcing final Commission action in a document published in the **Federal Register**. Any motions or petitions in connection with this proceeding must be filed with the Secretary of the Commission.

I. Introduction

The Rule makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching labels stating the care needed for the ordinary use of the product.[1] The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for care instructions [2] and allows the use of approved care symbols in lieu of words to disclose those instructions.[3]

The Commission promulgated the Rule in 1971 and has amended it three times since.[4] In 1983, the Commission clarified its requirements regarding the disclosure of washing and drycleaning information.[5] In 1997, the Commission adopted a conditional exemption to allow the use of symbols in lieu of words.[6] In 2000, the Commission amended the Rule to clarify what constitutes a reasonable basis for care instructions and to change the Rule's definitions of ''cold,'' ''warm,'' and ''hot'' water.[7]

In 2000, the Commission rejected two proposed amendments. First, the Commission did not require labels with instructions for home washing on items that one can safely wash at home, because the evidence was not sufficiently compelling to justify this change and the benefits of the proposed change were highly uncertain.[8] Second, the Commission did not establish a definition for ''professional wetcleaning'' or permit manufacturers to label a garment with a ''Professionally Wetclean'' instruction.[9] The Commission stated that it was premature to allow such an instruction before the development of a suitable definition and an appropriate test method [10] and added that it would consider such an instruction if a more specific definition and/or test procedure were developed.[11]

As part of its ongoing regulatory review program, the Commission published an Advance Notice of Proposed Rulemaking (''ANPR'') in July 2011 seeking comment on the economic impact of, and the continuing need for, the Rule; the benefits of the Rule to consumers; and the burdens the Rule places on businesses.[12] The ANPR also sought comment on whether and how the Rule should address professional wetcleaning and updated industry standards regarding the use of care symbols, as well as whether the Commission should address non-English disclosures.

This NPRM summarizes the comments received by the Commission, explains the Commission's decision to retain the Rule, proposes several amendments to the Rule, and explains why the Commission has declined to propose certain amendments.[13] It also poses questions soliciting additional comment and provides a regulatory analysis as well as analyses under the Regulatory Flexibility Act and the Paperwork Reduction Act. Finally, the NPRM sets forth the Commission's proposed Rule language.

II. Summary of Comments

The Commission received 120 comments in response to the ANPR.[14] Most were filed by individuals. At least 70 of these individuals identified themselves as owning or operating a cleaning business or working in the drycleaning or wetcleaning industries. The Commission also received comments from government agencies,[15] industry standard-setting organizations,[16] environmental advocacy organizations,[17] manufacturers and retailers,[18] and trade associations representing industries affected by the Rule.[19]

All but two of the numerous comments that addressed retention of the Rule favored it.[20] Comments from

[1] 16 CFR 423.5 and 423.6(a) and (b).

[2] 16 CFR 423.6(c).

[3] The Rule provides that the symbol system developed by ASTM International, formerly the American Society for Testing and Materials, and designated as ASTM Standard D5489–96c ''Guide to Care Symbols for Care Instructions on Consumer Textile Products'' may be used on care labels or care instructions in lieu of terms so long as the symbols fulfill the requirements of Part 423. 16 CFR 423.8(g).

[4] *Federal Trade Commission: Care Labeling of Textile Wearing Apparel: Promulgation of Trade Rule and Statement of Basis and Purpose,* 36 FR 23883 (Dec. 16, 1971).

[5] *Federal Trade Commission: Amendment to Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods,* 48 FR 22733 (May 20, 1983).

[6] *Federal Trade Commission: Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods; Conditional Exemption from Terminology Section of the Care Labeling Rule,* 62 FR 5724 (Feb. 6, 1997).

[7] *Federal Trade Commission: Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods, Final Amended Rule,* 65 FR 47261 (Aug. 2, 2000).

[8] *Id.* at 47269.

[9] The Commission proposed a definition of professional wetcleaning, stating, in part, that it is ''a system of cleaning by means of equipment consisting of a computer-controlled washer and dryer, wet cleaning software, and biodegradable chemicals specifically formulated to safely wet clean wool, silk, rayon, and other natural and man-made fibers.'' *Id.* at 47271 n. 99.

[10] *Id.* at 47272. The Commission explained that the definition must either describe all important variables in the process, so that manufacturers can determine that the process would not damage the garment, or be coupled with a specific test procedure that manufacturers can use to establish a reasonable basis for the instruction. *Id.*

[11] *Id.* at 47273.

[12] *Federal Trade Commission: Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods, Advance Notice of Proposed Rulemaking; request for comment,* 76 FR 41148 (July 13, 2011).

[13] The Commission publishes this NPRM pursuant to Section 18 of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 57a *et seq.,* the provisions of Part 1, Subpart B of the Commission's Rules of Practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify, and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of Section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

[14] The comments are posted at *http://www.ftc.gov/os/comments/carelabelinganpr/index.shtm.* The Commission has assigned each comment a number appearing after the name of the commenter and the date of submission. This notice cites comments using the last name of the individual submitter or the name of the organization, followed by the number assigned by the Commission.

[15] Three California agencies filed comments: The Air Resources Board (18), Department of Toxic Substances Control (123), and the San Francisco Department of the Environment (89).

[16] ASTM International (''ASTM'') (111) and GINETEX (83), which is responsible for the care labeling system used in European countries.

[17] The Coalition for Clean Air (119), the Toxic Use Reduction Institute (86), and the UCLA Sustainable Technology & Policy Program (84).

[18] Miele (108), Miele & Cie. KG (110), The Children's Place (90), and The Clorox Company (122).

[19] The Association of Home Appliance Manufacturers (''AHAM'') (114), American Apparel & Footwear Association (113), Professional Wet Cleaners Association (''PWA'') (73) and (102), Association of Wedding Gown Specialists (''AWGS'') (22), National Cleaners Association and Drycleaning & Laundry Institute (124), Professional Leather Cleaners Association (''PLCA'') (109), International Drycleaners Congress (''IDC'') (47), and Textile Industry Affairs (112).

[20] GINETEX argued that the Rule should not be mandatory for textile and apparel companies because a voluntary scheme would adapt in a timely manner to technical and environmental developments as well as innovations, while adjustments to mandatory rules are very cumbersome to implement. It also argued that national rules not in line with international standards can create a nontariff barrier to trade, and that the ASTM standard creates an unnecessary obstacle to international trade. A retailer argued that the time and effort spent on labels required by the Rule does not really serve the ultimate goal of educating consumers on laundering habits. Kambam (4).

the apparel manufacturing and cleaning industries uniformly supported the Rule. For example, the American Apparel & Footwear Association (''AAFA'') stated that the labels benefit consumers, manufacturers, and business in general, as they allow for the necessary flow of information along the commodity chain. Similarly, the National Cleaners Association (''NCA'') and the Drycleaning & Laundry Institute (''DLI'') stated that the Rule provides valuable guidance on care to consumers and industry. Textile Industry Affairs (''TIA'') noted that the Rule has generated dramatic benefits to both consumers and manufacturers, and that no apparel manufacturers that have complied with the Rule have ever reported any negative consumer impact.

While the comments indicate widespread support for the Rule, most argued that the Commission should update or expand it in various ways. In particular, many comments urged the Commission to address professional wetcleaning by either requiring or allowing manufacturers to disclose a wetcleaning instruction. Still others urged the Commission to update the Rule's provisions allowing the use of care symbols by incorporating the latest ASTM or International Organization for Standardization (''ISO'') care symbol standards, allowing manufacturers to follow either standard, or adopting new symbols for professional cleaning. Several comments requested clarification of the Rule's reasonable basis provisions or imposition of testing requirements on manufacturers. Others advocated updating the definition of ''dryclean'' and the Appendix to reflect the development of new solvents and cleaning technologies and practices. Some comments urged the Commission to require manufacturers to disclose all appropriate methods of care on labels. Further, some comments urged the Commission to amend the Rule to require the disclosure of additional information such as fiber content or more detailed care instructions, to disallow certain instructions currently permitted by the Rule, or to impose additional obligations. Several comments addressed disclosures made in multiple languages.

A. Professional Wetcleaning

Slightly more than half of the 120 comments received by the Commission stated or implied that the Commission should permit, or require, a professional wetcleaning instruction on garments that can be wetcleaned. Wetcleaning is an alternative to drycleaning and involves professionals cleaning products in water using special technology (cleaning, rinsing, and spinning), detergents, and additives to minimize adverse effects, followed by appropriate drying and restorative finishing procedures. Of the comments addressing this issue, only three expressed concerns.[21] Comments favoring a wetcleaning instruction made several arguments in support of their position.

First, they touted the economic, health, and environmental benefits of wetcleaning. For example, based on its analysis of scientific literature on the health and environmental impacts of drycleaning solvents, and its review of operational costs and compliance-related impacts, the San Francisco Department of the Environment determined that professional wetcleaning is the most environmentally-preferable professional cleaning option.[22] The Toxic Use Reduction Institute stated that the benefits from professional wetcleaning include decreased use of energy and water, significant air quality improvement in the shop, and improved employee health and satisfaction.[23] It explained that over 80% of the U.S. professional garment cleaning industry uses perchloroethylene (''perc''), and that studies have identified ecological and human health hazards associated with its use.[24] It added that the National Institute for Occupational Safety and Health has recommended handling perc as a human carcinogen, and the Environmental Protection Agency has classified it as a probable human carcinogen.[25] Two comments noted that, starting in 2023, California drycleaners can no longer use perc.[26] A number of others favored wetcleaning due to concerns about using toxic or unhealthy drycleaning solvents.[27] Others noted that wetcleaning can produce better results than drycleaning in some circumstances.[28]

Second, several comments explained that the number of cleaners providing professional wetcleaning has increased and that consumers increasingly use or prefer it. Two trade associations reported that professional wetcleaning is now widespread in the industry.[29] Another stated that wetcleaning has been steadily growing in the United States for over a decade.[30] Yet another explained that professional wetcleaning has come a long way in the last few years, and that many traditionally drycleaned garments can be wetcleaned with good results.[31]

Several comments provided data on the number of cleaners providing wetcleaning and the number of garments they clean. For example, one comment stated that over 200 perc drycleaners in California have switched to wetcleaning and successfully cleaned the full range of garments they previously drycleaned.[32] Two comments noted the success of well over 120 professional wetcleaners in California who clean over 75 million garment pieces annually.[33] Another explained that there are hundreds of professional wetcleaners in the United States who use only water and soap to clean all garments presented to them.[34] This comment also indicated that there are 80 Miele professional wetcleaners in California, and that they process four million articles of clothing a year.[35]

Other comments cited the experience of individual cleaners that increasingly replace drycleaning with wetcleaning. For example, one comment from a cleaning business stated that wetcleaning is becoming common, and that it wetcleans approximately 65%–80% of the clothes it washes.[36] Another commenter stated that it wetcleans 100% of garments and that the instruction ''dryclean only'' has lost its meaning.[37]

Several comments noted the development of industry standard care

[21] AHAM urged the Commission to gather data on consumer knowledge and the availability of wetcleaning before amending the Rule to address it. AHAM (114). One commenter stated that wetcleaning is not a viable alternative to drycleaning. Enderlin (63). PLCA did not take a position on wetcleaning, but noted that there are not enough cleaners trained in wetcleaning. PLCA (109).

[22] San Francisco Department of the Environment (89). This comment included a chart showing the results of its analysis.

[23] Toxic Use Reduction Institute (86).

[24] *Id.*

[25] *Id.* The California Department of Toxic Substances Control also explained the environmental problems caused by perc. (123).

[26] Air Resources Board (18) and NCA and DLI (24).

[27] *E.g.,* Addison (81); Bohnet (80); Chung (70); and Xu (101).

[28] One comment explained that the absence of wetcleaning labels limits cleaners in offering the best process when it comes to cleaning performance (*e.g.,* water-soluble stains) or fabric-related cleaning processes (*e.g.,* polyurethane). Miele & Cie. KG (110). A comment from a cleaner noted that some stains can be removed only with water. Kaplan (57). Another comment stated that wetcleaning is a necessary method for certain combinations of soil and fabric. Riggs (53).

[29] NCA and DLI (124).

[30] Press on Cleaners (120).

[31] Patterson (14).

[32] Coalition for Clean Air (119).

[33] Chang and PWA (73) and Sim (116). Another comment stated that there are over 120 professional wetcleaners in California that clean over 250,000 pieces of garments across the state daily. Press on Cleaners (120).

[34] Miele (108).

[35] *Id.*

[36] Peltier (43).

[37] Behzadi (69).

symbols for wetcleaning. Indeed, ASTM and ISO have adopted consistent care symbols for professional wetcleaning.[38] ISO has also issued a standard on testing garments to determine whether they can be wetcleaned.[39]

Finally, several comments argued that the Rule's failure to address wetcleaning places professional wetcleaners and equipment vendors at a competitive disadvantage and discourages greater use of wetcleaning.[40]

The comments urging the Commission to amend the Rule to address wetcleaning differ on whether the Commission should require a wetcleaning instruction or merely permit one. Moreover, many urge the Commission to address wetcleaning without specifying exactly how. Of those comments taking a position, the vast majority favored amending the Rule to require a professional wetcleaning instruction if the garment can be wetcleaned.[41] Comments argued that requiring the instruction would provide consumers and cleaners with more and better options, and produce various benefits as more consumers choose wetcleaning.[42] One comment expressed concern that failing to require an instruction might result in most manufacturers choosing not to disclose that wetcleaning is a viable option, thereby deceiving customers and treating wetcleaners unfairly.[43]

In addition, several commenters that do not appear to manufacture or market apparel argued that the benefits of requiring a wetcleaning instruction would exceed the added labeling and testing costs to manufacturers. One comment explained that the vast majority of manufacturers use experience and expertise to determine the care label.[44] It added that, because experience and expertise are free or virtually free, the economic impact of requiring a wetclean label likely is *de minimus*.[45] It further explained that most manufacturers test garments by sending them to established cleaners and use in-house staff to evaluate results and that this method requires no capital equipment cost and only a marginal cost.[46] DLI and NCA advised that they currently provide care label guidance to garment manufacturers and that the average cost to provide appropriate and comprehensive washing, drycleaning and wetcleaning instructions would be under $1,400.[47] Another comment noted that testing is not that expensive and would not lead to a large increase in the cost of an item and that any extra costs would fall as universal testing reduces testing costs per item.[48]

A smaller number of comments indicated that they favored amending the Rule to permit, but not require, a wetcleaning instruction. One comment argued that allowing the instruction on labeling will reconfirm to the public that this method is accepted and safe and encourage manufacturers to produce more garments that do not need to be cleaned in a solvent.[49] Another supported permitting a wetcleaning instruction by amending the symbol sets to include wetcleaning because there appears to be expert consensus that clear testing protocols exist to verify its safety, and stated that the consumer and environmental benefits of wetcleaning are worthy of consideration.[50]

Many comments simply urged the Commission to address wetcleaning without specifying how.[51] For example, one comment stated that the Commission seriously should consider adding wetcleaning because of its consumer and environmental benefits.[52] It also explained that, with the development of ISO standards, there now appear to be consensus testing protocols to verify a safe care process.[53]

B. Use of Care Symbols

With a few exceptions, the comments addressing the use of symbols to provide care instructions favored their continued use.[54] One comment stated that the current FTC-approved symbols do a good job of covering most of the home and professional care needs in the United States.[55] It therefore did not advocate modifying any of the symbols, as consumers are just now becoming familiar with them.[56] Several comments, however, advocated modifying the Rule to refer to the most recent version of the ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' ASTM D5489, instead of the older version of the ASTM standard currently referenced.[57] One comment urged the Commission to exclude the standard's date; it explained that ASTM D5489–07 is the most recent standard and that, by not designating the year, the Commission can ensure that the most recent standard is used.[58] It added that D 5489–07 is an international standard as defined by the WTO TBT Agreement, and that, as a signatory to this agreement, the United States is pledged to use international standards as the basis for technical regulations when possible.[59] Others urged the Commission to address the development of ASTM symbols without indicating how it should do so.[60] Another explained that it would be very helpful if the care instructions on foreign and domestic labels were in agreement or, at a minimum, contained ASTM symbols.[61]

A number of comments expressed support for harmonizing the ASTM symbols allowed under the Rule with those used internationally.[62] One comment favoring harmonization concluded that the Rule prevents a global ISO Standard and that ISO symbols should supplant ASTM

[38] UCLA Sustainable Technology & Policy Program (84); Toxic Use Reduction Institute (86); and Riggs (53). *See* ASTM D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' and ISO 3758:2005(E), ''Textiles—Care labelling code using symbols.''

[39] UCLA Sustainable Technology & Policy Program (84); Toxic Use Reduction Institute (86); and Riggs (53). ISO 3175–4:2003, ''Textiles—Professional care, drycleaning and wetcleaning of fabrics and garments—Part 4: Procedure for testing performance when cleaning and finishing using simulated wetcleaning.''

[40] *E.g.,* Miele (108) and San Francisco Department of the Environment (89). Another comment argued that labeling garments ''Dry Clean'' or ''Dry Clean Only'' even though they can be successfully wetcleaned is unfair to professional wetcleaners. If a consumer prefers to dryclean such garments, the wetcleaner faces the prospect of losing the business or deceiving the consumer by wetcleaning instead of drycleaning such garments. The dilemma of either lying to the customer or potentially losing business makes professional wetcleaning unappealing to many drycleaners. PWA (102).

[41] *E.g.,* Anonymous (106); Bromagen (91); Draper (100); Eldridge (46); Evans (67); Fox (107); Hagearty (61); NCA and DLI (124); Overmoe (66); Preece (54); Raggi (30); San Francisco Department of the Environment (89); Tebbs (47); Toxic Use Reduction Institute (86); UCLA Sustainable Technology & Policy Program (84).

[42] *E.g.,* NCA and DLI (124) and San Francisco Department of the Environment (89).

[43] UCLA Sustainable Technology & Policy Program (84).

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] NCA and DLI (124).

[48] Riggs (53).

[49] Huie (71).

[50] Textile Industry Affairs (112).

[51] *E.g.,* Air Resources Board (18); Bosshard (13); Chang (88); Santana (12); and Schoeplein (27).

[52] The Clorox Company (122).

[53] *Id.*

[54] Two commenters stated that they do not like the use of symbols. Charles (3) and Vlasits (6). Other comments urged the Commission to require care symbols on all textile products. Fox (107) and Old Town Dry Cleaners (56).

[55] Textile Industry Affairs (112).

[56] *Id.*

[57] ASTM (111); Evans (67); and The Children's Place (90). Another comment argued that the Rule should keep pace with developments in the ASTM system, and that the biggest challenge with symbols is educating the consumer. NCA and DLI (124). It advised that care symbols are not prevalent in the United States. *Id.*

[58] ASTM (111).

[59] *Id.*

[60] Preece (54) and Yazdani (78).

[61] Professional Leather Cleaners Association (109).

[62] AHAM (114); American Apparel & Footwear Association (113); Draper (100); GINETEX (83); Johnson (50); O'Connor (20); Textile Industry Affairs (112); and The Clorox Company (122).

symbols.[63] It explained that the ASTM and the ISO symbols are similar but not the same and that ISO symbols are used in every country except South Korea, Japan, and the United States (and that Japan is working on harmonizing ISO and the JIC standards that apply in Japan).[64] Another favored one set of worldwide symbols and explained that the ISO recommends a complete set of care symbols, including washing, bleaching, ironing, drying, and professional care.[65] It added that these symbols are consistent with those developed by ASTM.[66] Some comments argued that harmonizing symbols would also address problems stemming from label disclosures in multiple languages.[67] One of these comments favored harmonization but argued that, as an alternative, the Rule should allow manufacturers to use either ASTM or ISO symbols in the United States, to relieve some of the burden and increase the accessibility of global trade.[68] It stated that differences among the symbol systems cause confusion and limit the opportunities for trade growth.[69] Another comment proposed that the Rule provide for or recognize agreements between the United States and other countries to accept international and national care label symbol systems currently in use in the global marketplace.[70]

Still others favored acceptance of ISO or internationally-accepted symbols without addressing the ASTM symbols.[71] Three comments urged the Commission to adopt or accept the ISO standard.[72] One supported adding to the symbols in cases where there are clear testing protocols to verify the safety of a care process.[73] It explained that, in the case of wetcleaning, there appears to be expert consensus that a new test does just that.[74]

GreenEarth Cleaning (''GreenEarth'') advocated a different approach to disclosing professional cleaning instructions. It argued that the ASTM and ISO professional cleaning symbols are inadequate because they are based on particular solvents rather than solvent characteristics.[75] It explained that the increasing number of solvents and advances in technology call for an approach addressing solvent aggressiveness (cleaning method) and mechanical action (cycle); it proposed that a Kauri-Butanol Value (''KBV'') of 35 or less be designated as ''gentle'' and that a ''fragile'' or ''very fragile'' instruction be provided for items needing minimized mechanical action.[76] It stated that the KBV is widely recognized in the textile care industry as having the greatest influence on the processing of textiles.[77] This comment further argued that there is a direct correlation between propensity for garment damage and a higher solvent KBV.[78] GreenEarth proposed specific cleaning method and cycle symbols to replace the current ASTM and ISO symbols and urged the Commission to make every effort to implement simple, consistent international symbols that can be universally interpreted to ensure the best care for garments.[79] No other comment favored this proposal.

In addition to proposing new symbols, GreenEarth advocated parallel changes to the ''overarching nomenclature and the guiding principle'' behind the Rule, to improve the reliability and understandability of care labels.[80] Specifically, it proposed replacing the instructions ''dry clean,'' ''do not dry clean,'' ''wetclean,'' and ''do not wetclean'' with simplified categories of ''cleaning method'' and ''cycle.'' It also proposed that ''cleaning method'' would encompass all types of professional cleaning, including wetcleaning, and ''cycle'' would address the level of mechanical action.[81] As with its proposed symbols, GreenEarth would classify cleaning methods based on solvent aggressiveness rather than solvent type.[82] For the ''cycle'' category, GreenEarth would replace ''mild'' and ''very mild'' with ''fragile'' and ''very fragile.''[83]

Two comments addressed the presentation of symbols. One argued that the current system works well, but that some uniformity regarding location, size, composition, and font size would greatly help the industry.[84] Another comment proposed attaching the international care label symbols to the garments in a small, removable brochure or paper, or in an online link address for such information.[85]

C. The Rule's Reasonable Basis Provisions

Four comments argued that the Commission should clarify or strengthen the Rule's provision requiring manufacturers to have a reasonable basis for care instructions. One urged the Commission to strengthen the reasonable basis requirements and hold manufacturers accountable to individual consumers for inappropriate care instructions.[86] Two argued that the Commission should clarify the reasonable basis provisions because some non-compliant parties appear to be misinformed or to misunderstand the requirement.[87] They suggested that the Commission request fresh data from manufacturers regarding their reasonable basis for their current care instructions.[88] One of them argued that, given standardized testing (*e.g.,* ASTM methodology) for colorfastness and garment integrity (*e.g.,* tensile strength), the Commission should require actual data to support care instructions.[89] Another comment favored requiring manufacturers to test products with all available processes, including wetcleaning.[90]

D. Rule Definitions and Appendix

Several comments urged the Commission to update the Rule's definition of ''dryclean,'' as well as the Appendix. One comment urged the Commission to adopt a broader definition of ''dryclean.''[91] It explained that, 25 years ago, only two solvents were widely used—perc and petroleum.[92] It added that now there are many solvents, including high flash hydrocarbons, silicones, glycol ethers, carbon dioxide, aldehydes, and wetcleaning.[93] It also reported that: fluorocarbon solvent, one of the solvents listed in the definition, is no longer used; new hydrocarbon drying parameters are different from those of early petroleum solvents; and not all solvents are organically based.[94]

[63] GINETEX (83).

[64] *Id.*

[65] Riggs (53).

[66] *Id.*

[67] American Apparel & Footwear Association (113) and The Children's Place (90).

[68] American Apparel & Footwear Association (113).

[69] *Id.*

[70] The Children's Place (90).

[71] Cote (58); Horrigan (17); Thorsteinson (45); and Yazdani (78).

[72] UCLA Sustainable Technology & Policy Program (84); White (15); and GINETEX (83). As noted above, GINETEX argued that the ISO symbols should supplant the ASTM symbols.

[73] Textile Industry Affairs (112).

[74] *Id.*

[75] GreenEarth Cleaning (98) at 2.

[76] *Id.* at 2–3.

[77] *Id.* at 2.

[78] *Id.* at 4.

[79] *Id.* at 2–3.

[80] *Id.* at 2.

[81] *Id.*

[82] *Id.*

[83] *Id.* at 3.

[84] Raggi (30).

[85] Santana (12).

[86] NCA and DLI (124).

[87] Textile Industry Affairs (112) and The Clorox Company (122). They stated that disclosing an instruction based on ''unreasonable'' and ''possible'' fabric impact is not an acceptable instruction or warning.

[88] *Id.*

[89] The Clorox Company (122).

[90] Behzadi (69).

[91] NCA and DLI (124).

[92] *Id.*

[93] *Id.*

[94] *Id.*

Four comments from cleaners similarly argued that the current definition of drycleaning is very limiting.[95] The first reported that it adopted a new solvent, but has concerns because labels do not provide the information needed.[96] The second reported that it hesitated to adopt a new solvent because it is not recognized by the Rule.[97] The third reported that it wanted to use a new solvent, which involves purchasing a costly new machine, but hesitated because the solvent or process is not recognized by the Rule.[98] The comment argued that the Rule should not curtail technological advancement.[99] The fourth urged the Commission to expand Rule to address other solvents, such as SolvonK4 by Kreussler.[100]

Two comments urged the Commission to revise Appendix A. One advised that Appendix A of the Rule diverges from ASTM D5489, although it did not identify how or explain why amendments are warranted.[101] Another urged the Commission to suggest that all leather goods have a more specific care label, such as ''Leather Clean and Refinish by Professional Leather Cleaner Only,'' and to expand the definition in Appendix A.8 to read ''Leather Clean and Refinish by Professional Leather Cleaner Only.'' [102]

E. Instruction on All Appropriate Methods of Care

Several comments from the cleaning industry urged the Commission to amend the Rule to require manufacturers to include instructions on all appropriate methods of care.[103] As one comment explained, this would empower consumers to decide whether they want to care for the garment at home or use a professional cleaner.[104] It added that, by listing all methods of care, the label would eliminate guesswork regarding whether a care method is not listed because it will cause damage.[105] Others explained that such a label would enable the cleaner to select the best cleaning method based on the type of soils on the garment or the customer's requests.[106]

F. Additional Issues

Some comments proposed amending the Rule to require additional disclosures, disallow certain care instructions currently allowed by the Rule, address the format or composition of labels, expand the scope of the Rule, or impose additional requirements. Additionally, several comments addressed the use of multiple languages on care labels.

Five comments urged the Commission to require disclosure of fiber, fabric, or component content.[107] One of them also advocated requiring disclosure of the content of all fabrics, linings, and trims, including applied water repellant coatings or sizing that may be removed during processing.[108]

Other comments urged the Commission to require more detailed care instructions or disclosure of additional information related to care.[109] For example, one comment urged the Commission to address the instruction ''exclusive of trim'' where the trim is not removable.[110] Another urged the Commission to require disclosure of the type of dye method used to lessen the likelihood of damaged garments.[111] Another stated that the Rule should require more details, including how and which drycleaning fluid can, or cannot, be used for the garment.[112] Yet another argued that any care that the manufacturer knows could harm the garment should be specifically stated as a ''Do Not'' warning.[113]

One comment proposed that the Rule provide that the care instruction indicate the maximum treatment that can be applied to the item.[114] The comment explained that the Rule allows a manufacturer to provide an instruction, such as ''dry flat'' even if a more severe method, such as ''tumble dry,'' will not harm the garment. Under the ISO standard the care instruction provided is the most severe method that can be used without damaging the article.[115] Another comment argued that the Rule should require that jobbers who add trimming, ornaments or feathers, etc., to an item must change or add additional labels and add the jobbers' names and contact info.[116] Another comment argued, among other things, that labels should disclose a serial number and an address for a Web site providing several additional categories of information and countries of manufacture.[117]

Moreover, one comment argued that care tags could be replaced or made much smaller and simpler with the use of a unique identifier for every garment, such as a barcode, QR code, or an RFID chip.[118] It explained that the code would include a manufacturer ID, product ID, and serial number, and that the manufacturer would input this information into a centralized database that could be accessed by consumers, retailers, drycleaners, etc.[119]

Another comment addressed disclosure of an item's point of origin. It urged the Commission to require disclosure of the state for items allowed a ''made in the United States'' label.[120]

Other comments argued that the Commission should disallow certain care instructions that they view as providing little, if any, benefit to consumers, or to otherwise limit care instructions. One comment argued that all garments should be serviceable, and opposed ''Do not wash. Do not dryclean'' labels.[121] One stated that care methods should be dryclean only, clean by any method, and cannot be cleaned.[122] Another stated that too many labels state ''remove trim before cleaning'' where removing the trim results in taking apart the garment.[123] One stated that labels that specify ''Spot Clean'' should be disallowed.[124]

Two comments addressed the format or composition of the labels required by the Rule. One argued that labels should be a standard size, printed on white material only, using stable black ink, non-soluble in water and drycleaning solvents.[125] The other argued that care labels need to be securely attached to the garment, and not by a few stitches, to avoid causing holes in the garments after a few cleanings.[126]

Two comments addressed the scope of the Rule. One argued that the Rule

[95] Bromagen (91); Hagearty (61); Preece (54); and Yazdani (78).

[96] Bromagen (91).

[97] Hagearty (61).

[98] Preece (54).

[99] *Id.*

[100] Brunette (115).

[101] ASTM (111).

[102] Professional Leather Cleaners Association (109).

[103] *E.g.,* Bromagen (91); Draper (100); Edwards (97); Evans (67); Hagearty (61); Kudler (72); Maisel (34); McKay (104); NCA and DLI (124); Overmoe (66); Preece (54); Tebbs (47); Widmar (48); and Yazdani (78).

[104] NCA and DLI (124).

[105] *Id.*

[106] Overmoe (66) and Preece (54).

[107] Chambers (92); Hiebert (64); Professional Leather Cleaners Association (109); Santana (12); and Wilson (32).

[108] Hiebert (64).

[109] One comment advocated guidelines for designating specific solvent characteristics, such as KB value, polarity, and water solubility, on pre-existing labels. Cote (58).

[110] Chelsky (38).

[111] King (19).

[112] Momin (51).

[113] NCA and DLI (124).

[114] GINETEX (83).

[115] *Id.*

[116] Zeidel (29).

[117] Winn (40).

[118] Levy (99).

[119] *Id.*

[120] Fisher (24).

[121] Brunette (115).

[122] Enderlin (63).

[123] O'Connor (20).

[124] Shaw (33).

[125] Horrigan (17).

[126] Maknojia (87).

should continue to exempt rental garments, such as corporate uniforms, because many of them require professional care for health reasons.[127] The other proposed requiring care labels for household items such as comforters, drapes, etc.[128]

Four comments favored imposing additional obligations under the Rule other than labeling. One urged the establishment of an electronic database for reporting insufficient or incorrect labeling so consumers can research problems.[129] Another urged the Commission to add provisions holding manufacturers accountable to individual consumers for inappropriate care instructions.[130] A third advocated providing that a consumer can return a failed garment to the place of purchase for a refund, that the place of purchase must keep a record of the garment, and that the point of sale vendor will be able to get refunds from its vendor.[131] A fourth urged the creation of guidelines for specific solvent characteristics, such as KB value, polarity, and water solubility, to allow for easy testing on the manufacturing side and to encourage eco-friendly alternatives on the care side.[132] It added that solvent developers could provide MSDS sheets (material safety data sheets) and publicly-available materials for ease of use by manufacturers, dry-cleaners and consumers.[133]

Finally, several comments argued that the Rule should not require multiple language disclosures.[134] One stated that labels should be only in English, and another stated that English is the only language needed on labels.[135] One added that English is a must but other languages can be an option.[136] Another argued that labels for clothes to be purchased in the United States should be in English, and for clothes available for purchase in multiple countries, the label should be in multiple languages.[137] Yet another stated that labels should be in English and that symbols should eliminate the need for additional languages.[138] Another argued that the label should be in English with internationally-accepted symbols and that those cleaners who do not speak or read English well should contact their own association for a translation of the international symbols.[139] None of the comments proposed amending the Rule to address the format for presenting care instructions in more than one language, other than to note that using symbols would address problems stemming from disclosures in multiple languages.[140]

III. The Commission Retains the Rule

The record shows wide support for the Rule from all the major industries affected by its provisions as well as from consumers. Among other things, comments supporting the Rule explained that it benefits consumers, manufacturers, and businesses in general and provides valuable guidance on care to consumers and the fabricare industry.

Two comments opposing the Rule, one filed by GINETEX and the other by a retailer, failed to provide any tangible evidence to support their assertions.[141] There is no evidence in the record showing that a voluntary scheme would work better than the Rule, that the ASTM care symbols permitted by the Rule create an unnecessary obstacle to international trade, or that the time and effort spent on the labels required by the Rule do not serve the goal of educating consumers about how to care for their garments.

In light of the many stakeholder comments expressing support for the Rule, the Commission concludes that a continuing need exists for the Rule and that the Rule imposes reasonable costs on the industry. The Commission therefore concludes that the weight of the record evidence clearly supports retention of the Rule.

IV. Proposed Amendments

Many of the comments supporting the Rule also advocated various amendments. Accordingly, based on the comments and the evidence discussed herein, the Commission proposes to amend the Rule in the following four ways.[142] First, the Commission proposes to permit manufacturers and importers to provide a care instruction for professional wetcleaning on labels if the garment can be professionally wetcleaned. Second, the Commission proposes to permit manufacturers and importers to use the symbol system set forth in either ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles C Care labelling code using symbols.'' Third, the Commission proposes to clarify what constitutes a reasonable basis for care instructions. Finally, the Commission proposes to update the definition of ''dryclean'' to reflect current practices and technology.[143]

A. Professional Wetcleaning

As noted above, in 2000, the Commission declined to amend the Rule to permit a ''Professionally Wetclean'' instruction on labels. The Commission stated that it would consider permitting such an instruction if a more specific definition and/or test procedure were developed that provided manufacturers with a reasonable basis for a wetcleaning instruction.[144] The Commission explained at the time that it was premature to permit such an instruction due to the absence of a suitable definition and appropriate test method.

The record now shows that these conditions have been met. ISO has developed ISO 3175–4:2003, ''Textiles—Professional care, drycleaning and wetcleaning of fabrics and garments—Part 4: Procedure for testing performance when cleaning and finishing using simulated wetcleaning.'' This standard includes a definition of wetcleaning and test procedures for determining whether apparel can be wetcleaned professionally. Several comments favoring a wetcleaning instruction cited this standard approvingly.[145] None of the comments

[127] American Apparel & Footwear Association (113).

[128] Kudler (72).

[129] Bosshard (13).

[130] NCA and DLI (124).

[131] Sabo (23).

[132] White (15).

[133] *Id.*

[134] One commenter, a consumer who does not indicate any affiliation with an organization, stated that she does not like having so many language translations. Charles (3).

[135] Branfuhr (42) and Childers (49).

[136] Maknojia (87).

[137] Vlasits (6).

[138] Hurley (60).

[139] Thorsteinson (45).

[140] American Apparel & Footwear Association (113) and Hurley (60).

[141] *See* footnote 20 for more details about these comments.

[142] The Commission can issue a NPRM under the FTC Act if it has ''reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent.'' 15 U.S.C. 57a(b)(3). The Commission can find ''unfair or deceptive acts or practices are prevalent'' where: ''(A) it has issued cease and desist orders regarding such acts or practices, or (B) any other information available to the Commission indicates a widespread pattern of unfair or deceptive acts or practices.'' *Id.* at 57a(b)(3)(A)–(B). The Commission has ''wide latitude'' in fashioning a remedy and need only show a ''reasonable relationship'' between the unfair or deceptive act or practice and the remedy. *American Fin. Servs. Ass'n* v. *FTC,* 767 F.2d 957, 988 (DC Cir. 1985) (quoting *Jacob Siegel Co.* v. *FTC,* 327 U.S. 608, 612–13 (1946)).

[143] The Commission also proposes to delete the words ''As Amended'' from the Rule's title. These words do not serve any purpose, and none of the other titles of Commission rules that have been amended include these words.

[144] *Federal Trade Commission: Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods, Final Amended Rule,* 65 FR 47261, 47273 (Aug. 2, 2000).

[145] UCLA Sustainable Technology & Policy Program (84); Toxic Use Reduction Institute (86); and Riggs (53).

argued that the ISO standard is inadequate.[146]

As described in Section II.A, the record shows widespread support for amending the Rule to include professional wetcleaning. Many comments explained the economic, environmental, and health benefits of wetcleaning. They also noted the increasing industry acceptance and use of wetcleaning, the inclusion of wetcleaning symbols in both the ASTM and ISO care symbol systems, and the risk that failing to allow an instruction could place wetcleaners at a disadvantage, thereby discouraging its use despite its advantages. The increasing industry acceptance and use of wetcleaning and the inclusion of wetcleaning symbols in both the ASTM and ISO systems establish the prevalence of wetcleaning. Only three comments expressed reservations, and none of them provided evidence that amending the Rule would harm consumers or that the cost of doing so would exceed the benefits.

While the record supports permitting a professional wetcleaning instruction, it does not warrant requiring such an instruction. None of the comments provided evidence that the absence of a wetcleaning instruction for products that can be wetcleaned would result in deception or unfairness under the FTC Act. Nor did they provide evidence that the benefits of requiring a wetcleaning instruction would exceed the costs such a requirement would impose on manufacturers and importers.[147] Thus, the Commission declines to propose amending the Rule to require a wetcleaning instruction. If consumers prefer wetcleaning to drycleaning and make their purchase decisions accordingly, manufacturers and importers will have an incentive to provide a wetcleaning instruction either in addition to, or in lieu of, a drycleaning instruction. Furthermore, by treating drycleaning and wetcleaning in a similar fashion—as care procedures that manufacturers and importers can disclose to comply with the Rule—the Rule as proposed would help level the playing field for the drycleaning and wetcleaning industries.

Based on this record, the Commission concludes that permitting a professional wetcleaning instruction would provide consumers with useful information regarding the care of the apparel they purchase. Therefore, the Commission proposes adding a definition of ''wetclean'' based on the definition of ''professional wet cleaning'' set forth in ISO 3758:2005(E). Specifically, proposed section 423.1(h) would state that ''wetclean'' means a commercial process for cleaning products or specimens in water carried out by professionals using special technology (cleaning, rinsing, and spinning), detergents, and additives to minimize adverse effects, followed by appropriate drying and restorative finishing procedures.

This definition closely tracks the definition in a widely-used international standard cited approvingly in comments. Thus, the Commission concludes that the definition would provide manufacturers and importers with sufficient guidance to distinguish wetcleaning from other cleaning processes, thereby helping them to determine whether they have enough evidence to provide a wetcleaning instruction or a warning not to wetclean, if they choose to do so. The Commission also proposes to amend Appendix A by including this definition as set forth in the proposed amendment in the last section of this Notice of Proposed Rulemaking.

In addition to defining ''wetclean,'' the Commission proposes amending section 423.6(b) to add a wetcleaning subsection, as set forth in the proposed amendment in the last section of this Notice of Proposed Rulemaking. To harmonize with international standards, the proposed subsection states that any wetcleaning instruction must indicate whether to use a normal, mild or very mild process and disclose fiber content if needed to select the appropriate wetcleaning process. These amendments bring the Rule in line with both the ASTM and ISO symbol systems, and ISO 3758:2005(E)'s fiber disclosure.

This proposed amendment would not impose any new obligations on manufacturers or importers. They could choose to provide a wetcleaning instruction if they have a reasonable basis for it and wish to do so. They also could provide a different instruction, such as a drycleaning or washing instruction.

The proposal, however, would require manufacturers and importers currently labeling items with a ''dryclean only'' instruction either to substantiate that wetcleaning is an inappropriate method of care or to revise their labels. Revised labels stating ''dryclean'' would comply with the Rule. Manufacturers and importers who wished to convey to consumers that home laundering would damage the garment could, if they wished, label the garment as ''dryclean/do not home wash,'' but would comply with the Rule if they disclosed just the cleaning method (in this example, drycleaning) known to produce safe results. Manufacturers and importers could continue to use the ''dryclean only'' label only if they could substantiate that both home laundering and professional wetcleaning were inappropriate methods for cleaning the garment.

B. Use of Care Symbols

The Rule permits manufacturers and importers to use care symbols set forth in ASTM Standard 5489–96c, ''Guide to Care Symbols for Care Instructions on Consumer Textile Products.'' Since the Commission last amended the Rule in 2000, ASTM has updated this standard to ASTM D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products.'' The Rule currently does not permit the use of this updated, or any other non-ASTM symbol system in lieu of terms.

Nearly all of the comments addressing the issue favored allowing the use of symbols in lieu of terms. Some favored amending the Rule to reference ASTM D5489–07, the most recent version of the ASTM standard, or ASTM D5489 without designating the year so that the Rule would automatically reference the latest version of the standard. Still others favored allowing the use of the symbol system developed by ISO. Several urged the Commission to amend the Rule to harmonize the ASTM symbols permitted by the Rule with those set forth in the ISO standard or to allow manufacturers and importers to use either symbol system. None of the comments expressed a preference for the ASTM symbol system currently referenced in the Rule. Nor did any of the comments oppose the harmonization of the ASTM and ISO symbols.

The record supports: (1) Continuing to allow the use of ASTM care symbols in lieu of terms, (2) updating the Rule to reference the 2007 version of the ASTM standard, and (3) permitting the use of the ASTM and ISO symbols. The Commission concludes that permitting the use of the symbol system in either the updated ASTM standard, ASTM D5489–07, or ISO 3758:2005(E) would ensure that manufacturers and importers that choose to use symbols in lieu of terms will use them consistent

[146] The standard ISO 3758:2005(E), ''Textiles—Care labelling code using symbols'' also defines wetcleaning.

[147] Also, the comments stating that the benefits of requiring a wetcleaning instruction would exceed the added testing and labeling costs were not submitted by entities that would purportedly incur the added costs that would result if the Commission amends the Rule to require a wetcleaning instruction. *See* UCLA Sustainable Technology & Policy Program (84); NCA and DLI (124); and Riggs (53).

with the latest industry standards.[148] It also would provide them with the flexibility to use either symbol system, resulting in less cluttered labels if manufacturers opt to use one set of symbols.[149]

Because the ASTM and ISO symbol systems are not identical, consumers may need to know which system appears on the label so that they can ascertain or confirm the meaning of a particular symbol. Furthermore, permitting the use of two symbol systems could increase the risk of consumer confusion. Therefore, the Commission proposes requiring that manufacturers or importers opting to disclose care instructions using the ISO symbols disclose that they are using ISO symbols. The Commission does not propose requiring a similar disclosure on labels using the ASTM symbols because the Rule already permits the use of ASTM symbols without requiring any such disclosure. For example, consumers might have a greater familiarity with the ASTM symbols than with the ISO symbols because the Rule started permitting them in 1997. On the other hand, that may not be the case. The Commission seeks comment on this issue, including on the extent to which care labels currently include ASTM and ISO symbols.

Permitting the use of either symbol system should not confuse or deceive consumers because the symbol systems are nearly identical. Although the ASTM system includes more symbols than the ISO system,[150] the two systems use virtually identical symbols for washing, bleaching, and professional care such as drycleaning and wetcleaning. Manufacturers and importers that prefer to use the ISO system can supplement the ISO symbols with written instructions as appropriate. Both symbol systems lack symbols for certain instructions and acknowledge the need to supplement their symbols with written instructions as appropriate.[151]

Although the two systems differ slightly with respect to drying and ironing symbols, the differences do not appear substantial. ASTM has more symbols for drying, and the ASTM symbol for medium temperature drying means normal temperature drying in the ISO system. The ASTM system includes a ''no steam'' symbol for ironing while the ISO symbol for low heat, unlike the ASTM symbol for low heat, indicates that steam ironing may cause irreversible damage. If a manufacturer or importer concludes that one of the systems has symbols that more effectively convey the proper care instructions, it can choose to use that system.[152]

The Commission notes that the meaning of one ASTM drycleaning symbol changed significantly in the revised ASTM standard. The old symbol, a circle with the letter ''P'' inside, means dryclean with any solvent except perc. Under the revised standard, the symbol means dryclean with perc or petroleum. Although potentially confusing, this change does not seem likely to harm consumers who understand the meaning of the symbol at the time they purchase the product.[153]

However, even if consumers understand the symbol at the time of purchase, confusion could result with respect to: (1) Products labeled before, but sold after, the symbol system change; and (2) situations where the consumer does not remember whether he or she purchased the product before or after the symbol change. The change in the symbol's meaning could also cause confusion if drycleaners do not know whether the garment was labeled before the change. Of course, notwithstanding the change in symbol meaning, consumers and drycleaners can avoid any risk of using an inappropriate solvent by using petroleum rather than perc to dryclean the product (under both the old and new meaning, the symbol indicates that petroleum can be used). The Commission seeks comment on these issues.

As explained above, a comment from GreenEarth urged the Commission to replace the ASTM and ISO symbols with new symbols based on a solvent's aggressiveness rather than type.[154] GreenEarth did not submit any evidence on consumer perception of its proposed symbols or establish that any resulting benefits would exceed the cost to business.[155] Moreover, none of the other comments proposed anything similar to GreenEarth's proposal. The record, therefore, does not indicate that GreenEarth's approach to care instructions would be superior to the current one. Moreover, it would represent a significant departure from the symbol system currently permitted by the Rule as well as from the updated ASTM and ISO symbol systems widely used by apparel manufacturers and importers and favored by nearly all of the other comments that addressed the use of symbols. Therefore, the Commission declines to adopt GreenEarth's proposal.[156]

Finally, Section 423.8(g) states that, for the 18-month period beginning on July 1, 1997, symbols may be used in lieu of terms only if an explanation of the symbols is attached to, or provided with, the product. This provision has expired; therefore, the Commission proposes to remove it from the Rule.

To implement the revisions described above, the Commission proposes amending Section 423.8(g) as set forth in the proposed amendment in the last section of this Notice of Proposed Rulemaking.

One of the comments urged the Commission to update the Rule by referring to the ASTM standard without identifying the year or version of the standard. The comment argued that, if the Commission amended the Rule in this way, the Rule would always incorporate the most recent ASTM standard. The Commission declines to follow this approach because it would, in effect, grant ASTM the power to revise a Commission Rule. If ASTM

[148] Manufacturers would need to purchase and follow only one of the two standards to disclose care instructions using symbols, thereby reducing compliance costs. *E.g.,* manufacturers already using ISO symbols in lieu of written terms would not need to incur the expense of adding ASTM symbols or written terms to their labels so that they can market their garments in the United States.

[149] Both the ASTM and ISO standards are subject to copyrights and can be purchased from the organizations that issued them. In addition, the ISO symbols are protected by trademarks and their use is dependent on a contract with GINETEX. *See www.ginetex.net.* Consumers can find the symbols and explanations of their meaning on the Internet, including the ISO symbols on the GINETEX Web site and the currently approved ASTM symbols on the FTC Web site at *http://www.ftc.gov/opa/1996/12/label.pdf.* Consumers can find the professional care symbols in the 2007 version of the ASTM standard on page three of the GreenEarth comment (mistakenly described as the ''current FTC Symbol Chart'') located at *http://www.ftc.gov/os/comments/carelabelinganpr/00098-80529.pdf.*

[150] *E.g.,* the ISO system has fewer symbols for drying. ISO has normal and low temperature symbols while ASTM has symbols for any heat, high, medium, low, and no heat/air.

[151] *E.g.,* both the ASTM and ISO systems list written instructions, including ''wash separately'' and ''remove promptly.''

[152] *E.g.,* if a manufacturer or importer determines that it needs to use one of the ASTM drying symbols not available in the ISO system to convey drying instructions properly, it can opt to use the ASTM symbol system. If both systems have a drying symbol that suffices, it can opt to use either system.

[153] As noted in footnote 149, consumers can find the symbols and explanations of their meaning on the Internet.

[154] GreenEarth's arguments and proposal are summarized in Section II.C.

[155] GreenEarth argued that its proposal would encourage the substitution of less aggressive solvents for more aggressive ones in the cleaning process, thereby measurably reducing claims for damaged garments. However, it did not address whether its proposal would increase the cost of providing care instructions or submit any evidence showing that its proposal would actually reduce the use of more aggressive solvents.

[156] GreenEarth may wish to submit its proposal to ASTM and ISO for their consideration if it has not already done so.

revises the standard, the Commission can consider whether to revise the Rule to incorporate the revised standard. Any interested party can petition the Commission to amend the Rule at any time, particularly if the failure to incorporate the revised standard would have an adverse effect on consumers or commerce.[157]

C. Clarification of Reasonable Basis Requirements

As noted above, the Rule requires that manufacturers and importers possess a reasonable basis for the care instructions they provide prior to sale. Under the Rule, a reasonable basis must consist of reliable evidence supporting the instructions on the label.[158] Specifically, a reasonable basis can consist of: (1) Reliable evidence that the product was not harmed when cleaned reasonably often according to the instructions; (2) reliable evidence that the product or a fair sample of the product was harmed when cleaned by methods warned against on the label; (3) reliable evidence, like that described in (1) or (2), for each component part of the product in conjunction with reliable evidence for the garment as a whole; (4) reliable evidence that the product or a fair sample of the product was successfully tested; (5) reliable evidence of current technical literature, past experience, or industry expertise supporting the care information on the label; or (6) other reliable evidence.[159]

Several comments summarized in Section II.C above urged the Commission to impose more rigorous testing requirements or to clarify the Rule's reasonable basis requirements. These comments explained that some manufacturers and importers appear not to understand the Rule's reasonable basis requirements. No comment provided specific suggestions.

The record is devoid of evidence showing that any manufacturers or importers improperly relied on evidence other than testing, that particular testing was inadequate or flawed, or that the benefits of requiring additional or more rigorous testing to ensure better care instructions would exceed the costs to manufacturers and importers. The mere assertion that some manufacturers or importers violate the Rule does not prove that the Commission needs to amend the Rule. Therefore, the Commission declines to propose more rigorous testing requirements.

However, the comments suggest a need to clarify the Rule's reasonable basis requirements to aid compliance without increasing or decreasing the burden imposed on industry. Specifically, providing examples of situations where testing an entire garment may be needed to determine care instructions, as well as examples where such testing is not needed, may help clarify the Rule's requirements. Accordingly, the Commission proposes to incorporate advice from its business education materials and include examples in Section 423.6(c)(3) and (5) as set forth in the proposed amendment in the last section of this Notice of Proposed Rulemaking.

Because the Commission does not intend to impose new requirements on manufacturers or importers, it views these proposed revisions as non-substantive.[160] Nonetheless, the Commission seeks comment regarding whether these proposed additions would be helpful and whether the Commission should provide any additional clarification.

D. Revised Definition of Dryclean

Several comments urged the Commission to update and expand the Rule's definition of ''dryclean'' to include new solvents in the list of examples and to cover solvents that are not organically-based. One comment noted the introduction of new solvents over the last 25 years, such as high flash hydrocarbons, silicones, glycol ethers, carbon dioxide, and aldehydes. It also explained that one solvent listed in the definition, fluorocarbon, is no longer used, and that not all solvents are organically-based. Additionally, several comments argued that the definition discourages the use of solvents not recognized by the Rule and, therefore, risks curtailing technological advancement.

The record shows that the Commission needs to modernize the Rule's definition of ''dryclean.'' Although the definition technically includes all common organic solvents, it only lists three examples, one of which is no longer used. To address the concerns raised by comments, the Commission proposes to broaden the definition to cover any solvent excluding water. In addition, the Commission proposes to drop the reference to fluorocarbon and add new solvents identified in the record to the list of examples. The Commission does not propose to delete perchloroethylene from the list because drycleaners continue to use it and may do so at least until California's ban takes effect in 2023. Accordingly, the Commission proposes amending Section 423.1(c) as set forth in the proposed amendment in the last section of this Notice of Proposed Rulemaking.

The Commission also proposes to amend Appendix A.7.a in the same way and to amend Appendix 7.c to include the solvent examples from the revised definition.

V. Other Amendments the Commission Declines To Propose

A number of comments proposed amendments to the Rule other than those discussed above. Some suggested that the Commission require manufacturers and importers to disclose all appropriate care procedures. Others proposed requiring additional disclosures, disallowing certain care instructions, addressing the format or composition of labels, expanding the scope of the Rule, or imposing additional requirements such as making manufacturers or importers accountable to consumers if they provide inaccurate care instructions. One commenter proposed changing the ''overarching nomenclature and the guiding principle'' behind the Rule to improve the reliability and understandability of care labels. The Commission declines to propose any of these amendments for the reasons explained below. Additionally, the comments did not suggest amending the Rule to address the presentation of instructions in multiple languages, and the Commission declines to propose any amendments addressing this issue.

Several comments from the cleaning industry urged the Commission to require manufacturers and importers to disclose all appropriate methods of care. None of the comments from other affected industries supported this proposal. The Commission issued the Rule to protect consumers from unfair and deceptive trade practices. In issuing the Rule, the Commission determined, based on the record in the proceeding, that it was unfair or deceptive for manufacturers and importers to fail to disclose a regular care procedure necessary for the ordinary use and enjoyment of the product (or to warn the consumer that the product cannot be cleaned without being harmed). It did not conclude that manufacturers and importers must disclose multiple care procedures. None of the comments included evidence demonstrating that the failure to disclose all appropriate care methods would result in deception or unfairness under the FTC Act. Nor did they submit evidence that the benefits of requiring such a disclosure

[157] *See* 16 CFR 1.9.

[158] 16 CFR 423.6(c).

[159] *Id.*

[160] The Commission also proposes to correct an error in Section 423.6(c) by replacing the word ''processing'' with ''possessing.''

would exceed the costs such a requirement would impose on manufacturers and retailers. The Commission, therefore, has no reason to believe that it is either unfair or deceptive for a manufacturer or importer to fail to disclose all appropriate methods of care.

Similarly, the other comments proposing that the Commission impose additional disclosure or other obligations on manufacturers and importers, summarized in Section II.F above, failed to show that imposing these obligations is necessary to prevent deception or unfairness. Nor did they show that the benefits of the proposals would exceed their costs. Thus, the Commission declines to propose any of these amendments.

Some comments urged the Commission to require manufacturers and importers to disclose fiber content on care labels even though the Commission's Rules and Regulations Under the Textile Fiber Products Identification Act (''Textile Rules'') already require disclosure of fiber content.[161] The comments did not provide evidence addressing the need for this amendment or the costs it would impose. While it is true that the Textile Rules do not require this disclosure in a form that can be referred to by the consumer throughout the useful life of the product, the Commission has anecdotal evidence that some manufacturers and importers often include the fiber content disclosure required by the Textile Rules on the same ''permanent'' label that provides care instructions. In addition, as explained above, the Commission proposes to require that any wetcleaning instruction disclose fiber content if needed to select the appropriate wetcleaning process. The Commission seeks comment on the extent to which care labels already disclose fiber content and the need for fiber content information on ''permanent'' labels but, at this time, declines to propose amending the Rule to address this issue.

GreenEarth proposed changing the ''overarching nomenclature and the guiding principle'' behind the Rule to improve the reliability and understandability of care labels (*e.g.,* by replacing instructions such as ''dryclean'' and ''do not dryclean'' with simplified categories of ''cleaning method'' and ''cycle'').[162] GreenEarth, however, did not submit any evidence on consumer perception of its proposed nomenclature for care instructions or whether the benefits of replacing the Rule's existing nomenclature and guiding principles would exceed the cost to business.[163] None of the other comments made similar proposals or addressed GreenEarth's proposal. The record does not establish that GreenEarth's approach would be superior to the current one. In addition, it would represent a significant departure from the Rule's longstanding approach to and industry practice for providing care instructions. The Commission, therefore, declines to propose amending the Rule as proposed by GreenEarth.[164]

Finally, the ANPR sought comments on whether the Commission should amend the Rule to address care instructions in multiple languages. None of the comments proposed amending the Rule to address the format for presenting instructions in more than one language, although two comments noted that using or harmonizing symbols would address problems stemming from disclosures in multiple languages. Because none of the comments proposed any amendments directly addressing the presentation of multiple languages on care labels, the Commission declines to propose any amendments on this issue. The Commission, however, seeks additional comment on whether any of the proposed amendments to the Rule affect the need to address this issue.

VI. Request for Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 16, 2012. Write ''Care Labeling Rule, 16 CFR part 423, Project No. R511915'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, such as medical records or other individually identifiable health information. In addition, don't include any '[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, don't include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[165] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/CareLabelingNPRM,* by following the instruction on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Care Labeling Rule, 16 CFR Part 423, Project No. R511915'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex B), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

[161] 16 CFR part 303.

[162] *See* discussion of GreenEarth's comment in Section II.B.

[163] GreenEarth argued that its proposal would encourage the substitution of less aggressive solvents for more aggressive ones in the cleaning process, thereby measurably reducing claims for damaged garments. However, it did not address whether its proposal would increase the cost of providing care instructions, or submit any evidence showing that its proposal would actually reduce the use of more aggressive solvents.

[164] The Commission rejects GreenEarth's proposal regarding care symbols for similar reasons. *See* discussion in Section IV.B.

[165] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Visit the Commission Web site at *http://www.ftc.gov* to read this NPRM and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 16, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

The Commission invites members of the public to comment on any issues or concerns they believe are relevant or appropriate to the Commission's consideration of proposed amendments to the Care Labeling Rule. The Commission requests that comments provide factual data upon which they are based. In addition to the issues raised above, the Commission solicits public comment on the costs and benefits to industry members and consumers of each of the proposals as well as the specific questions identified below. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

Questions

1. Is there empirical evidence regarding whether consumers interpret a ''dryclean'' instruction to mean that a garment cannot be washed? If so, please submit such evidence.

2. How many domestic businesses provide professional wetcleaning to the public on a regular basis? To what extent do domestic businesses provide both drycleaning and wetcleaning? What evidence supports your answers?

3. To what extent do consumers have access to and use professional wetcleaning services? To what extent are wetcleaning services widely available geographically? What evidence supports your answers?

4. To what extent are consumers aware of the attributes and availability of professional wetcleaning services? What evidence supports your answer?

5. Assuming the Commission amends the Rule to permit a wetcleaning instruction, should the Commission also amend Section 423.8(d) of the Rule, which exempts products that can be cleaned safely under the harshest procedures from the requirement of a permanent care label? If so, how? What evidence supports your answer? For example, should the Commission amend this section to add professional wetcleaning to the list of procedures that safely can be used for a product to fall under this exemption?

6. To what extent do drycleaners use solvents other than petroleum and perc? To what extent do they use each of these drycleaning solvents? How do these other solvents compare to perc with respect to performance and environmental effects? To what extent do they use multiple solvents? What evidence supports your answers?

7. To what extent do manufactures and importers disclose fiber content information on labels providing care instructions? What evidence supports your answer?

8. To what extent do manufacturers and importers use care symbols to provide care instructions for garments and piece goods sold in the United States? To what extent do they use symbols alone? To what extent do they use symbols in conjunction with written instructions? To what extent do they use ASTM symbols without using ISO symbols, ISO symbols without using ASTM symbols, or both ASTM and ISO symbols? What evidence supports your answer?

9. Is there empirical evidence regarding the extent to which consumers understand or rely on care symbols or find labels using multiple symbol systems, such as both the ASTM and ISO symbol systems, confusing? If so, please submit such evidence.

10. The meaning of one drycleaning symbol in the ASTM symbol system currently permitted by the Rule, a circle with the letter ''P'' inside, changed significantly in the revised ASTM symbol system. The currently permitted symbol means dryclean with any solvent except perc. In contrast, the symbol under the revised system means dryclean with perc or petroleum. Should the Commission amend the Rule to address this issue? If so, how? What evidence supports your answer?

11. Do the proposed amendments to the Rule's reasonable basis provisions clarify them adequately? Is any additional clarification needed? If so, what? If not, why not? What evidence supports your answers?

12. The record did not establish a need to amend the Rule to address care labels in multiple languages. Do any of the proposed amendments to the Rule affect the need to address this issue? If so, how? What evidence supports your answer?

13. Would the following amendments impose costs or confer benefits on consumers? Would they impose costs or confer benefits on apparel and piece good manufacturers and importers, especially small businesses? Would they impose costs or confer benefits on businesses that clean apparel, especially small businesses? Would they impose costs or confer benefits on businesses that sell apparel or piece goods to consumers, especially small businesses? If so, how? If not, why not? What evidence supports your answers?

(A) Amending the Rule to permit manufacturers and importers to provide a professional wetcleaning instruction for garments or piece goods that can be professionally wetcleaned;

(B) Amending the Rule to update the provision allowing the use of certain care symbols in lieu of written terms by permitting manufacturers and importers to use the symbol system set forth in either ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles—Care labelling code using symbols'';

(C) Amending the Rule to clarify the Rule's reasonable basis requirements; and

(D) Amending the Rule's definition of ''dryclean.''

14. General Questions: To maximize the benefits and minimize the costs for buyers and sellers (including specifically small businesses), the Commission seeks views and data on the following general questions for all the proposed changes described in this document:

(A) What benefits would the proposed changes confer, and on whom?

(B) What costs or burdens would the proposed changes impose, and on whom?

(C) What regulatory alternatives to the proposed changes are available that would reduce the burdens of the proposed changes while providing the same benefits?

VII. Communications to Commissioners and Commissioner Advisors by Outside Parties

Pursuant to Commission Rule 1.18(c)(1), the Commission has determined that communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor shall be subject to the following treatment. Written communications and summaries or transcripts of oral communications shall be placed on the rulemaking record if the communication is received before the end of the comment period on the staff report. They shall be placed on the public record if the communication is received later. Unless the outside party making an oral communication is a member of Congress, such communications are permitted only if advance notice is

published in the Weekly Calendar and Notice of ''Sunshine'' Meetings.[166]

VIII. Preliminary Regulatory Analysis and Regulatory Flexibility Act Requirements

Under Section 22 of the FTC Act, 15 U.S.C. 57b, the Commission must issue a preliminary regulatory analysis for a proceeding to amend a rule only when it: (1) Estimates that the amendment will have an annual effect on the national economy of $100 million or more; (2) estimates that the amendment will cause a substantial change in the cost or price of certain categories of goods or services; or (3) otherwise determines that the amendment will have a significant effect upon covered entities or upon consumers. The Commission has preliminarily determined that the proposed amendments will not have such effects on the national economy; on the cost of labeling apparel and piece goods; or on covered parties or consumers.

The proposed amendments provide manufacturers and importers with additional options for disclosing care instructions, clarify the Rule, and update the definition of ''dryclean'' to reflect current practices and technology, so the proposed amendments would not require manufacturers or importers to alter their behavior and would not impose additional costs on them. The Commission, however, requests comment on the economic effects of the proposed amendments.

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, requires that the Commission conduct an analysis of the anticipated economic impact of the proposed amendments on small entities. The purpose of a regulatory flexibility analysis is to ensure that an agency considers the impacts on small entities and examines regulatory alternatives that could achieve the regulatory purpose while minimizing burdens on small entities. Section 605 of the RFA, 5 U.S.C. 605, provides that such an analysis is not required if the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities. The Commission believes that the proposed amendments would not have a significant economic impact upon small entities, although it may affect a substantial number of small businesses. Specifically, the Commission proposes a few limited amendments designed to provide manufacturers and importers with more options for disclosing care instructions, clarify the Rule, and update the definition of ''dryclean.'' In the Commission's view, the proposed amendments should not have a significant or disproportionate impact on the costs of small entities that manufacture or import apparel or piece goods. Therefore, based on available information, the Commission certifies that amending the Rule as proposed will not have a significant economic impact on a substantial number of small businesses.

Although the Commission certifies under the RFA that the proposed amendments would not, if promulgated, have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an Initial Regulatory Flexibility Analysis to inquire into the impact of the proposed amendments on small entities. Therefore, the Commission has prepared the following analysis:

A. Description of the Reasons That Action by the Agency is Being Taken

In response to public comments, the Commission proposes amending the Rule to respond to the development of new technologies, changed commercial practices, and updated industry standards.

B. Statement of the Objectives of, and Legal Basis for, the Proposed Amendments

The objective of the proposed amendments is to provide manufacturers and importers of apparel and certain piece goods with additional options for disclosing care instructions, clarify the Rule's reasonable basis provisions, and update the definition of ''dryclean'' to reflect current practices and technology. The Commission promulgated the Rule pursuant to Section 18 of the FTC Act, 15 U.S.C. 57a. As noted earlier, the Commission has wide latitude in fashioning a remedy and need only show a ''reasonable relationship'' between the unfair or deceptive act at issue and the remedy.[167] The Rule as modified by the proposed amendments would reasonably relate to the practices that led the Commission to promulgate the Rule. It would provide covered entities with additional options for complying with the Rule's disclosure requirements without imposing new burdens or additional costs.

C. Small Entities to Which the Proposed Amendments Will Apply

Under the Small Business Size Standards issued by the Small Business Administration, textile apparel and some fabric manufacturers qualify as small businesses if they have 500 or fewer employees. Clothing and piece good wholesalers qualify as small businesses if they have 100 or fewer employees. The Commission's staff has estimated that approximately 22,218 manufacturers or importers of textile apparel are covered by the Rule's disclosure requirements.[168] A substantial number of these entities likely qualify as small businesses. The Commission estimates that the proposed amendments will not have a significant impact on small businesses because it does not impose any new obligations on them. The Commission seeks comment and information with regard to the estimated number or nature of small business entities for which the proposed amendments would have a significant impact.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements, Including Classes of Covered Small Entities and Professional Skills Needed to Comply

As explained earlier in this document, the proposed amendments will provide apparel manufacturers and importers with additional options for disclosing care instructions, clarify the Rule's reasonable basis requirements, and update the definition of ''dryclean'' to reflect current practices and technology. The small entities potentially covered by these proposed amendments will include all such entities subject to the Rule. The professional skills necessary for compliance with the Rule as modified by the proposed amendments would include office and administrative support supervisors to determine label content and clerical personnel to draft and obtain labels. The Commission invites comment and information on these issues.

E. Duplicative, Overlapping, or Conflicting Federal Rules

The Commission has not identified any other federal statutes, rules, or policies that would duplicate, overlap, or conflict with the proposed amendments. The Commission invites comment and information on this issue.

[166] *See* 15 U.S.C. 57a(i)(2)(A); 16 CFR 1.18(c).

[167] *American Fin. Servs. Ass'n* v. *FTC,* 767 F.2d 957, 988 (D.C. Cir. 1985) (quoting *Jacob Siegel Co.* v. *FTC,* 327 U.S. 608, 612–13 (1946)).

[168] *Federal Trade Commission: Agency Information Collection Activities; Proposed Collection; Comment Request,* 76 FR 77230 (Dec. 12, 2011).

F. Significant Alternatives to the Proposed Amendments

The Commission has not proposed any specific small entity exemption or other significant alternatives, as the proposed amendments simply provide additional options for disclosing care instructions, clarify the Rule's reasonable basis provisions, and update the definition of ''dryclean'' to reflect current practices and technology. Under these limited circumstances, the Commission does not believe a special exemption for small entities or significant compliance alternatives are necessary or appropriate to minimize the compliance burden, if any, on small entities while achieving the intended purposes of the proposed amendments. Nonetheless, the Commission seeks comment and information on the need, if any, for alternative compliance methods that would reduce the economic impact of the Rule on small entities. If the comments filed in response to this NPRM identify small entities that would be affected by the proposed amendments, as well as alternative methods of compliance that would reduce the economic impact of the proposed amendments on such entities, the Commission will consider the feasibility of such alternatives and determine whether they should be incorporated into the final Rule. As explained above, the Commission considered a number of alternative amendments advocated by commenters and decided not to propose any of them.

IX. Paperwork Reduction Act

The Rule contains various ''collection of information'' (*e.g.,* disclosure) requirements for which the Commission has obtained OMB clearance under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501 *et seq.*[169] As discussed above, the Commission proposes amendments to: (a) Clarify the Rule; (b) update the definition of ''dryclean'' to reflect current technology and practices; and (c) provide manufacturers and importers with added options for disclosing care instructions. These proposed amendments do not impose any additional collection of information requirements. For example, businesses that prefer not to provide a wetcleaning instruction or use symbols need not do so. Depending on the disclosure option selected for disclosing care instructions, the associated PRA burden might even be reduced.

[169] The Commission recently published its PRA burden estimates for the current information collection requirements under the Rule. *See Federal Trade Commission: Agency Information Collection Activities; Proposed Collection; Comment Request,* 76 FR 77230 (Dec. 12, 2011) and *Federal Trade Commission: Agency Information Collection Activities; Submission for OMB Review; Comment Request,* 77 FR 10744 (Feb. 23, 2012). On March 26, 2012, OMB granted clearance through March 31, 2015, for these requirements and the associated PRA burden estimates. The OMB control number is 3084–0103.

List of Subjects in 16 CFR Part 423

Clothing, Labeling, Textiles, Trade practices.

For the reasons set out in the preamble, the Commission proposes to amend 16 CFR part 423 as follows:

PART 423—CARE LABELING OF TEXTILE WEARING APPAREL AND CERTAIN PIECE GOODS

1. The authority citation for part 423 continues to read as follows:

Authority: 15 U.S.C. 57a.

2. Revise the heading of part 423 to read as set forth above.

3. Amend § 423.1 by revising paragraph (c) and adding paragraph (h) to read as follows:

§ 423.1 Definitions.

* * * * *

(c) *Dryclean* means a commercial process by which soil is removed from products or specimens in a machine which uses any solvent excluding water (*e.g.,* petroleum, perchloroethylene, silicone, glycol ether, carbon dioxide, or aldehyde). The process also may involve adding moisture to the solvent, up to 75% relative humidity, hot tumble drying up to 160 degrees F (71 degrees C) and restoration by steam press or steam-air finishing.

* * * * *

(h) *Wetclean* means a commercial process for cleaning products or specimens in water carried out by professionals using special technology (cleaning, rinsing, and spinning), detergents, and additives to minimize adverse effects, followed by appropriate drying and restorative finishing procedures.

4. Amend § 423.6 by revising paragraph (b) introductory text, adding paragraph (b)(3), and revising paragraphs (c) introductory text, (c)(3), and (c)(5) to read as follows:

§ 423.6 Textile wearing apparel.

* * * * *

(b) Care labels must state what regular care is needed for the ordinary use of the product. In general, labels for textile wearing apparel must have either a washing instruction, a drycleaning instruction, or a wetcleaning instruction. If a washing instruction is included, it must comply with the requirements set forth in paragraph (b)(1) of this section. If a drycleaning instruction is included, it must comply with the requirements set forth in paragraph (b)(2) of this section. If a wetcleaning instruction is included, it must comply with the requirements set forth in paragraph (b)(3) of this section. If washing, drycleaning, or wetcleaning can be used, the label need have only one of these instructions. If the product cannot be cleaned by any available cleaning method without being harmed, the label must so state. [For example, if a product would be harmed by washing, drycleaning, and wetcleaning, the label might say, ''Do not wash—do not dryclean or wetclean,'' or ''Cannot be successfully cleaned.''] The instructions for washing, drycleaning, and wetcleaning are as follows:

* * * * *

(3) *Wetcleaning*—(i) *General.* If a wetcleaning instruction is included on the label, and a mild or very mild process should be used, the label must state the process that must be used. If a normal process will not harm the product, the label need not mention any type of process. If the product's fiber content is needed to determine how to select the appropriate wetcleaning process, the label must state the fiber content.

(ii) *Warnings.* (A) If there is any part of the wetcleaning procedure which consumers or wetcleaners reasonably can be expected to use that would harm the product or others being cleaned with it, the label must contain a warning to this effect. The warning must use the words ''Do not,'' ''No,'' ''Only,'' or some other clear wording.

(B) Warnings are not necessary for any procedure which is an alternative to the procedure prescribed on the label. [For example, if an instruction states ''Professionally wetclean, very mild process,'' it is not necessary to give the warning ''Do not use normal process.'']

(c) A manufacturer or importer must establish a reasonable basis for care information by possessing prior to sale:

* * * * *

(3) Reliable evidence, like that described in paragraph (c)(1) or (2) of this section, for each component part of the product in conjunction with reliable evidence for the garment as a whole; provided that test results showing that a whole garment can be cleaned as recommended may be required where, for example:

(i) The color of one part often bleeds onto another when the finished garment is washed;

(ii) A dye that is known to bleed, or beads, buttons, or sequins that are known to be damaged often in drycleaning are used; or

(iii) A garment contains several fibers, fabrics, or components not previously used together; or

* * * * *

(5) Reliable evidence of current technical literature, past experience, or industry expertise supporting the care information on the label [For example, if past experience with particular dyes and fabrics indicates that a particular red trim does not bleed onto surrounding fabric, testing the entire garment might not be necessary]; or

* * * * *

5. Amend § 423.8 by revising paragraph (g) as follows:

§ 423.8 Exemptions.

* * * * *

(g) The symbol systems developed by ASTM International (ASTM) and designated as ASTM D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products'' and by the International Organization for Standardization (ISO) and designated as 3758:2005(E), ''Textiles—Care labelling code using symbols,'' may be used on care labels or care instructions in lieu of terms so long as the symbols fulfill the requirements of this part. If the ISO symbols are used, the label should disclose this fact. In addition, symbols from either one of the two symbol systems above may be combined with terms so long as the symbols and terms used fulfill the requirements of this part. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ASTM D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' may be obtained from ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428. Copies of ISO 3758:2005(E), ''Textiles—Care labelling code using symbols,'' may be obtained from American National Standards Institute, 11 West 42nd Street, 13th Floor, New York, NY 10036. Both ASTM D5489–07 and ISO 3758:2005(E) may be inspected at the Federal Trade Commission, room 130, 600 Pennsylvania Avenue NW., Washington, DC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

* * * * *

6. Amend Appendix A by revising paragraph 7.a and c, and by adding a new paragraph 9.a, to read as follows:

Appendix A to Part 423—Glossary of Standard Terms

* * * * *

7. *Drycleaning; All Procedures:*

a. ''Dryclean''—a commercial process by which soil is removed from products or specimens in a machine which uses any solvent excluding water (*e.g.,* petroleum, perchloroethylene, silicone, glycol ether, carbon dioxide, or aldehyde). The process also may involve adding moisture to the solvent, up to 75% relative humidity, hot tumble drying up to 160 degrees F (71 degrees C) and restoration by steam press or steam-air finishing.

* * * * *

c. ''Petroleum,'' ''Perchloroethylene,'' ''Silicone,'' ''Glycol Ether,'' ''Carbon Dioxide,'' or ''Aldehyde''—employ solvent(s) specified to dryclean the item.

* * * * *

9. *Professional Wetcleaning:*

a. ''Wetclean''—a commercial process for cleaning products or specimens in water carried out by professionals using special technology (cleaning, rinsing, and spinning), detergents, and additives to minimize adverse effects, followed by appropriate drying and restorative finishing procedures.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012–22746 Filed 9–19–12; 8:45 am]

BILLING CODE 6750–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2012–0596; FRL 9731–2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri on September 21, 2010. This revision proposes to amend the ambient air quality standards table to reflect revised National Ambient Air Quality Standards (NAAQS), update reference methods associated with the revised NAAQS, and update the breakpoint values for the Air Quality Index. These revisions would make Missouri's rules consistent with Federal regulations and improve the clarity of the rules.

DATES: Comments on this proposed action must be received in writing by October 22, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2012–0596, by mail to Amy Bhesania, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Amy Bhesania at (913) 551–7147, or by email at *bhesania.amy@epa.gov*.

SUPPLEMENTARY INFORMATION: In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: September 11, 2012.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2012–23133 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0550; FRL–9718–2]

Revisions to the California State Implementation Plan, San Diego County, Antelope Valley and Monterey Bay Unified Air Pollution Agencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the San Diego County Air Pollution Control District (SDCAPCD) and Monterey Bay Unified Air Pollution Control District (MBUAPCD) and Antelope Valley Air Quality Management District (AVAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from coating of metal containers, closures and coils and from graphic arts operations and the provision of sampling and testing facilities required for permitting and from adhesives and sealant applications. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by October 22, 2012.

ADDRESSES: Submit comments, identified by docket number R09–OAR–2012–0550, by one of the following methods:

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

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Andy Steckel, EPA Region IX, (415) 947–4115, *Steckel.andrew@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: SDCAPCD Rule 67.4, Metal Container, Metal Closure and Metal Coil Coating Operations; SDCAPCD Rule 67.16, Metal Container, Graphic Arts Operations; MBUAPCD Rule 205, Provision of Sampling and Testing Facilities and AVAQMD 1168, Adhesive and Sealant Applications. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: August 3, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2012–21226 Filed 9–19–12; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 77, No. 183

Thursday, September 20, 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

Forest Service

Bend-Fort Rock Ranger District; Oregon; Withdrawal of Notice for Preparation of an Environmental Impact Statement for the Kapka Butte Sno-Park Construction Project

AGENCY: Forest Service, USDA. Federal Highway Administration, USDOT.

ACTION: Notice of withdrawal.

SUMMARY: The Bend-Fort Rock Ranger District and FHWA are withdrawing their intent to prepare an Environmental Impact Statement (EIS) for the Kapka Butte Sno-park Construction project. The original Notice of Intent (NOI) was published in the **Federal Register** on January 2, 2009 (Vol. 74, No.1, p 71–72). A Notice of Availability was published in the **Federal Register** on April 15, 2011 (Vol. 76, No.73, p 21345). The Forest Service has determined that an EIS is not required for this project and therefore, it was decided to document the project in an environmental assessment. Pursuant to federal regulations, the Federal Highways Administration is not required to be a co-lead agency, and will instead participate as a cooperating agency.

FOR FURTHER INFORMATION CONTACT: Amy Tinderholt, Project Leader, Bend-Fort Rock Ranger District, 63095 Deschutes Market Road, Bend, OR 97701, phone 541–383–4000.

Dated: September 14, 2012.

Kevin Larkin,

District Ranger.

[FR Doc. 2012–23188 Filed 9–19–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–70–2012]

Foreign-Trade Zone 265—Conroe, TX; Notification of Proposed Production Activity, Bauer Manufacturing Inc. (Pile Drivers and Boring Machinery); Conroe, TX

The City of Conroe, Texas, grantee of FTZ 265, submitted a notification of proposed production activity on behalf of Bauer Manufacturing Inc. (Bauer), located in Conroe, Texas. The notification conforming to the requirements of the regulations of the Foreign-Trade Zones Board (15 CFR 400.22) was received on September 12, 2012.

The Bauer facility is located within Site 1 of FTZ 265. The facility is used for the production of pile drivers and leads, boring machinery, foundation construction equipment, and related parts and sub-assemblies. Production under FTZ procedures could exempt Bauer from customs duty payments on the foreign status components used in export production. On its domestic sales, Bauer would be able to choose the duty rate during customs entry procedures that applies to pile drivers and leads, boring machinery, foundation construction equipment, and related parts and sub-assemblies (duty free) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

Components and materials sourced from abroad include: Petroleum oils and lubricants, paints/varnishes, glues/adhesives, ethylene monofilaments, propylene tubes/pipes/hoses, plastic tubes/pipes/hoses/fittings, self-adhesive plates/sheet/film/tape, stoppers/lids/caps, articles of plastic, rubber plates/sheets/tubes/hoses/pipes/gaskets/seals, leather goods, packing crates, decals, textile straps, mirrors, insulation, articles of steel (shapes, angles, bars, rods, sections, tubes, pipes, profiles, fittings, flanges, brackets, plate, wire, cable, hinges), chain, fasteners, springs, forged goods of steel, copper tubes/pipes/fittings/fasteners/profiles/cloth/netting, aluminum plates/sheets/strips, hand tools, drilling/boring components, pneumatic cylinders, flexible tubing, diesel engines and related parts, hydraulic engines/motors, pumps, compressors, turbochargers, air-conditioner components, heat exchangers, filters, fire extinguishers, hydraulic jacks/hoists, parts of boring/sinking machines, controllers, processors, electromechanical devices, valves, bearings, housings, electrical components, panels/boards, switches, transmissions and related parts, generators/alternators, gears, gearboxes, torque converters, flywheels, clutches, electronic components, lamps/lamp holders, wiring harnesses, magnets, batteries, lighting equipment, reception devices, horns, cameras/video equipment, radiators, exhaust systems and mufflers, measuring/testing instruments, seats, and paint/varnish brushes (duty rates range from free to 10.7%; 10.5¢/bbl; 1¢ ea. + 2.8%). The request indicates that all foreign steel products subject to an antidumping/countervailing duty (AD/CVD) order will be admitted to the zone in domestic (duty-paid) status (19 CFR 146.43).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 30, 2012.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, 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 Pierre Duy at *Pierre.Duy@trade.gov,* or (202) 482–1378.

Dated: September 13, 2012.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2012–23141 Filed 9–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–806]

Silicon Metal From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review

SUMMARY: On September 5, 2012, the United States Court of International Trade (''CIT'') sustained the Department of Commerce's (''Department'') results of redetermination, which reclassified certain line items in the surrogate financial statement used to calculate surrogate financial ratios in the 2007–2008 administrative review of silicon metal from the People's Republic of China (''PRC''),[1] pursuant to the CIT's remand order in *Globe Metallurgical Inc.* v. *United States,* 781 F. Supp. 2d 1340 (CIT 2011) (''*Globe*'').[2] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken,*[3] as clarified by *Diamond Sawblades,*[4] the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of administrative review and is amending its final results of administrative review of the antidumping duty order on silicon metal from the PRC for the 2007–2008 period of review (''POR'').[5]

DATES: *Effective Date:* September 17, 2012.

FOR FURTHER INFORMATION CONTACT: Toni Dach, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1655.

SUPPLEMENTARY INFORMATION: On January 12, 2010, the Department issued its final results of administrative review in the 2007–2008 administrative review of silicon metal from the PRC.[6] In the *Final Results,* the Department excluded miscellaneous receipts and profit on the sale of a fixed asset from its calculation of selling, general, and administrative expenses (''SG&A'') in the surrogate financial ratios.[7]

In *Globe,* the CIT remanded the *Final Results* to the Department to reconsider its exclusion of miscellaneous receipts and profit on sale of a fixed asset from SG&A.[8] The Department then issued a remand redetermination finding that, while profit on the sale of a fixed asset should continue to be excluded from our calculation of SG&A, income from miscellaneous receipts should offset SG&A expenses, as the Department could not determine whether this income was related to the primary operations of the surrogate company.[9] In its Redetermination, the Department also determined that profit on the sale of a fixed asset should be excluded from the profit calculation, as it is excluded from SG&A.[10] As a result, the antidumping duty margin for the respondent Jiangxi Gangyuan Silicon Industry Co., Ltd. (''Jiangxi Gangyuan'') changed from 50.02% to 48.64%. The antidumping duty margin for the respondent Shanghai Jinneng International Trade Co., Ltd. (''Shanghai Jinneng'') changed from 23.16% to 21.97%.

On September 5, 2012, the CIT sustained the Department's Redetermination and entered judgment accordingly.[11]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 5, 2012, judgment sustaining the Department's remand redetermination continuing to exclude profit on the sale of a fixed asset from SG&A, excluding profit on the sale of a fixed asset from the profit calculation, and including miscellaneous receipts as an offset to SG&A, constitutes a final decision of that court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision with respect to the *Final Results,* the Department amends its *Final Results.* The Department finds the following revised margins to exist:

SILICON METAL FROM THE PRC

Exporter	Weighted-average margin (percent)
Jiangxi Gangyuan Silicon Industry Co., Ltd	48.64
Shanghai Jinneng International Trade Co., Ltd	21.97

The cash deposit rate will remain the company-specific rate established for Shanghai Jinneng for the most recent period during which each respondent was reviewed.[12] For Jiangxi Gangyuan, the cash deposit rate will be the rate listed above and the Department will instruct U.S. Customs and Border Protection accordingly. This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: September 12, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–23140 Filed 9–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–984]

Drawn Stainless Steel Sinks From the People's Republic of China: Countervailing Duty Investigation

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

SUMMARY: The Department of Commerce (''Department'') is aligning the final

[1] *See Silicon Metal from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR 1592 (January 12, 2010) (''*Final Results*'') (review covering the period June 1, 2007, through May 31, 2008).

[2] *See* September 6, 2011, ''Final Results of Remand Redetermination Pursuant To Remand Order'' (''Redetermination''); *Globe Metallurgical Inc.* v. *United States,* Slip Op. 12–114, Court No. 10–00032 (September 5, 2012).

[3] *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*'').

[4] *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*'').

[5] *See Final Results.*

[6] *Id.*

[7] *See* Memorandum from Bobby Wong, Senior Analyst; Through Scot T. Fullerton, Program Manager; To James C. Doyle, Director, Office 9; Regarding: Silicon Metal from the People's Republic of China: Allegations of Ministerial Errors in the Final Results, dated February 26, 2010.

[8] *See Globe,* 781 F. Supp. 2d at 1357.

[9] *See* Redetermination.

[10] *See id.* at 5.

[11] *See Globe Metallurgical Inc.* v. *United States,* Ct. No. 10–00032, Slip Op. 12–114 (Sept. 5, 2011) (''*Globe II*'').

[12] *See Silicon Metal from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 77 FR 54563 (September 5, 2012).

countervailing duty determination with the final antidumping duty determination of the above referenced case.

DATES: *Effective Date:* September 20, 2012.

FOR FURTHER INFORMATION CONTACT: Shane Subler or Hermes Pinilla, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0189 or (202) 482–3477, respectively.

Background

On March 27, 2012, the Department of Commerce (''the Department'') initiated antidumping and countervailing duty investigations of drawn stainless steel sinks from the People's Republic of China.[1] On August 6, 2012, the Department published its preliminary countervailing duty determination.[2]

Scope of the Investigation

The products covered by the scope of this investigation are stainless steel sinks with single or multiple drawn bowls, with or without drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of stainless steel (''SS sinks''). Mounting clips, fasteners, seals, and sound-deadening pads are also covered by the scope of this investigation if they are included within the sales price of the SS sinks.[3]

The products covered by this investigation are currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under statistical reporting numbers 7324.10.0000 and 7324.10.0010. Although the HTSUS subheading is provided for convenience and customs purposes, the written product description, available in Preliminary Affirmative Countervailing Duty Determination: Drawn Stainless Steel Sinks From the People's Republic of China, 77 FR 46717 (August 6, 2012), remains dispositive.

[1] *See Drawn Stainless Steel Sinks From the People's Republic of China: Initiation of Countervailing Duty Investigation,* 77 FR 18211 (March 27, 2012), and, also, *see Drawn Stainless Steel Sinks From the People's Republic of China: Initiation of Antidumping Duty Investigation,* 77 FR 18207 (March 27, 2012).

[2] *See Drawn Stainless Steel Sinks From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination,* 77 FR 46717 (August 6, 2012).

[3] Mounting clips, fasteners, seals, and sound deadening pads are not covered by the scope of this investigation if they are not included within the sales price of the SS sinks, regardless of whether they are shipped with or entered with SS sinks.

Alignment of Final Determination

On August 3, 2012, petitioner Elkay Manufacturing Company submitted a letter, requesting alignment of the final countervailing duty (CVD) determination with the final antidumping duty (AD) determination in the companion AD investigation. This request was timely pursuant to 19 CFR 351.210(i). Therefore, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.210(b)(4), the Department will issue the final CVD determination on the same date as the final AD determination, which is currently scheduled for December 11, 2012.

Dated: September 14, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–23253 Filed 9–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Thursday, October 11, 2012, at 9:00 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held in Room 4830 at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Todd DeLelle, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230. (Phone: 202–482–4877; Fax: 202–482–5665; email: *todd.delelle@trade.gov*). This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482–5225 no less than one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The meeting will take place from 9:00 a.m. to 3:30 p.m. EDT. This meeting is open to the public and time will be permitted for public comment from 3:00–3:30 p.m. EDT. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered: The agenda for the October 11, 2012 ETTAC meeting will include discussion of various issues and policies that affect environmental trade. These subjects will encompass the harmonization of global environmental regulations, standards, and certification programs; analysis of existing environmental goods and services data sources; development of trade promotion programs; and issues related to innovation in the environmental technology sector.

Background: The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently re-chartered until October 2012.

Catherine Vial,

Team Leader, Office of Energy and Environmental Industries.

[FR Doc. 2012–23215 Filed 9–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the NOAA Science Advisory Board. The members will discuss and provide advice on issues outlined in the section on Matters to be Considered.

Time and Date: The meeting is scheduled for: Tuesday, October 9, 2012, from 1:00–3:00 p.m. Eastern Daylight Time.

ADDRESSES: Conference call. Public access is available at: NOAA, SSMC 3, Room 12836, 1315 East-West Highway, Silver Spring, MD. Members of the

public will not be able to dial in to this meeting.

Status: The meeting will be open to public participation with a 5-minute public comment period from 2:50–2:55 p.m. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of one minute. Written comments should be received in the SAB Executive Director's Office by October 4, 2012 to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after October 4, 2012, will be distributed to the SAB, but may not be reviewed prior to the meeting date.

SUPPLEMENTARY INFORMATION: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

Matters to be Considered: The meeting will include the following topics: (1) Presentation of the final report from the review of the Ocean Exploration Program by the Ocean Exploration Advisory Working Group; (2) Review of new members, a new chair and renewal of membership terms for the Data Archive and Access Requirements Working Group; (3) Review of renewal of membership terms for the Ecosystem Sciences and Management Working Group;(4) Review of new members, a new chair and renewal of membership terms for the Climate Working Group; and (5) Update from the Research and Development Portfolio Review Task Force and discussion of proposed new date for final report. For the latest agenda, please visit the SAB Web site at *http://www.sab.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, Science Advisory Board, NOAA, Rm. 11230, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–734–1156, Fax: 301–713–1459, Email: *Cynthia.Decker@noaa.gov*.

Dated: September 14, 2012.

Andy Baldus,

Chief Financial Officer/Chief Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2012–23160 Filed 9–19–12; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC239

Marine Mammals; File No. 17355

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the National Marine Fisheries Service's Northeast Science Center (NEFSC), 166 Water Street, Woods Hole, Massachusetts 02543 [Responsible Party: William Karp; Principal Investigator: Peter Corkeron], has applied in due form for a permit to conduct research on marine mammals and sea turtles.

DATES: Written, telefaxed, or email comments must be received on or before October 22, 2012.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 17355 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Kristy Beard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The NEFSC is requesting a five-year permit to conduct scientific research on 38 species of cetaceans, four species of pinnipeds, and five species of sea turtles in the US EEZ from Florida to Maine and Canadian waters in the Bay of Fundy and Scotian Shelf. The research is designed to meet the NEFSC's mandates under the MMPA and ESA and primarily focuses on stock assessment. Specific objectives are to determine the abundance, distribution, movement patterns, dive behavior, demographic parameters, trends in recruitment, and stock structure of marine mammals in U.S. waters of the western North Atlantic. Twelve of the 47 species to be targeted for research are listed as threatened or endangered: blue whale (*Balaenoptera musculus*), fin whale (*B. physalus*), humpback whale (*Megaptera novaeangliae*), North Atlantic right whale (*Eubalaena glacialis*), sei whale (*B. borealis*), sperm whale (*Physeter macrocephalus*), bowhead whale (*Balaena mysticetus*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), loggerhead sea turtle (*Caretta caretta*), Kemp's ridley sea turtle (*Lepidochelys kempii*), and leatherback sea turtle (*Dermochelys coriacea*). See the application for specific take numbers by location and species/stock. Types of take would include harassment by survey approach during aerial and vessel-based surveys, passive acoustic recording, behavioral observations, photo-identification, suction-cup tagging, and biopsy sampling. Research platforms would include large ships, small vessels, and aircrafts. Import and export of marine

mammal parts from the U.S. and other countries is requested for research purposes. The permit would be valid for a period of five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 14, 2012.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–23255 Filed 9–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX47

Marine Mammals; File No. 14097

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 14097–01 has been issued to National Marine Fisheries Service, Southwest Fisheries Science Center (SWFSC) (Responsible Party: Lisa Ballance, Ph.D.), Protected Resources Division, 8901 La Jolla Shores Drive, La Jolla, CA 92037.

ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Kristy Beard or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On July 11, 2012, notice was published in the **Federal Register** (77 FR 40859) that a request for an amendment to Permit No. 14097–01 to conduct research on 5 pinniped species, 57 cetacean species, and 5 sea turtle species in U.S. territorial and international waters of the Pacific, Southern, Indian, and Arctic Oceans had been submitted by the above-named organization. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The amendment authorizes: (1) The attachment of dart/barb tags or implantable tags on Arnoux's beaked whales (*Berardius arnuxii*) in the Southern Ocean; and (2) an increase in the takes of pinniped species encountered during aerial, ground, and vessel surveys in the Pacific Ocean, to account for ten additional surveys per year. The amended permit expires June 30, 2015.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a determination was made that issuance of the permit is consistent with the Proposed Action Alternative in the Environmental Assessment (EA) for Issuance of a Scientific Research Permit [File No. 14097] for Pinniped, Cetacean, and Sea Turtle Studies (NMFS 2010) and the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007). Based on that analysis, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on July 1, 2010.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed in the following locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808) 944–2200; fax (808) 973–2941.

Dated: September 17, 2012.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–23256 Filed 9–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records; Correction

AGENCY: Office of the Secretary, Department of the Navy, Department of the Air Force, DoD.

ACTION: Notice; correction.

SUMMARY: On Thursday, September 13 and Friday, September 14, 2012, the Department of Defense published 13 notices titled ''Privacy Act of 1974; System of Records.'' In each of these notices, the DATES section contained a 31-day and 30-day insert date. Since the 31-day effective date and 30-day comment date fell on a weekend, the Office of the Federal Register pushed both dates forward to Monday, October 15, 2012. However, the 31-day effective date was meant to read ''October 16, 2012'', one day after the 30-day comment date. This notice corrects these effective dates.

DATES: This correction is effective on September 20, 2012.

FOR FURTHER INFORMATION CONTACT: Aaron Siegel, 571–372–0488.

SUPPLEMENTARY INFORMATION: On Thursday, September 13, 2012 and Friday, September 14, 2012, 13 Department of Defense notices titled ''Privacy Act of 1974; System of Records'' published in the **Federal Register**. These notices are:

Thursday, September 13, 2012

2012–22581 (77 FR 56625), 2012–22583 (77 FR 56625–56626), 2012–22549 (77 FR 56628–56629), 2012–22550 (77 FR 56629–56630), 2012–22551 (77 FR 56630–56631), 2012–22582 (77 FR 56626–56627), 2012–22553 (77 FR 56633), 2012–22580 (77 FR 56632), 2012–22579 (77 FR 56627–56628), 2012–22552 (77 FR 56633–56634)

Friday, September 14, 2012

2012–22718 (77 FR 56815–56817),
2012–22647 (77 FR 56821–56822),
2012–22689 (77 FR 56822–56824)

In each of these notices, the **DATES** section is corrected to read as follows: ''**DATES**: This proposed action will be effective on October 16, 2012 unless comments are received which result in a contrary determination. Comments will be accepted on or before October 15, 2012.''

Dated: September 17, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–23240 Filed 9–19–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE, Formerly Known as the Civilian Health and Medical Program of the Uniformed Services; Calendar Year 2013 TRICARE Young Adult Program Premium Update

AGENCY: Office of the Secretary of Defense, Department of Defense.

ACTION: Notice of Updated TRICARE Young Adult Premiums for Calendar Year 2013.

SUMMARY: This notice provides the updated TRICARE Young Adult program premiums for Calendar Year (CY) 2013.

DATES: The CY 2013 rates contained in this notice are effective for services on or after January 1, 2013.

ADDRESSES: TRICARE Management Activity, Policy and Benefits Branch, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042–5101.

FOR FURTHER INFORMATION CONTACT: Mr. Mark A. Ellis, (703) 681–0039.

SUPPLEMENTARY INFORMATION: The interim final rule published in the **Federal Register** (FR) on April 27, 2011 (76 FR 23479–23485) set forth rules to implement the TRICARE Young Adult (TYA) program as required by Title 10, United States Code, Section 1110b. Included in this interim final rule were provisions for updating the TYA premiums for each CY. By law, qualified young adult dependents are charged TYA premiums that represent the full government cost of providing such coverage. Until premiums can be based on actual current year TYA costs, TYA premiums are based on the actual costs during preceding CYs for providing benefits to a similarly aged group of dependents that are TRICARE eligible.

TRICARE Management Activity has updated the monthly premiums for CY 2013 as shown below:

MONTHLY TYA PREMIUMS FOR CY 2013

Type of coverage	Monthly rate
TRICARE Standard Plans	$152
TRICARE Prime Plans	176

The above premiums are effective for services rendered on or after January 1, 2013.

Dated: September 17, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–23251 Filed 9–19–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Applications for New Awards; Race to the Top—Early Learning Challenge; Phase 2

AGENCY: Department of Education and Department of Health and Human Services.

ACTION: Notice.

Overview Information; Race to the Top—Early Learning Challenge; Phase 2 Notice Inviting Applications for New Awards for Fiscal Year (FY) 2012.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.412A.

DATES: Applications Available: September 20, 2012.

Date of Pre-Application Meeting: September 25, 2012. Deadline for Transmittal of Applications: October 26, 2012.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Race to the Top-Early Learning Challenge (RTT–ELC) program is to improve the quality of early learning and development and close the achievement gap for children with high needs. This program focuses on improving early learning and development for young children by supporting States' efforts to increase the number and percentage of low-income and disadvantaged children, in each age group of infants, toddlers, and preschoolers, who are enrolled in high-quality early learning and development programs; and to design and implement an integrated system of high-quality early learning and development programs and services.

SUPPLEMENTARY INFORMATION: The FY 2011 RTT–ELC competition identified five key reform areas representing the foundation of an effective early learning and development reform agenda that is focused on school readiness and ongoing educational success. These areas, which provided a framework for the competition's priorities, requirements, and selection criteria, are:

(A) Successful State Systems;

(B) High-Quality, Accountable Programs;

(C) Promoting Early Learning and Development Outcomes for Children;

(D) A Great Early Childhood Education Workforce; and

(E) Measuring Outcomes and Progress.

The first two of these reform areas, (A) and (B), are core areas of focus for this program (hereafter ''Core Areas''), and applicants under the FY 2011 RTT–ELC competition were required to respond to all selection criteria under these Core Areas. The reform areas in (C), (D), and (E) are areas (hereafter ''Focused Investment Areas'') where applicants directed targeted attention to specific activities that were relevant to their State's context. Applicants were required to address each Focused Investment Area but not all of the selection criteria under them.

In December 2011, the Departments made awards to the nine highest scoring applications from the FY 2011 RTT–ELC competition: California, Delaware, Maryland, Massachusetts, Minnesota, North Carolina, Ohio, Rhode Island, and Washington.

On December 23, 2011, the President signed into law Public Law 112–74, the Consolidated Appropriations Act, 2012, which made $550 million available for the Race to the Top Fund. This legislation authorized the Secretary of Education to make Race to the Top Fund awards on ''the basis of previously submitted applications.'' The Department of Education must obligate these funds by December 31, 2012.

On April 9, 2012, the Departments announced that approximately $133 million of the $550 million appropriated for the Race to the Top Fund would be made available to the next five highest scoring applicants from the FY 2011 RTT–ELC competition. These five applicants, each of which received approximately 75 percent or more of the available points under the competition, are Colorado, Illinois, New Mexico, Oregon, and Wisconsin. These States are referred to as ''eligible applicants'' for Phase 2 of the RTT–ELC program, under which the Departments will fund down

the slate of applications from the FY 2011 RTT–ELC competition.

While $133 million can support only a selection of the activities in the plans submitted by these States in the FY 2011 RTT–ELC competition, the Secretaries believe that supporting with FY 2012 funding high-scoring applicants that did not receive funding under the FY 2011 RTT–ELC competition will help build on the momentum from the FY 2011 RTT–ELC competition and engage more States in transforming the patchwork of disconnected early childhood programs into a coordinated and high-quality system. Therefore, we will make FY 2012 funds available to the eligible applicants at up to 50 percent of the amount each requested in its application under the FY 2011 RTT–ELC competition.

The Department of Education may use any unused funds from Phase 2 of the RTT–ELC program to make awards in the FY 2012 Race to the Top District competition, which was announced in a separate notice published in the **Federal Register** on August 16, 2012 (77 FR 49654). Conversely, the Department of Education may use any unused FY 2012 funds from the Race to the Top District competition to supplement the awards for Phase 2 RTT–ELC.

Requirements

Except where otherwise indicated in this notice inviting applications or in the notice of final requirements for the RTT–ELC Phase 2 competition, published elsewhere in this issue of the **Federal Register**, the applicable final requirements and definitions of key terms from the notice inviting applications, published in the **Federal Register** on August 26, 2011 (76 FR 53564), apply to the RTT–ELC Phase 2 application process. The following application requirements are from the RTT–ELC Phase 2 notice of final requirements published elsewhere in this issue of the **Federal Register** and apply to this program.

Award Process: To receive a Phase 2 RTT–ELC award, an eligible applicant must submit—

(a) An application, consistent with its FY 2011 RTT–ELC application, that—

(1) Meets the application requirements described in the *Application Requirements* section of this notice; and

(2) Provides the assurances described in the *Application Assurances* section of this notice; and

(b) For review and approval by both Departments, a detailed plan and budget describing the activities selected from its FY 2011 RTT–ELC application that would be implemented with Phase 2 RTT–ELC funding, in accordance with the *Budget Requirements* section in this notice.

Note: We encourage eligible applicants to partner with each other and currently funded RTT–ELC grantees in carrying out specific activities (such as validation of a State's Tiered Quality Rating and Improvement System (TQRIS), implementation of longitudinal data systems, or development of a kindergarten entry assessment). Each eligible applicant may apply for Phase 2 RTT–ELC awards individually or as a member of a consortium (with other eligible applicants) under 34 CFR 75.127–129. A consortium can be formed only with other eligible applicants and requires a single application. A partnership can be described in the application of an individual State or a consortium and can include eligible applicants as well as currently-funded grantees. In any event, an eligible applicant must propose activities for Phase 2 of the RTT–ELC program that are consistent with its FY 2011 RTT–ELC application.

Eligibility Requirements: Eligible applicants for Phase 2 RTT–ELC awards are those States that applied for funding under the FY 2011 RTT–ELC competition and received approximately 75 percent or more of the available points but that did not receive grant awards under that competition. Therefore, only the States of Colorado, Illinois, New Mexico, Oregon, and Wisconsin are eligible to apply for Phase 2 RTT–ELC awards.

Application Requirements: Eligible applicants must meet the following requirements to receive Phase 2 RTT–ELC awards:

(a) Each eligible applicant must describe how it would implement an organizational structure for managing the Phase 2 RTT–ELC grant that is consistent with the activities and commitments described in response to selection criterion A(3)(a)(1)[1] of its FY 2011 RTT–ELC application, and describe how it would implement the activities described in response to Core Area B (selection criteria one through five) of its FY 2011 RTT–ELC application using a Phase 2 RTT–ELC award. The FY 2011 RTT–ELC Core Area B criteria promote broad participation in the State's TQRIS across a range of programs, active and continuous program quality improvement, and the publication of program ratings so that families can make informed decisions about which programs can best serve the needs of their children. Specifically, in Core Area B of its FY 2011 RTT–ELC application, each applicant had to demonstrate that it had developed and adopted, or had a high-quality plan to develop and adopt, a TQRIS. In addition, each eligible applicant must also implement the activities it proposed under Competitive Preference Priority 2, including all early learning and development programs in the TQRIS.

(b) In addition to addressing the requirements in paragraph (a) of this section, each eligible applicant must select and describe how it will implement activities that it identified in its FY 2011 RTT–ELC application in response to Focused Investment Areas C, D, or E. The eligible applicant must select activities from two or more of the three Focused Investment Areas C, D, and E, and the activities must be responsive to one or more of the selection criteria under the Focused Investment Areas chosen by the applicant. (Eligible applicants may implement additional activities proposed under more than one selection criterion within each Focused Investment Area.) In determining which selection criteria to address given the amount of available funds under Phase 2 of the RTT–ELC program, each eligible applicant must give consideration to those activities that will have the greatest impact on improving access to high-quality early learning programs for children with high needs.

Note: In light of the reduced funding available, applicants may make adjustments in the scope of services provided to meet selection criteria in Core Area A(3)(a)(1), Core Area B, Competitive Preference Priority 2, and Focused Investment Areas C, D, and E. For example, an applicant may propose to serve fewer programs or regions of the State than it proposed to serve in its FY 2011 RTT–ELC application. The eligible applicant must provide a detailed explanation of its rationale for such adjustments and also must amend its targets in Tables B(2)(c) and B(4)(c)(1–2) of the FY 2011 RTT–ELC application, as needed. The adjustments may not diminish the program's impact on improving access to high-quality early learning programs for children with high needs. In addition, if the scope of work is adjusted by targeting specific regions in the State, the activities must be consistent across regions. In making these adjustments, the Departments strongly encourage eligible applicants to consider how to use other appropriate Federal, State, private, and local resources to support their selected activities.

(c) In addition, each eligible applicant may implement the activities it proposed in response to the Invitational Priorities from its FY 2011 RTT–ELC application. Eligible applicants that wrote to Invitational Priority 2 are encouraged to enter into public-private partnerships if doing so would augment

[1] The selection criteria from the FY 2011 RTT–ELC application can be found at *http://www2.ed.gov/programs/racetothetop-earlylearningchallenge/2011-412.doc* (pp. 26–74).

total funds available for carrying out the activities described in their FY 2011 RTT–ELC applications. **Note:** We encourage grantees to enter into consortia, where relevant, in order to maximize the use of available funds. Please refer to section (V)(b).

(d) The Departments will use Phase 2 RTT–ELC funding to support only those activities included in an eligible applicant's FY 2011 RTT–ELC application. Therefore, an eligible applicant must not include new activities in its Phase 2 RTT–ELC application.

(e) Each Phase 2 RTT–ELC application must include current signatures by the eligible applicant's Governor or an authorized representative signing on behalf of the Governor; an authorized representative from the eligible applicant's Lead Agency; and an authorized representative from each Participating State Agency.

(f) Each Phase 2 RTT–ELC application must include a newly-signed Memorandum of Understanding and a preliminary scope of work for each Participating State Agency. *Application Assurances:* Each eligible applicant must include in its Phase 2 RTT–ELC application the following assurances from its Governor or authorized representative of the Governor of its State:

(a) While the State may make appropriate adjustments to the scope, budget, timelines, and performance targets, consistent with the reduced amount of funding that is available under Phase 2 RTT–ELC, the State will maintain consistency with the absolute priority and meet all program and eligibility requirements of the FY 2011 RTT–ELC competition.

(b) The State must update tables 1–5 from section (A)(1) of its FY 2011 application. In addition, if the State has made any significant changes to the commitments, financial investments, numbers of children served, legislation, policies, practices, or other key areas of the program described in section (A)(1) of its FY 2011 application, it must submit an explanation of those changes, including updates to tables 6–13 from section (A)(1) as needed.

The State will maintain, in a manner consistent with its updates to tables 1–13, its commitment to and investment in high-quality, accessible early learning and development programs and services for children with high needs, as described in section (A)(1) of its FY 2011 RTT–ELC application.

(c) Subject to adjustments made because of the reduced amount of funding available under the Phase 2 RTT–ELC award process, the State will maintain its plan to establish strong participation and commitment by Participating State Agencies and other early learning and development stakeholders as described in section (A)(3) of its FY 2011 RTT–ELC application.

(d) The State will maintain its commitment to integrating and aligning resources and policies across Participating State Agencies as described in section (A)(3) of its FY 2011 RTT–ELC application.

(e) The State will comply with all of the accountability, transparency, and reporting requirements that applied to the FY 2011 RTT–ELC competition. (See the notice inviting applications for the FY 2011 RTT–ELC competition, published in the **Federal Register** on August 26, 2011 (76 FR 53564).)

(f) The State will comply with the requirements of any evaluation of the RTT–ELC program, or of specific activities it proposes to pursue as part of the program, conducted and supported by the Departments.

Budget Requirements: An eligible applicant may apply for up to 50 percent of the funds it requested in its FY 2011 RTT–ELC application. The following budget requirements apply to the Phase 2 RTT–ELC award process:

(a) *Budget Narrative.* Each eligible applicant must submit a detailed narrative and budget, using the format and instructions provided in the FY 2011 RTT–ELC application package, which describes the activities it has selected from its FY 2011 RTT–ELC application that it proposes to implement with a Phase 2 RTT–ELC award. This detailed narrative must include an explanation of why the eligible applicant has selected these activities and why the eligible applicant believes they will have the greatest impact on advancing its high-quality plan for early learning. The narrative must also explain where the applicant has made adjustments (such as, a reduction in the number of participating programs or areas of the State served, or the dedication of additional Federal, State, local, or private funds to support the plan) to ensure that the activities can be carried out successfully with the amount of funds available. In reviewing the narrative, we may request that the applicant submit revisions to address concerns related to feasibility or the strategic use of funds. (See the notice inviting applications for the FY 2011 RTT–ELC competition, published in the **Federal Register** on August 26, 2011 (76 FR 53564).)

(b) *Applying as a Consortium.* As discussed previously, we encourage eligible applicants to form consortia with each other or partner with currently funded FY 2011 RTT–ELC grantees in carrying out specific activities (such as validation of a State's TQRIS, implementation of longitudinal data systems, or development of a kindergarten entry assessment). Eligible applicants may apply individually or as members of a consortium (with other eligible applicants) under 34 CFR 75.127–129. A consortium can be formed only with other eligible applicants and requires a single application. A partnership can be described in the application of an individual State or a consortium and can include eligible applicants as well as currently-funded grantees. Each eligible applicant must propose activities consistent with its FY 2011 RTT–ELC application. Therefore, each eligible applicant that chooses to apply as a member of a consortium or to partner with a current RTT–ELC grantee in carrying out project activities must include in its revised budget narrative an explanation of how the activities to be undertaken by the consortium or partnership are consistent with the applicant's FY 2011 RTT–ELC application and how the consortium or partnership will help the applicant implement its selected activities. It is important to note that an applicant may propose some activities that it would execute alone and others that it would execute as part of a consortium.

(c) *Available Funds.* The maximum amounts of funding for which each eligible applicant may apply are shown in the following table. The amounts in this table are based on the requirement that each eligible applicant may apply for up to half of the amount it requested in its FY 2011 RTT–ELC application.

State	Maximum amount
Colorado	$29,925,888
Illinois	34,798,696
New Mexico	25,000,000
Oregon	20,508,902
Wisconsin	22,701,389

Program Authority: Sections 14005 and 14006, Division A, of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), as amended by section 1832(b) of Division B of Pub. L. 112–10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, and the Department of Education Appropriations Act, 2012 (Title III of Division F of Public Law 112–74, the Consolidated Appropriations Act, 2012).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in

34 CFR parts 75, 77, 79, 80, 82, 84, 85, 86, 97, 98, and 99.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $132,934,875. Contingent upon the availability of funds and the quality of applications, we may make supplemental awards in FY 2013 to grantees that did not receive the total amount requested in their FY 2011 applications.

Estimated Range of Awards: $20 million–$35 million.

Estimated Number of Awards: Up to five.

Note: The Departments are not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* States that applied for funding under the FY 2011 RTT–ELC competition and received approximately 75 percent or more of the available points, but that did not receive grant awards under that competition. Therefore, only the States of Colorado, Illinois, New Mexico, Oregon, and Wisconsin are eligible to apply for Phase 2 RTT–ELC awards.

2.a. Cost Sharing or Matching: This program does not require cost sharing or matching.

b. Supplement-Not-Supplant: This competition involves supplement-not-supplant funding requirements. Consistent with RTT–ELC program requirement (J) in the notice inviting applications that published in the **Federal Register** on August 26, 2011 (76 FR 53564), funds made available under an RTT–ELC grant must be used to supplement, not supplant, any Federal, State, or local funds for activities such as increasing access to and improving the quality of early learning and development programs. If a State is using funds from another funding source to support elements of its RTT–ELC plan, the State must comply with all applicable requirements associated with that funding source, including any match or maintenance-of-effort requirements.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet at the following address: *www.ed.gov/programs/racetothetop-earlylearningchallenge.* Alternatively, an applicant may obtain the application package by contacting: Deborah Spitz, U.S. Department of Education, 400 Maryland Ave. SW., room 3E230, Washington, DC 20202, (202) 260–3793.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2.a. *Content and Form of Application Submission:* Requirements concerning the content of the application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:*

Applications Available: September 20, 2012.

Date of Pre-Application Meeting: September 25, 2012.

To assist eligible applicants in preparing an application and responding to questions, the Departments will host a Webinar for eligible applicants shortly after the publication of this notice. Because only five States are eligible for these funds, information about the Webinar will be provided directly to those States.

Deadline for Transmittal of Applications: October 26, 2012.

We do not consider an application that does not comply with the deadline requirements.

We will provide Congress with the names of the States that have submitted applications, as well as post the names of these States on the program's Web site. We will also post all applications submitted by the States. Therefore, please ensure that your application does not include personally identifiable information, proprietary information, or other non-public information.

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 Departments provide 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.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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, Central Contractor Registry, and System for Award Management:* To do business with the Departments, 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) and, after July 24, 2012, with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR or SAM registration with current information while your application is under review by the Departments 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.

The CCR or SAM 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 annually. This may take three or more business days to complete. Information about SAM is available at SAM.gov.

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted by mail or hand delivery. We strongly recommend the use of overnight mail. Applications postmarked on the deadline date but arriving late will not be read.

a. *Application Submission Format and Deadline.*

Applications for grants under this competition must be submitted in electronic format on a CD or DVD, with CD–ROM or DVD–ROM preferred. In addition, applicants must submit a signed paper original of the Application Assurances and Certification and one copy of that signed original. Autopen, copies, PDFs (Adobe Portable Document Format), and faxed copies of signature pages are not acceptable originals.

We strongly recommend the applicant to submit a CD or DVD of its application that includes the following files:

1. A single file that contains the body of the application, including required budget tables, that has been converted into a PDF (Portable Document) format so that the PDF is searchable. Note that a PDF created from a scanned document will not be searchable.

2. A single file in a PDF format that contains all of the required signature

pages. The signature pages may be scanned and turned into a PDF.

3. Copies of the completed electronic budget spreadsheets with the required budget tables, which should be in a separate file from the body of the application.

Each of these items must be clearly labeled with the State's name and any other relevant identifying information. States must not password-protect these files.

We must receive all grant applications by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that applicants arrange for mailing or hand delivery of their application in advance of the application deadline date.

b. *Submission of Applications by Mail.* States choosing to submit their application (*i.e.,* the CD or DVD, the signed paper original of the Application Assurances and Certifications, and the copy of that original) by mail (either through the U.S. Postal Service or a commercial carrier) must mail the original and two copies of the application, on or before the application deadline date, to the following mailing address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.412), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

c. *Submission of Applications by Hand Delivery.* States choosing to submit their application (*i.e.,* the CD or DVD, the signed paper original of section IV of the application, and the copy of that original) by hand delivery (including via a courier service) must deliver the original and two copies of the application, on or before the application deadline date, to the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.412), 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.

If we receive an application after the application deadline, we will not consider that application.

d. *Envelope requirements and receipt:* When an applicant submits its application, whether by mail or hand delivery—

(1) It must indicate on the envelope that the CFDA number of the competition under which it is submitting its application is 84.412; and

(2) The Application Control Center will mail to the applicant a notification of receipt of the grant application. If the applicant does not receive this notification, it should call the Application Control Center at (202) 245–6288.

In accordance with 34 CFR 75.216(b) and (c), an application will not be evaluated for funding if the applicant does not comply with all of the procedural rules that govern the submission of the application or the application does not contain the information required under the program.

V. Application Review Information

1. *Selection Criteria:* The RTT–ELC program selection criteria, published in the **Federal Register** on August 26, 2011 (76 FR 53564), apply to the RTT–ELC Phase 2 application process.

2. *Review and Selection Process:* Eligible applicants must submit a complete application, as described in this notice, for review and approval by the Secretaries. Staff from both Departments will review the Phase 2 RTT–ELC applications and conduct budget reviews. Since Phase 2 is not a competition and States will be submitting applications that are consistent with the content of their FY 2011 applications (which have already been peer-reviewed), we will not conduct a peer review by outside experts. In reviewing the applications, the Departments may request that applicants submit revisions to address concerns related to feasibility or the strategic use of funds.

We remind potential applicants that in reviewing applications in any discretionary grant program, the Secretaries 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 Secretaries may also consider whether the applicant failed to submit a timely performance report or submitted a report of questionable quality.

In addition, the Secretaries also require 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).

3. *Special Conditions:* Under 34 CFR 80.12, special conditions may be imposed on a grant if the 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 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If an application is successful, ED will notify the State's U.S. Representatives and U.S. Senators and send the applicant a Grant Award Notification (GAN). We may notify the State informally, also.

If an 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 the binding commitments under the grant.

3. *Reporting:* The RTT–ELC reporting requirements, published in the **Federal Register** on August 26, 2011 (76 FR 53564), apply to the RTT–ELC Phase 2 application process.

4. *Evidence and Performance Measures:* The RTT–ELC performance measures, published in the **Federal Register** on August 26, 2011 (76 FR 53564), apply to the RTT–ELC Phase 2 application process.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Deborah Spitz, U.S. Department of Education, 400 Maryland Ave. SW., room 3E230, Washington, DC 20202. Telephone: 202–260–3793 or by email: *Deborah.Spitz@ed.gov* or *RTT.Early.Learning.Challenge@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.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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 these Departments 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 these Departments 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: September 17, 2012.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education.

George Sheldon,

Acting Assistant Secretary for Children and Families, U.S. Department of Health and Human Services.

[FR Doc. 2012–23260 Filed 9–19–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, October 10, 2012, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@oro.doe.gov* or check the Web site at *www.oakridge.doe.gov/em/ssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation: Accumulated Waste Disposition Activity
- Additions/Approval of Agenda
- Motions/Approval of September Meeting Minutes
- Status of Recommendations with DOE
- Committee Reports
- Federal Coordinator Report
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.oakridge.doe.gov/em/ssab/minutes.htm.*

Issued at Washington, DC, on September 14, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–23236 Filed 9–19–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: Energy Information Administration (EIA), Department of Energy.

ACTION: Information collection extension; notice and request for comments.

SUMMARY: EIA, pursuant to the Paperwork Reduction Act of 1995, proposes to extend without changes for three years the Form DOE–887, ''DOE Customer Surveys'' with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before November 19, 2012. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Colleen Blessing, EI–40, Energy Information Administration, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, or by fax at (202) 586–0114, or by email at *colleen.blessing@eia.gov.* Alternatively, Colleen Blessing may be contacted by telephone at (202) 586–6482.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Colleen Blessing at the address listed, above.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1901–0302;

(2) *Information Collection Request Title:* ''DOE Customer Surveys;''

(3) *Type of Request:* Three-year extension without changes;

(4) *Purpose:* The DOE–887, ''DOE Customer Surveys,'' data collection involves contacting users of The U.S. Department of Energy (DOE) products or other services, and individuals or businesses in partnership agreements with DOE. These customers are contacted to determine their needs and also the methods by which DOE can improve its products and services to better meet these needs. DOE customer surveys are conducted by EIA primarily using Web-based questionnaires to collect the customer feedback data.

Customer information is needed to make DOE products and services more effective, efficient, and less costly. Data from some customer surveys may also help develop benchmarks to evaluate DOE customer service performance.

Both quantitative and qualitative studies are developed by EIA. Quantitative studies classify and count questionnaire response items and examine the statistical significance of response types in attempting to explain what is observed. EIA conducts quantitative studies in asking questions concerning satisfaction with timeliness, courtesy, accuracy and other particular aspects of the agency's operations. Qualitative studies seek to find patterns in the words and actions of study participants and involve these participants providing detailed descriptions, in their own words. Examples of qualitative studies conducted by EIA include a focus group of customers assembled to discuss a specific set of questions, and a cognitive laboratory experiment that asks volunteer subjects to describe their opinions regarding a product or service;

(5) *Annual Estimated Number of Respondents:* 50,000;

(6) *Annual Estimated Number of Total Responses:* 50,000;

(7) *Annual Estimated Number of Burden Hours:* 12,500 hours (50,000 respondents times 1 response per year, times .25 hours per response);

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* There are not any anticipated reporting or recordkeeping costs for these surveys;

Statutory Authority: Executive Order 12862 § 1, 58 FR 48257 (Sept. 11, 1993).

Issued in Washington, DC, on September 14, 2012.

Stephanie Brown,

Director, Office of Survey Development and Statistical Integration, Energy Information Administration.

[FR Doc. 2012–23239 Filed 9–19–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC12–20–000]

Commission Information Collection Activities (FERC–912); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–912, Cogeneration and Small Power Production, PURPA Section 210(m) Regulations for Termination or Reinstatement of Obligation to Purchase or Sell.

DATES: Comments on the collection of information are due November 19, 2012.

ADDRESSES: You may submit comments (identified by Docket No. IC12–20–000) by either of the following methods:

- *eFiling at Commission's Web Site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–912, Cogeneration and Small Power Production, PURPA Section 210(m) Regulations for Termination or Reinstatement of Obligation to Purchase or Sell

OMB Control No.: 1902–0237

Type of Request: Three-year extension of the FERC–912 information collection requirements with no changes to the current reporting requirements.

Abstract: On 8/8/2005, the Energy Policy Act of 2005 (EPAct 2005) [1] was signed into law. Section 1253(a) of EPAct 2005 amends Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) by adding subsection ''(m)'' that provides for the termination and reinstatement of an electric utility's obligation to purchase and sell energy and capacity. 18 CFR 292.309–292.313 are the implementing regulations that provide procedures for:

- An electric utility to file an application for the termination of its obligation to purchase energy from a Qualifying Facility (QF) [2];
- An affected entity or person to apply to the Commission for an order reinstating the electric utility's obligation to purchase energy from a QF [3];
- An electric utility to file an application for the termination of its obligation to sell energy and capacity to QFs [4]; and
- An affected entity or person to apply to the Commission for an order reinstating the electric utility's obligation to sell energy and capacity to QFs [5].

Type of Respondents: FERC-jurisdictional electric utilities.

Estimate of Annual Burden [6]: The Commission estimates the total Public Reporting Burden for this information collection as:

[1] Public Law 109–58, 119 Stat. 594 (2005)

[2] Contained within 18 CFR 292.310.

[3] Contained within 18 CFR 292.311.

[4] Contained within 18 CFR 292.312.

[5] Contained within 18 CFR 292.313.

[6] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

FERC–912 (IC12–20–000): COGENERATION AND SMALL POWER PRODUCTION, PURPA SECTION 210(M) REGULATIONS FOR TERMINATION OR REINSTATEMENT OF OBLIGATION TO PURCHASE OR SELL

	Number of respondents (A)	Number of responses per respondent (B)	Total number of responses (A) × (B) = (C)	Average burden hours per response (D)	Estimated total annual burden (C) × (D)
Termination of obligation to purchase [2]	5	1	5	12	60
Reinstatement of obligation to purchase [3]	1	1	1	13	13
Termination of obligation to sell [4]	1	1	1	12	12
Reinstatement of obligation to sell [5]	1	1	1	13	13
Total					98

The total estimated annual cost burden to respondents is $6762.94 [98 hours ÷ 2080 [7] hours per year = 0.047 * 143,540/years [8] = $6762.94]

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23221 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 460–066]

Tacoma Power; Errata Notice

On September 11, 2012, the Commission issued a *Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests* for the Cushman Hydroelectric Project (FERC No. 460–066). The notice of application is now revised to read as follows:

(1.) The heading is changed to read:

Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests.

Dated: September 13, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23219 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP12–519–000; CP12–520–000]

Dominion South Pipeline Company, L.P.; Gulf Shore Energy Partners, LP; Notice of Applications

Take notice that on September 11, 2012, Dominion South Pipeline Company, L.P. (Dominion South), 701 East Cary Street, Richmond, Virginia 23113, filed an application in Docket No. CP12–519–000 pursuant to section 7(b) of the Natural Gas Act (NGA) requesting authorization to abandon by sale to Gulf Shore Energy Partners, LP (Gulf Shore) certain facilities in Matagorday County, Texas. Also on September 11, 2012, Gulf Shore, 333 Clay Street, Suite 4500, Houston, Texas 77002, file an application in Docket No. CP12–520–000 pursuant to section 7(c) of the NGA and Parts 157 and 284 of the Commission's regulations to acquire the subject facilities from Dominion South and to install certain compression facilities. Gulf Shore additionally requests a Part 157 blanket certificate and a Part 284 blanket certificate, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning Dominion South's application may be directed to David P. Kohler, Manager, Business Development, Dominion South Pipeline Company, L.P., 701 East Cary Street, Richmond, Virginia 23113, by telephone at (804) 771–4470 or by email at *David.P.Kohler@Dom.com.* Any questions concerning Gulf Shore's application may be directed to Mark W. Fuqua, President, Gulf Shore Energy Partners, LP, 333 Clay Street, Houston, Texas 77002, by telephone at (713) 308–8117 or by email at *MFuqua@GulfShoreEnergy.com.*

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be

[7] 2080 hours/year = 40 hours/week * 52 weeks/year.

[8] Average annual salary per employee in 2012.

taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 4, 2012

Dated: September 13, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23220 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 405–106]

Exelon Generation Company, LLC; Notice of Application Tendered for Filing With the Commission and Establishing Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 405–106.

c. *Date Filed:* August 31, 2012.

d. *Applicant:* Exelon Generation Company, LLC.

e. *Name of Project:* Conowingo Hydroelectric Project.

f. *Location:* On the Susquehanna River, in Harford and Cecil Counties, Maryland and Lancaster and York Counties, Pennsylvania. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Colleen Hicks, Manager, Regulatory and Licensing, Hydro, Exelon Power, 300 Exelon Way, Kennett Square, PA 19348, at (610) 765–6791 or email at *Colleen.Hicks@exeloncorp.com* and Kathleen Barròn, Vice President, Federal Regulatory Affairs and Wholesale Market Policy, Exelon Corporation, 101 Constitution Avenue, Washington, DC 20001, at (202) 347–7500 or email at *Kathleen.Barron2@exeloncorp.com.*

i. *FERC Contact:* Emily Carter, (202) 502–6512 or *emily.carter@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *The Project Description:* The Conowingo Project consists of a concrete gravity dam with a maximum height of approximately 94 feet. The dam consists of a 1,225-foot-long non-overflow gravity section, a 2,385-foot-long ogee shaped spillway section, a 950-foot-long intake-powerhouse section, and a 100-foot-long non-overflow gravity section. The spillway consists of a 2,250-foot-long section with a crest elevation of 86.0 feet, and a 135-foot-long section with a crest elevation of 98.5 feet. The spillway is fitted with 50 Stoney-type crest gates and two regulating gates. Each Stoney crest gate is 22.5 feet high by 38 feet wide and has a discharge capacity of 16,000 cubic feet per second (cfs) at a reservoir elevation of 109.2 feet. The two regulating gates are 10 feet high by 38 feet wide and have a discharge capacity of 4,000 cfs per gate at a reservoir elevation of 109.2 feet.

Conowingo dam impounds the Susquehanna River, forming Conowingo reservoir (Conowingo pond) that extends 14 miles upstream from the dam. Total storage in the 9,000-acre reservoir is approximately 310,000 acre-feet, and total useable storage is about 71,000 acre-feet at the normal full pool elevation of 109.2 feet. The elevation of the normal river surface below the dam is approximately 20.5 feet. The impoundment provides approximately 89 feet of gross head for power generation purposes.

The power plant is integral with the dam and is composed of 13 turbine-generator units, draft tubes, and transformer bays. The first seven turbine-generating units (1–7) are completely enclosed within the powerhouse, and the last four units (8–11) are located outside. The hydraulic equipment for units 1–7 consists of Francis-type single runner hydraulic turbines. The hydraulic equipment for units 8–11 consists of four mixed-flow Kaplan-type hydraulic turbines. Units 1, 3, 4, 6 and 7 have 47.7-MW generators; Units 2 and 5 have 36.0-MW generators; and Units 8–11 have 65.6-MW generators. Additionally, two house turbines provide station service and ''black-start'' capability with each unit having a 1.6-MW generator. Water flowing through the turbines is discharged via the draft tubes into the tailrace immediately downstream of the dam.

Electricity generated at the project is transmitted by two individual 220-kilovolt (kV) transmission lines extending from the project substation to East Nottingham.

The Conowingo Project has an authorized nameplate generating capacity of 573 MW and generates an average of 1,836,125 MWh annually. Exelon is not proposing any new or upgraded facilities or structural changes to the project at this time. Also, Exelon has engaged interested stakeholders to participate in the development of a comprehensive settlement agreement based on collaborative negotiation of specific terms and conditions for the new Conowingo license.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online

Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* A preliminary Hydro Licensing Schedule will be provided in a subsequent notice.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: September 13, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23224 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application

Corpus Christi Liquefaction, LLC.	Docket No. CP12–507–000.
Cheniere Corpus Christi Pipeline, L.P.	Docket No. CP12–508–000, PF12–3–000.

On August 31, 2012, Corpus Christi Liquefaction, LLC (CCL), located at 700 Milam Street, Suite 800, Houston, Texas 77002, filed with the Federal Energy Regulatory Commission (Commission) an application in Docket No. CP12–507–000, under section 3(a) of the Natural Gas Act (NGA), as amended, and parts 153 and 380 of the Commission's regulations for authorization to site, construct, and operate a liquefied natural gas (LNG) export and import facility to be located near Corpus Christi, in San Patricio and Nueces Counties, Texas, at the site of the previously authorized, but never constructed, Corpus Christi LNG, LLC LNG import terminal.

In the same application, Cheniere Corpus Christi Pipeline, L.P. (CCP) (together Corpus Christi), located at 700 Milam Street, Suite 800, Houston, Texas 77002, filed with the Commission an application in Docket No. CP12–508–000, under section 7(c) of the NGA and parts 157, 284, and 380 of the Commission's regulations for (1) A certificate of public convenience and necessity (i) authorizing ccp to construct, own and operate a new natural gas pipeline, (ii) approving a *pro forma* Tariff, and (iii) approving the proposed initial rates for service; (2) a blanket certificate authorizing CCP to engage in certain self-implementing routine activities under Part 157, Subpart F, of the Commission's regulations; and (3) a blanket certificate authorizing CCP to transport natural gas, on an open access and self-implementing basis, under Part 284, Subpart G of the Commission's regulations.

Any questions regarding the application should be directed to Patricia Outtrim, Cheniere Energy, Inc., 700 Milam Street, Suite 800, Houston, Texas 77002 (713) 375–5212 or Lisa M. Tonery, Fulbright & Jaworski L.L.P., 666 Fifth Avenue, New York, NY 10103, (212) 318–3009, *ltonery@fulbright.com.*

On December 22, 2011, the Commission staff granted CCL's request to use the pre-filing process and assigned Docket No. PF12–3–000 for this proceeding during the pre-filing review of the project. Now, as of the filing of CCL's application on August 31, 2012, the pre-filing process for this project has ended. From this time forward, CCL's proceeding will be conducted in Docket No. CP12–507–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental cementers will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental cementers will not be required to serve copies of filed documents on all other parties. However, the nonparty commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. This filing is accessible on-line at *http://www.ferc.gov*

using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free) or TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 5, 2012.

Dated: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23225 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1888–030]

York Haven Power Company, LLC; Notice of Application Tendered for Filing With the Commission and Establishing Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 1888–030.

c. *Date Filed:* August 30, 2012.

d. *Applicant:* York Haven Power Company, LLC.

e. *Name of Project:* York Haven Hydroelectric Project.

f. *Location:* On the Susquehanna River, in Dauphin, Lancaster, and York Counties, Pennsylvania. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* David R. David, York Haven Power Company, York Haven Hydro Station, P.O. Box 67, York Haven, PA 17370, at (717) 266–9470 or email at *DDavid@yorkhavenpower.com* and Dennis T. O'Donnell, Olympus Power, LLC, 67 Park Place East, Morristown, NJ 07960.

i. *FERC Contact:* Emily Carter, (202) 502–6512 or *emily.carter@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *The Project Description:* The York Haven Project consists of a headrace wall, main dam, east channel dam, powerhouse, and forebay bulkhead. The stone masonry headrace wall extends 3,000 feet upstream from the north end of the powerhouse and, with an average height of 20 feet, directs flow to the powerhouse. The main dam is attached to the north end of the headrace where it runs diagonally across the main channel of the river approximately 4,970 feet to the west shore of Three Mile Island. The main dam is constructed of concrete fill, and has a maximum height at the crest of 17 feet and an average height of 10 feet. The east channel dam consists of a concrete gravity dam that extends approximately 950 feet east from the east shore of Three Mile Island to the east bank of the river. The east channel dam has an average height of 10 feet. The stone masonry forebay bulkhead wall, 155 feet long, extends west from the south end of the powerhouse to the transformer building, perpendicular to the shoreline. From the transformer building, the forebay bulkhead wall extends 475 feet north along the property line to the west bank of the river. A 14-foot-wide by 10.5-foot-tall trash sluice gate and associated spillway are located adjacent to the southern end of the powerhouse at the eastern end of the forebay wall.

York Haven's main dam and east channel dam impound the Susquehanna River, forming Lake Frederic that extends 3.5 miles upstream from the dam. Total storage in the 1,849-acre reservoir is approximately 8,000 acre-feet, and total useable storage is approximately 1,980 acre-feet. The current FERC license allows a 1.1-foot fluctuation in the project impoundment, but is not used under normal run-of-river operation. The normal water surface elevation of the project impoundment is 276.5 feet. The elevation of the normal river surface below the dam is approximately 251.40 feet. The impoundment provides approximately 22.5 feet of net head for power generation purposes.

The brick and stone masonry powerhouse has approximate dimensions of 470 feet by 48 feet and is located at the southern end of the headrace wall and at the eastern end of the forebay bulkhead wall. The powerhouse includes 20 turbine-generator units and appurtenant equipment. The hydraulic equipment for units 1–3 are vertical-shaft, fixed-blade, Kaplan turbines; unit 4 is a vertical-shaft, manually adjustable blade, Kaplan turbine; units 5 and 6 are vertical-shaft, fixed-blade, propeller-type turbines; units 7, 8, 10–13, and 15–20 each consist of two vertical-shaft, Francis turbines connected through bevel gears to a single horizontal shaft; unit 9 is a two vertical-shaft, Francis turbine connected through a gearbox to a single horizontal shaft; and unit 14 is a vertical-shaft, Francis turbine. Units 1–5 have 1.6–MW generators; unit 6 has a 1.32–MW generator; unit 14 has a 1.2–MW generator; and units 7–13 and 15–20 have 0.7–MW generators. Water flowing through the turbines is discharged into the tailrace immediately downstream of the dam.

Electricity generated at the project is transmitted by 115-kilovolt (kV) transmission lines extending from the project substation to the grid.

The York Haven Project has an authorized nameplate generating capacity of 19.65 MW and generates an average of 130,812 MWh annually. York Haven Power is currently studying the feasibility of providing a nature-like fishway to enhance fish passage facilities at the project.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* A preliminary Hydro Licensing Schedule will be provided in a subsequent notice.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: September 13, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23227 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13884–001]

Pennamaquan Tidal Power LLC; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for an Original License and Commencing Pre-filing Process.

b. *Project No.:* 13884–001.

c. *Dated Filed:* July 19, 2012.

d. *Submitted By:* Pennamaquan Tidal Power LLC (Pennamaquan Power).

e. *Name of Project:* Pennamaquan Tidal Power Plant Project.

f. *Location:* On the Pennamaquan River at the entrance to Cobscook Bay in the Town of Pembroke, Washington County, Maine. The project would not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Applicant Contact:* Andrew Landry, 45 Memorial Circle, P.O. Box 1058, Augusta, ME 04332. 207–623–5300.

i. *FERC Contact:* Nicholas Palso, Ph.D. at (202) 502–8854 or email at *nicholas.palso@ferc.gov*.

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o. below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Pennamaquan Power as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act.

m. Pennamaquan Power filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. Documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

All filings with the Commission must include on the first page, the project name (Pennamaquan Tidal Power Plant Project) and number (P–13884–001), and bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by November 13, 2012.

p. We intend to prepare an environmental assessment (EA) for this project. The scoping meetings identified below satisfy the NEPA scoping requirements.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Friday, October 26, 2012.

Time: 1 p.m.

Location: Maine Department of Environmental Protection, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401.

Phone: (207) 941–4570

Evening Scoping Meeting

Date: Thursday, October 25, 2012.

Time: 6 p.m.

Location: Pembroke Elementary School Gymnasium, 36 U.S. Route 1, Pembroke, Maine 04666.

Phone: (207) 726–5564.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a

revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Site Visit

Pennamaquan Power will conduct a site visit for the proposed project on Thursday, October 25, 2012, starting at 1 p.m. The site visit will begin at the boat ramp parking lot on Boat Landing Road (off of Garnet Head Road), Pembroke, Maine 04666. For information about the meeting location for the site visit, please call Ramez Atiya from Pennamaquan Power at 801–583–1054.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23229 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3021–088]

Allegheny Hydro No. 8, L.P., Allegheny Hydro No. 9, L.P., and U.S. Bank National Association Allegheny Hydro, LLC; Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

On August 31, 2012, Allegheny Hydro No. 8, L.P., Allegheny Hydro No. 9, L.P., and U.S. Bank National Association (in its capacity as owner trustee) (co-licensees) and Allegheny Hydro, LLC (transferee) filed an application for transfer of license for the Allegheny River Lock and Dam Nos. 8 and 9 Hydroelectric Project No. 3021, located at the U.S. Army Corps of Engineers' Allegheny River Lock and Dam No. 8 and Allegheny River Lock and Dam No. 9 on the Allegheny River in Armstrong County, Pennsylvania.

Applicants seek Commission approval to transfer the license for the Allegheny River Lock and Dam Nos. 8 and 9 Hydroelectric Project from Allegheny Hydro No. 8, L.P., Allegheny Hydro No. 9, L.P., and the U.S. Bank National Association as co-licensees to Allegheny Hydro, LLC as sole licensee.

Applicants' Contact: Mr. Curt Whittaker, Rath, Young and Pignatelli, P.C., One Capital Plaza, Concord, NH 03302, phone: (603) 226–2600 and Mr. Mark C. Williams, Bingham McCutchen LLP, 2020 K Street NW., Suite 1100, Washington, DC 20006, phone (202) 373–6181.

FERC Contact: Patricia W. Gillis (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments and motions to intervene: 15 days from the issuance date of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1) and the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original plus seven copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. More information about this project can be viewed or printed on the eLibrary link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–3021) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Dated: September 13, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23228 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP12–516–000]

Discovery Gas Transmission LLC; Notice of Application

Take notice that on September 7, 2012, Discovery Gas Transmission LLC (Discovery), 2800 Post Oak Boulevard, Houston, Texas 77056, filed in Docket No. CP12–516–000 an application pursuant to section 7 of the Natural Gas Act and Part 157 the Commission's Rules and Regulations for all the necessary authorizations required to construct, own and operate its Junction Platform Project (Project) in the Gulf of Mexico offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Discovery proposes construction and operation of a new junction platform located in South Timbalier Area (ST) Block 283; construction and operation of approximately 10 miles of 30-inch pipeline connecting the new platform to a subsea interconnect with Discovery's existing 30-inch mainline in Ewing Banks Area Block 873; construction and operation of approximately 10 miles of 12-inch pipeline connecting the new platform to Sea Robin Pipeline Company, LLC's offshore pipeline system in ST Block 280; and appurtenant facilities on the new platform to provide pigging and other necessary functions to enhance efficient operations. The estimated cost of the Project is approximately $126 million.

Copies of this filing are available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Questions regarding this application should be directed to Larry Jensen, 2800 Post Oak Boulevard, Houston, Texas 77056, telephone (713) 215–3034.

Discovery has requested that the Commission issue a final order in this proceeding by January 31, 2013, to enable Discovery to commence construction of the proposed facilities to meet a July 1, 2014 in-service date. As Discovery's proposed facilities entirely in the federal waters of the Gulf of Mexico, the Project facilities will qualify for categorical exclusions in accordance with 18 CFR 380.(4)(a)(33) and 18 CFR 380.4(a)(34) which state ''* * * neither an environmental assessment nor an environmental impact statement shall be prepared for the following projects or actions: * * * (33) construction or abandonment of facilities constructed entirely in Federal offshore waters that has been approved by the Mineral Management Service and the Corps of Engineers, as necessary; (34) Abandonment or construction facilities on an existing offshore platform.'' Thus the application must be approved by the Bureau of Safety and Environmental Enforcement of the U.S. Department of the Interior, successor to the Mineral Management Service for this approval function, prior to the project being considered by the Commission as eligible for a categorical exclusion classification under the Commission's environmental review process.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5 p.m. Eastern Time on October 5, 2012.

Dated: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23226 Filed 9–19–12; 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: ER10–2639–002; ER11–2200–002; ER12–1716–001.

Applicants: Noble Americas Gas & Power Corp., Noble Americas Energy Solutions LLC, Your Energy Holdings, LLC.

Description: Noble Americas Gas & Power Corp., et al. submit revised Asset Appendix A.

Filed Date: 9/7/12.

Accession Number: 20120907–5238.

Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–1280–001.

Applicants: Wolverine Creek Energy LLC.

Description: Wolverine Creek Energy LLC submits tariff filing per 35: Compliance Filing of Amended Common Facilities Agreement to be effective 9/7/2012.

Filed Date: 9/13/12.

Accession Number: 20120913–5031.

Comments Due: 5 p.m. ET 10/4/12.

Docket Numbers: ER12–1281–001.

Applicants: Wolverine Creek Goshen Interconnection LLC.

Description: Wolverine Creek Goshen Interconnection LLC submits tariff filing per 35: Compliance Filing of Amended Common Facilities Agreement to be effective 9/7/2012.

Filed Date: 9/13/12.

Accession Number: 20120913–5032.

Comments Due: 5 p.m. ET 10/4/12.

Docket Numbers: ER12–2127–002.

Applicants: ITC Midwest LLC.

Description: Amendment Filing of ITC Midwest to be effective 8/28/2012.

Filed Date: 9/12/12.

Accession Number: 20120912–5136.

Comments Due: 5 p.m. ET 10/3/12.

Docket Numbers: ER12–2618–000.

Applicants: Southern California Edison Company.

Description: GIA and Distribution Serv Agmt SunEdison Utility Solutions LLC S. Dupont Project to be effective 9/14/2012.

Filed Date: 9/13/12.

Accession Number: 20120913–5017.

Comments Due: 5 p.m. ET 10/4/12.

Docket Numbers: ER12–2619–000.

Applicants: Eligo Energy, LLC.

Description: Eligo Energy, LLC submits tariff filing per 35.12: Initial Eligo Energy Market Based Rate Filing to be effective 11/15/2012.

Filed Date: 9/13/12.

Accession Number: 20120913–5030.

Comments Due: 5 p.m. ET 10/4/12.

Docket Numbers: ER12–2620–000.

Applicants: Idaho Power Company.

Description: Idaho Power Company submits tariff filing per 35.13(a)(2)(iii: September 2012 Baseline Filing Correction (Attachment K) to be effective 1/7/2011.

Filed Date: 9/13/12.

Accession Number: 20120913–5036.

Comments Due: 5 p.m. ET 10/4/12.

Docket Numbers: ER12–2621–000.

Applicants: Wolverine Power Supply Cooperative, Inc.

Description: Wolverine Power Supply Cooperative, Inc. submits tariff filing per 35: Re-File -Amend Filing FERC Rate Schedules 1, 2 and 3 to be effective 9/13/2012.

Filed Date: 9/13/12.

Accession Number: 20120913–5044.

Comments Due: 5 p.m. ET 10/4/12.

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: September 13, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–23184 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF12–8–000]

Trunkline LNG Company, LLC; Trunkline LNG Export, LLC; Trunkline Gas Company, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Lake Charles Liquefaction Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Lake Charles Liquefaction Project involving construction and operation of facilities by Trunkline LNG Company, LLC/Trunkline LNG Export, LLC, and Trunkline Gas Company, LLC (Trunkline) in Calcasieu Parish, Louisiana. The Commission will use this EIS 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 EIS. Please note that the scoping period will close on October 15, 2012.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meeting scheduled as follows: FERC Public Scoping Meeting, Lake Charles Liquefaction Project, October 3, 2012, 6:00 p.m. local time, Holiday Inn, 330 Arena Road, Sulphur, Louisiana 70665, (337) 527–0858.

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 planned project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Trunkline plans to expand its existing liquefied natural gas (LNG) terminal in Calcasieu Parish, Louisiana to liquefy natural gas and export the LNG. The planned facility would be capable of processing about 2.4 billion cubic feet per day of natural gas, which would be supplied by the existing pipeline currently used to send out regasified LNG from the existing LNG terminal, and be capable of exporting approximately 15 million metric tons of LNG per year.

The Lake Charles Liquefaction Project would consist of the following facilities:

- Up to three liquefaction trains (each train contains metering and gas treatment facilities, liquefaction and refrigerant units, safety and control systems, and associated infrastructure);
- Approximately 0.27 mile of 36-inch-diameter feed gas line to supply natural gas to the liquefaction facility from existing gas transmission pipelines;
- Approximately 0.51 mile of LNG transfer and vapor lines between the existing LNG terminal and the planned liquefaction facility; and
- Modifications and upgrades at the existing LNG terminal.

Trunkline plans to initiate construction of the planned project in March 2014 in order to commence operation in March 2018. The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The planned liquefaction facilities would be constructed on an approximately 240-acre undeveloped site located immediately north of the existing LNG terminal. Trunkline would disturb approximately 230 acres during construction and maintain about 125 acres for permanent operation of the liquefaction facilities. Construction of the planned feed gas pipeline, LNG line, and vapor lines would be included in the 240-acre construction site and additional property within the perimeter of the existing LNG terminal. Modifications to take place at the existing LNG terminal would occur within the existing terminal boundaries.

The EIS 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 EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- Land use;
- Water resources and wetlands;
- Cultural resources;
- Vegetation, fisheries, and wildlife;
- Socioeconomics;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the 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.

and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS. In addition, representatives from the FERC participated in the public open house sponsored by Trunkline in Lake Charles, Louisiana on July 19, 2012, to explain the environmental review process to interested stakeholders.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. 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 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EIS. [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. Currently, the U.S. Department of Energy and U.S. Fish and Wildlife Service have expressed their intention to participate as a cooperating agency in the preparation of the EIS to satisfy their NEPA responsibilities related to this project.

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 Louisiana State Historic Preservation Office (SHPO), and to solicit its 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 EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Trunkline. This preliminary list of issues may change based on your comments and our analysis. Issued identified include:

- Potential impacts and potential benefits of construction workforce on local housing, infrastructure, public services, and economy;
- Potential impacts on recreational fishing and aquatic resources in the Calcasieu Ship Channel;
- Potential impacts on wetlands on the 240-acre site;
- Potential visual effects on surrounding areas; and
- Public safety and hazards associated with the transport of natural gas and LNG.

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 October 15, 2012. This is not your only public input opportunity; please refer to the Environmental Review Process flowchart in appendix 2.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF12–8–000) 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 located 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 located 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; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential 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 planned project.

Copies of the completed draft EIS 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 3).

Becoming an Intervenor

Once Trunkline files its application with the Commission, 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

[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 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 for Historic Places.

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. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

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 (*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., PF12–8). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *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: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23231 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14413–000]

Inglis Hydropower, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 18, 2012, Inglis Hydropower, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located at the Inglis Bypass Channel, located on the Withlacoochee River in Levy County, Florida. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 32-foot-high, 3500-foot-long earth filled dam; (2) a reservoir with a surface area of 4,000 acres and the storage capacity of 41,000 acre-feet; (3) a 1.75 mile-long bypass channel; (4) a 65-foot-wide, 35-foot-long intake structure with a trash rack cleaning system; (5) Four 12-foot-diameter, 250-foot-long steel penstocks; (6) a powerhouse containing three generation units with a total capacity of 2,300 kilo-Watts, with an estimated average annual generation of 14,200,000 kilo-Watt hours; (7) a 120-foot-long, 24 kilo-Volt underground transmission line.

Applicant Contact: Mr. Dean Edwards, Inglis Hydropower, LLC, 5400 Downing Street, Dover, Florida 33527. (813) 659–3014.

FERC Contact: Chris Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14413) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 13, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23230 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of FERC Staff Attendance at the Entergy Regional State Committee Meeting

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meeting noted below. Their attendance is part of the Commission's ongoing outreach efforts.

Entergy Regional State Committee Working Group and Stakeholder Meeting

September 25, 2012 (9:00am–3:00pm)

This meeting will be held at the Pan American Life Center, 601 Poydras Street, New Orleans, LA 70130.

The discussions may address matters at issue in the following proceedings:

Docket No. OA07–32, Entergy Services, Inc.

Docket No. EL00–66, Louisiana Public Service Commission v. Entergy Services, Inc.

Docket No. EL01–88, Louisiana Public Service Commission v. Entergy Services, Inc.

Docket No. EL07–52, Louisiana Public Service Commission v. Entergy Services, Inc.
Docket No. EL08–60, Ameren Services Co. v. Entergy Services, Inc.
Docket No. EL09–43, Arkansas Public Service Commission v. Entergy Services, Inc.
Docket No. EL09–50, Louisiana Public Service Commission v. Entergy Services, Inc.
Docket No. EL09–61, Louisiana Public Service Commission v. Entergy Services, Inc.
Docket No. EL10–55, Louisiana Public Service Commission v. Entergy Services, Inc.
Docket No. EL10–65, Louisiana Public Service Commission v. Entergy Services, Inc.
Docket No. EL11–34, Midwest Independent System Transmission Operator, Inc.
Docket No. EL11–63, Louisiana Public Service Commission v. Entergy Services, Inc.
Docket No. ER05–1065, Entergy Services, Inc.
Docket No. ER07–682, Entergy Services, Inc.
Docket No. ER07–956, Entergy Services, Inc.
Docket No. ER08–1056, Entergy Services, Inc.
Docket No. ER09–833, Entergy Services, Inc.
Docket No. ER09–1224, Entergy Services, Inc.
Docket No. ER10–794, Entergy Services, Inc.
Docket No. ER10–1350, Entergy Services, Inc.
Docket No. ER10–1676, Entergy Services, Inc.
Docket No. ER10–2001, Entergy Arkansas, Inc.
Docket No. ER10–3357, Entergy Arkansas, Inc.
Docket No. ER11–2131, Entergy Arkansas, Inc.
Docket No. ER11–2132, Entergy Gulf States, Louisiana, LLC
Docket No. ER11–2133, Entergy Gulf States, Louisiana, LLC
Docket No. ER11–2134, Entergy Mississippi, Inc.
Docket No. ER11–2135, Entergy New Orleans, Inc.
Docket No. ER11–2136, Entergy Texas, Inc.
Docket No. ER11–3156, Entergy Arkansas, Inc.
Docket No. ER11–3657, Entergy Arkansas, Inc.
Docket No. ER12–480, Midwest Independent Transmission System Operator, Inc.
Docket No. ER12–2390, Entergy Services, Inc.

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov*.

Dated: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23223 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the Midwest Independent Transmission System Operator, Inc. (MISO):

Order 1000 Right of First Refusal Task Team—September 17, 2012

Planning Advisory Committee—September 19, 2012

Order 1000 Right of First Refusal Task Team—September 24, 2012

The above-referenced meeting will be held at: MISO Headquarters, 720 City Center Drive, Carmel, IN 46032.

The above-referenced meeting is open to the public.

Further information may be found at *www.misoenergy.org*.

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. ER10–1791, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–1844, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–2700, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–4081, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–4514, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER11–2777, *Midwest Independent Transmission System Operator, Inc. and Ameren Illinois Company*
Docket No. ER12–427, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–480, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–715, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1265, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1266, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1586, *Southwest Power Pool, Inc.*
Docket No. ER12–1835, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1928, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2216, *Midwest Independent Transmission System Operator, Inc. and Ameren Services Company*
Docket No. ER12–2257, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2302, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2380, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2390, *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL11–30, *E.ON Climate & Renewables North America, LLC* v. *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL11–34, *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL11–53, *Shetek Wind Inc., Jeffers South LLC and Allco Renewable Energy Limited* v. *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL11–56, *FirstEnergy Service Company* v. *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL12–24, *Pioneer Transmission LLC* v. *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL12–28, *Xcel Energy Services Inc.* v. *American Transmission Company, LLC*
Docket No. EL12–35, *Midwest Independent Transmission System Operator, Inc.*
Docket No. OA08–53, *Midwest Independent Transmission System Operator, Inc.*

For more information, contact Jason Strong, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (202) 502–6124 or *jason.strong@ferc.gov.*

Dated: September 14, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23222 Filed 9–19–12; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before November 19, 2012.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to Renew the Following Currently-Approved Collection Of Information

Title: Acquisition Services Information Requirements.

OMB Number: 3064–0072.

Affected Public: State nonmember banks.

Estimated Number of Respondents: 6035.

Estimated average burden per respondent: .4 hours.

Estimated Total Annual Burden Hours: 2564 hours.

General Description of Collection: This is a collection of information involving the submission of various forms by contractors doing business with the FDIC.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 17th day of September 2012.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2012–23212 Filed 9–19–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0095)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before November 19, 2012.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to Renew the Following Currently-Approved Collection of Information

Title: Procedures for Monitoring Bank Protection Act Compliance.

OMB Number: 3064–0095.

Affected Public: State nonmember banks.

Estimated Number of Respondents: 15.

Estimated burden per respondent: 250 hours.

Estimated Total Annual Burden Hours: 3750 hours.

General Description of Collection: The collection requires insured state nonmember banks to comply with the Bank Protection Act and to review bank security programs.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

All comments will become a matter of public record.

Dated at Washington, DC, this 17th day of September 2012.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2012–23209 Filed 9–19–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (3064–0117)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before November 19, 2012.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to Renew the Following Currently-Approved Collection of Information

Title: Mutual-to-Stock Conversion of State Savings Banks.

OMB Number: 3064–0117.

Affected Public: State nonmember banks.

Estimated Number of Respondents: 15.

Estimated Burden per Respondent: 250.

Estimated Total Annual Burden Hours: 3750 hours.

General Description of Collection: State nonmember savings banks musts file with the FDIC a notice of intent to convert to stock form, and provide the FDIC with copies of documents filed with state and federal banking and/or securities regulators in connection with the proposed conversion.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 17th day of September 2012.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2012–23213 Filed 9–19–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10255, Bay National Bank, Lutherville, MD

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Bay National Bank, Lutherville, MD (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Bay National Bank on July 9, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to:

Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, this 17th day of September, 2012.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2012–23211 Filed 9–19–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 40901 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

Anchor Express, Inc. (NVO), 850 Dillon Drive, Wood Dale, IL 60191. Officer: Miroslaw Lechowicz, President (QI). Application Type: New NVO License.

Axima USA LLC (NVO & OFF), 5230 Pacific Concourse Drive, #135, Los Angeles, CA 90045. Officers: Michelle Carollo, Manager (QI), Sandra

Fairchild, Manager. Application Type: New NVO & OFF License.

Cargozone Logistics, Inc. (NVO & OFF), 2050 West 190th Street, #105, Torrance, CA 90504. Officer: Joon H. Yang, CEO (QI). Application Type: QI Change.

Concert Group Logistics, Inc. (NVO & OFF), 1430 Branding Avenue, Suite 150, Downers Grove, IL 60515. Officers: Dominick Muzi, President (QI), Gordon Devens, Secretary. Application Type: QI Change.

Global Logistic Partners, Inc. (NVO & OFF), 16407 NW 8th Avenue, #A, Miami, FL 33169. Officer: Carol Bagouty, President (QI). Application Type: New NVO & OFF License.

ICAT Logistics, Inc. (OFF), 6805 Douglas Legum Drive, Elkridge, MD 21075. Officers: Howard K. Buford, Ocean Freight Director (QI), Richard L. Campbell, Jr., President. Application Type: QI Change.

Jacobson Global Logistics, Inc. (OFF), 1930 6th Avenue South, #401, Seattle, WA 98134. Officers: Kevin J. Krause, VP Pricing and Supplier Management (QI), Peter F. Knapp, President. Application Type: QI Change.

Jade Sky Logistics Corp. (NVO), 10630 Boyette Creek Blvd., Riverview, FL 33569. Officer: Sidney Rosario, President (QI). Application Type: Transfer from a New York Corporation to a Florida Corporation under exact same name.

KTL USA, LLC (NVO), 17 Hilliard Avenue, Edgewater, NJ 07020. Officers: Tufan Duygun, Secretary (QI), Serhat Ozisik, President. Application Type: New NVO License.

Logistics Cargo Concept Inc. (NVO & OFF), 1031 W. Manchester Blvd., Suite C, 1st Floor, Inglewood, CA 90301. Officers: Sammy Yeung, President (QI), Philip Chin, CFO. Application Type: New NVO & OFF License.

T–Z Enterprises Inc (NVO), 10435 Hampshire Ct., Cypress, CA 90630. Officer: Moo Sang Cho, CEO (QI). Application Type: New NVO License.

Welcome Freight Forwarding, Inc. (NVO & OFF), 8424 NW 56th Street, Miami, FL 33166. Officer: Gustavo T. Navarro, President (QI). Application Type: Add NVO Service.

World Trade Cargo & Logistics, Inc. (NVO & OFF), 1225 N. 28th Avenue, Suite 100, DFW Airport, TX 75261. Officer: Rolanda Leslie, Vice President (QI). Application Type: Add NVO Service.

By the Commission.

Dated: September 14, 2012.

Karen V. Gregory,

Secretary.

[FR Doc. 2012–23173 Filed 9–19–12; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been reissued pursuant to section 40901 of the Shipping Act of 1984 (46 U.S.C. 40101).

License No.: 022710F.

Name: Route 809 Freight Forward LLC.

Address: 7801 NW 66th Street, Suite C, Miami, FL 33166.

Date Reissued: August 10, 2012.

License No.: 003550F.

Name: Seair Exort Import Services, Inc. dba Seair Concord International Forwarding, L.C.

Address: 921 NW 120th Avenue, Plantation, FL 33325.

Date Reissued: August 16, 2012.

Vern W. Hill,

Director, Bureau of Certification and Licensing.

[FR Doc. 2012–23172 Filed 9–19–12; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 40901 of the Shipping Act of 1984 (46 U.S.C. 40101) effective on the date shown.

License No.: 8893N.

Name: Sunway Line, Inc.

Address: 6925 Aragon Circle, Unit #6, Buena Park, CA 96020.

Date Revoked: August 16, 2012.

Reason: Voluntary surrender of license.

License No.: 18205NF.

Name: JAK Holding Inc. dba Speedier Logistics.

Address: 63 Bay 38th Street, Brooklyn, NY 11214.

Date Revoked: September 17, 2012.

Reason: Voluntary surrender of license.

License No.: 020858F.

Name: Global Shipping Company, LLC dba GSC.

Address: 1009 Sargent Street, Cincinnati, OH 45203.

Date Revoked: August 27, 2012.

Reason: Voluntary surrender of license.

License No.: 022225NF.

Name: Trans Ocean Logistics Forwarding L.L.C.

Address: 1320 West Blancke Street, Linden, NJ 07036.

Date Revoked: August 17, 2012.

Reason: Voluntary surrender of license.

Vern W. Hill,

Director, Bureau of Certification and Licensing.

[FR Doc. 2012–23174 Filed 9–19–12; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 5, 2012.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Males Family Trust and Males 2010 Trust, Mikael Lowell Males, trustee; Mikael Lowell Males, individually, and all as members of the Males Family Group,* all of Edmond, Oklahoma; to acquire control of Cheyenne Banking Corporation, and thereby indirectly acquire control of Security State Bank, both in Cheyenne, Oklahoma.

Board of Governors of the Federal Reserve System, September 17, 2012.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2012–23199 Filed 9–19–12; 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 October 15, 2012.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Yorktown Financial Holdings, Inc.,* Tulsa, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of CNBO Bancorp, Inc., and thereby indirectly acquire Century Bank of Oklahoma, both in Pryor, Oklahoma.

In connection with this application, Applicant also has applied to acquire Century Home Mortgage of Oklahoma, LLC, Tulsa, Oklahoma, and thereby indirectly engage in mortgage lending activities, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, September 17, 2012.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2012–23200 Filed 9–19–12; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0235; Docket No.2011–0016; Sequence 10]

General Services Administration Acquisition Regulation; Submission for OMB Review; Price Reductions Clause

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding the GSAR Price Reductions Clause. A notice was published in the **Federal Register** at 76 FR 89141, on December 29, 2011. One respondent submitted comments.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: October 22, 2012.

ADDRESSES: Submit comments identified by Information Collection 3090–0235, Price Reduction Clause, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0235, Price Reduction Clause''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0235, Price Reduction Clause'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 3090–0235, Price Reduction Clause.

Instructions: Please submit comments only and cite Information Collection 3090–0235, Price Reduction Clause, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy Division, GSA, (202) 357–9652 or email *Dana.Munson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The clause at GSAR 552.238–75, Price Reductions, used in multiple award schedule contracts ensures that the Government maintains its relationship with the contractor's customer or category of customers, upon which the contract is predicated. The reason for the burden increase is based on the results of comments received.

B. Discussion and Analysis

The Coalition for Government Procurement provided comments on behalf of its members. The comments are insightful and provide a foundation on which to counter-estimate annual burden hours.

The comments provided included an analysis of the practical utility of the Price Reductions Clause (PRC); the perceived limitations placed on MAS contractors in the commercial market due to the PRC; an estimate of the PRC reporting burden; and the results of the Coalition survey issued to its members on the burden hours of training, compliance systems, contract negotiations, and audit preparation.

GSA appreciates the comments provided and agrees that the reporting burden was underestimated. The PRC is included in the retrospective analysis and review under Executive Order 13563, as part of GSA's modernization effort.

Using the results of the contractor survey conducted by the Coalition relative to the burden hours associated with collection of information on the PRC, GSA has reevaluated and revised the total annual burden. An analysis of the evaluation is as follows:

Training—GSA believes that costs and hours allocated to training have a direct link to the size, business structure and product offerings of the company. Further, the investment of hours for design and development of a training program far exceed those aligned with conducting the training itself. We estimate that training activity for design and development of this type of training can be accomplished in approximately 80 hours, with an additional 5 hours to

administer the training on an annual basis. The estimated burden hours for developing and design of training are:

Number of Respondents: 16,000.
Responses per Respondent: 1.
Total Annual Responses: 16,000.
Average Burden Hours per Response: 4 (80 hours/20 yrs).
Total Burden Hours: 64,000.

The estimated burden hours to administer training:

Number of Respondents: 16,000.
Responses per Respondent: 1.
Total Annual Responses: 16,000.
Average Burden Hours per Response: 5.
Total Burden Hours: 80,000.

Compliance systems—Reduced expenditures should occur after the initial investment. The average dollar investment and the number of hours invested to set-up and monitor a compliance system will vary per vendor based on offerings, basis of award, participation in government or commercial marketplace, and the company's business structure. As a result, compliance system burden hours are broken down to address the diverse MAS vendor base. We estimate approximately 20% of the 16,000 MAS vendors have all invested more heavily in the federal marketplace and therefore may require more burden hours to set up and monitor PRC compliance. The remaining estimated 80% have fewer offerings and less complex business structures resulting in reduced burden hours to setup and monitor compliance. Additionally, compliance systems are used to monitor other requirements in addition to the PRC. Therefore, the average number of hours invested to set up and monitor the system, as well as the cost of the system must be distributed over a larger base than just the PRC.

The estimated burden hours for vendors with heavier investments in the federal marketplace are as follows:

Number of Respondents: 3,200 (20% of 16,000).
Responses per Respondent: 1.
Total Annual Responses: 3,200.
Average Burden Hours per Response: 55 hours (1100 hrs/20 yrs).
Total Burden Hours: 176,000.

The estimated burden hours for vendors with less heavy investments in the federal marketplace are as follows:

Number of Respondents: 12,800 (80% of 16,000).
Responses per Respondent: 1.
Total Annual Responses: 12,800.
Average Burden Hours per Response: 30 hours (600 hrs/20 yrs).
Total Burden Hours: 384,000.

Negotiations—The PRC is one of many areas negotiated with MAS contractors. We attribute pricing data to constitute over ½ of the negotiations, with administrative and technical data comprising the remainder. Based on industry experience, it is estimated that no more than 140 hours are expended on PRC negotiations. Thus, the estimated 272 hours is reduced to 140 hours over 20-year lifespan of the contract (140hrs/20) to an annual burden hours of 7.

Number of Respondents: 19,000.
Responses per Respondent: 1.
Total Annual Responses: 19,000.
Average Burden Hours per Response: 7 (140 hrs/20 yrs).
Total Burden Hours: 133,000.

Audits—Over the past three years (FY10, FY11, FY12) an average of 70 FSS contracts were audited by the IG each year. The respondent estimated that approximately 440–470 hours were spent preparing for audits involving the PRC. Thus, GSA took the average of the respondent's estimate (445) and multiplied it by 70, which is the consistent number of contracts audited during the last three fiscal years, to reach the sum of 31,150 hours expended preparing for audits.

Number of Respondents: 70.
Responses per Respondent: 1.
Total Annual Responses: 70.
Average Burden Hours per Response: 445.
Total Burden Hours: 31,150.

C. Annual Reporting Burden

Number of Respondents: 19,000.
Responses per Respondent: 1.
Total Annual Responses: 19,000.
Average Burden Hours per Response: 45.7 hours.
Total Burden Hours: 868,150.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 3090–0235, Price Reductions Clause, in all correspondence.

Dated: September 14, 2012.

Joseph A. Neurauter,

Director, Office of Acquisition Policy, Senior Procurement Executive.

[FR Doc. 2012–23137 Filed 9–19–12; 8:45 am]

BILLING CODE 6820–61–P

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet on Monday, October 15, 2012 through Thursday, October 18, 2012, in Arlington Virginia. The sessions will take place from 8 a.m. to 5:30 p.m. on Monday through Thursday. The meeting will be held at the Doubletree Hotel Crystal City, located at 300 Army Navy Drive, Arlington, VA. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public. The sleeping rooms available at the Doubletree Hotel will be at the Government rate of $ 226.00 (plus applicable state and local taxes, currently 10%) a night for a single or double. The Doubletree is in compliance with the requirements of Title III of the Americans with Disabilities Act and meets all Fire Safety Act regulations.

Davita Vance-Cooks,

Acting Public Printer of the United States.

[FR Doc. 2012–23015 Filed 9–19–12; 8:45 am]

BILLING CODE 1520–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On August 23, 2012, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Clarksville Modification Center, Fort Campbell, in Clarksville, Tennessee, from August 1, 1949, through December 31, 1967, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on September 22, 2012, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the

Federal Register reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–23207 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Winchester Engineering and Analytical Center in Winchester, Massachusetts, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On August 23, 2012, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Winchester Engineering and Analytical Center in Winchester, Massachusetts, from January 1, 1952, through December 31, 1961, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation will become effective on September 22, 2012, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–23272 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Medina Modification Center in San Antonio, Texas, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On August 23, 2012, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Medina Modification Center in San Antonio, Texas, from January 1, 1958, through December 31, 1966, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation will become effective on September 22, 2012, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–23214 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Hanford Engineer Works in Richland, Washington, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On August 23, 2012, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Hanford Engineer Works in Richland, Washington, from July 1, 1972, through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on September 22, 2012, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–23265 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Determination Concerning a Petition To Add a Class of Employees to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a determination concerning a petition to add a class of employees from Titanium Alloys Manufacturing in Niagara Falls, New York, to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384q. On August 23, 2012, the Secretary of HHS determined that the following class of employees does not meet the statutory criteria for addition to the SEC as authorized under EEOICPA:

All employees who worked in any area or building at Titanium Alloys Manufacturing from January 1, 1955, through December 31, 1956.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–23276 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold its twenty-ninth meeting. The meeting will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP Web site at: *http://www.hhs.gov/ohrp/sachrp/mtgings/index.html*.

DATES: The meeting will be held on Tuesday, October 9, 2012 from 8:30 a.m. until 5:00 p.m. and Wednesday, October 10, 2012 from 8:30 a.m. until 4:30 p.m.

ADDRESSES: U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 705A, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Jerry Menikoff, M.D., J.D., Director, Office for Human Research Protections (OHRP), or Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; 240–453–8141; fax: 240–453–6909; email address: *Julia.Gorey@hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services and the Assistant Secretary for Health on issues and topics pertaining to or associated with the protection of human research subjects.

The meeting will open Tuesday, October 9, with remarks from SACHRP Chair Dr. Barbara Bierer and OHRP Director Dr. Jerry Menikoff, followed by a report from the Subpart A Subcommittee (SAS). SAS will discuss their recent work, including considerations for revisions to the expedited review list, principal investigator responsibilities, and informed consent waiver criteria. SAS is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment; this subcommittee was established by SACHRP in October 2006. Tuesday afternoon will be a discussion of informed consent issues in cluster randomized trials, featuring Dr. Andrew McRae, Research Director of the Division of Emergency Medicine, University of Calgary.

On the morning of October 10, the Subcommittee on Harmonization (SOH) will give a report and discuss their recent work, including local context guidance recommendations. SOH was established by SACHRP at its July 2009 meeting, and is charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination. Wednesday afternoon SACHRP will discuss a revised document on the issue of the use of the Internet in human subjects research, drafted by Drs. Elizabeth Buchanan and Dean Gallant. Public Comment will be heard on both days.

Public attendance at the meeting is limited to space available. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact persons. Members of the public will have the opportunity to provide comments on both days of the meeting. Public comment will be limited to five minutes per speaker. Any members of the public who wish to have printed materials distributed to SACHRP members for this scheduled meeting should submit materials to the Executive Director, SACHRP, prior to the close of business October 1, 2012.

Dated: September 13, 2012.

Jerry Menikoff,

Director, Office for Human Research Protections, Executive Secretary, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2012–23143 Filed 9–19–12; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Online Application Order Form for Products from the Healthcare Cost and Utilization Project (HCUP).'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on June 27th, 2012 and allowed 60 days for public comment. Several comments were received. The purpose

of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by October 22, 2012.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Online Application Order Form for Products From the Healthcare Cost and Utilization Project (HCUP)

The Healthcare Cost and Utilization Project (HCUP, pronounced ''H-Cup'') is a vital resource helping AHRQ achieve its research agenda, thereby furthering its goal of improving the delivery of health care in the United States. HCUP is a family of health care databases and related software tools and products developed through a Federal-State-Industry partnership and sponsored by AHRQ. HCUP includes the largest collection of longitudinal hospital care data in the United States, with all-payer, encounter-level information beginning in 1988. The HCUP databases are annual files that contain anonymous information from hospital discharge records for inpatient care and certain components of outpatient care, such as emergency care and ambulatory surgeries. The project currently releases a variety of databases created for research use on a broad range of health issues, including cost and quality of health services, medical practice patterns, access to health care programs, and outcomes of treatments at the national, State, and local market levels. HCUP also produces a large number of software tools to enhance the use of administrative health care data for research and public health use. Software tools use information available from a variety of sources to create new data elements, often through sophisticated algorithms, for use with the HCUP databases.

HCUP's objectives are to:

- Create and enhance a powerful source of national, state, and all-payer health care data.
- Produce a broad set of software tools and products to facilitate the use of HCUP and other administrative data.
- Enrich a collaborative partnership with statewide data organizations (that voluntarily participate in the project) aimed at increasing the quality and use of health care data.
- Conduct and translate research to inform decision making and improve health care delivery.

The HCUP releases six types of databases for public research use:

(1) The Nationwide Inpatient Sample (NIS) is the largest all-payer inpatient care database in the United States, containing data from approximately 8 million hospital stays from roughly 1,000 hospitals; this approximates a 20-percent stratified sample of U.S. community hospitals. NIS data releases are available for purchase from the HCUP Central Distributor for data years beginning in 1988.

(2) The Kids' Inpatient Database (KID) is the only all-payer inpatient care database for children in the United States. The KID was specifically designed to permit researchers to study a broad range of conditions and procedures related to child health issues. The KID contains a sample of over 3 million discharges for children age 20 and younger from more than 3,500 U.S. community hospitals.

(3) The Nationwide Emergency Department Sample (NEDS) is the largest all-payer ED database in the United States. It is constructed to capture information both on ED visits that do not result in an admission and on ED visits that result in an admission to the same hospital. The NEDS contains more than 25 million unweighted records for ED visits at about 1,000 U.S. community hospitals and approximates a 20-percent stratified sample of U.S. hospital-based EDs. Files are available beginning with data year 2006.

(4) The State Inpatient Databases (SID) contain the universe of inpatient discharge abstracts from data organizations in 46 States that currently participate in the SID. Together, the SID encompasses approximately 97 percent of all U.S. community hospital discharges. Most States that participate in the SID make their data available for purchase through the HCUP Central Distributor. Files are available beginning with data year 1990.

(5) The State Ambulatory Surgery Databases (SASD) contain data from ambulatory care encounters in hospital-affiliated (and sometimes freestanding) ambulatory surgery sites. Currently, 29 States participate in the SASD. Files are available beginning with data year 1997.

(6) The State Emergency Department Databases (SEDD) contain data from hospital-affiliated emergency department (ED) abstracts for visits that do not result in a hospitalization. Currently, 29 States participate in the SEDD. Files are available beginning with data year 1999.

To support AHRQ's mission to improve health care through scientific research, HCUP databases and software tools are disseminated to users outside of the Agency through a mechanism known as the HCUP Central Distributor. The HCUP Central Distributor assists qualified researchers to access uniform research data across multiple states with the use of one application process. The HCUP databases disseminated through the Central distributor are referred to as ''restricted access public release files;'' that is, they are publicly available, but only under restricted conditions.

HCUP databases are released to researchers outside of AHRQ after the completion of required training and submission of an application that includes a signed FICUP Data Use Agreement (DUA). In addition, before restricted access public release state-level databases are released, the user is asked for a brief description of their research to ensure that the planned use is consistent with HCUP policies and with the FICUP data use requirements. Fees are set for databases released through the HCUP Central Distributor depending on the type of database. The fee for sale of state-level data is determined by each participating Statewide Data Organization and reimbursed to those organizations. This project is being conducted by AHRQ through its contractor and subcontractor, Thomson Reuters and Social & Scientific Systems, Inc., pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the outcomes, cost, cost-effectiveness, and use of health care services and access to such services. (42 U.S.C. 299a(a)(3).)

Method of Collection

This information collection request is for the activities associated with completing an online application form to request HCUP data, not the collection of health care data for HCUP databases. The activities associated with the HCUP online application include:

(1) HCUP Application Form. All persons wanting access to the HCUP databases must complete an application package. Each unique database has a unique application package. All application packages are available for

downloading at *http://www.hcup-us.ahrq.gov/tech_assist/centdist.jsp*.

(2) HCUP Data Use Agreement Training. All persons wanting access to the HCUP databases must complete this online training course. The purpose of the training is to emphasize the importance of data protection, reduce the risk of inadvertent violations, and describe the individual's responsibility when using HCUP data. The training course can be accessed and completed online at *http://www.hcup-us.ahrq.gov/tech_assist/dua.jsp*.

(3) HCUP Data Use Agreement (DUA). All persons wanting access to the HCUP databases must sign a data use agreement. Each database has a unique DUA; an example DUA for the Nationwide Inpatient Sample database is available at *http://www.hcup-us.ahrq.gov/team/NISDUA.jsp*.

Information collected in the HCUP Application Order Form will be used for two purposes only:

1. *Business Transaction:* HCUP databases and software are currently delivered on disk and shipped to users who have completed the application process. Contact information is used for shipping the data on disk (or any other media used in the future). AHRQ policy and current agreements with Statewide Data Organizations contributing data to HCUP prohibit providing access to the data via the Internet or email.

2. *Enforcement of the HCUP Data Use Agreement (DUA):* The HCUP DUA contains several restrictions on use of the data. Most of these restrictions have been put in place to safeguard the privacy of individuals and establishments represented in the data. For example, data users can only use the data for research, analysis, and aggregate statistical reporting and are prohibited from attempting to identify any persons in the data. Contact information on HCUP Data Use Agreements is retained in the event that a violation of the DUA takes place.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden associated with the applicants' time to order any of the HCUP databases. An estimated 1,200 persons will order HCUP data annually. Each of these persons will complete an application (10 minutes), the DUA training (15 minutes) and a DUA (5 minutes). The total burden is estimated to be 600 hours annually.

Exhibit 2 shows the estimated annualized cost burden associated with the applicants' time to order HCUP data. The total cost burden is estimated to be $21,408 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
HCUP Application Form	1,200	1	10/60	200
HCUP DUA Training	1,200	1	15/60	300
HCUP DUA	1,200	1	5/60	100
Total	3,600	na	na	600

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
HCUP Application Form	1,200	200	$35.68	$7,136
HCUP DUA Training	1,200	300	35.68	10,704
HCUP DUA	1,200	100	35.68	3,568
Total	3,600	600	na	21,408

* Based upon the mean of the average wages for Life Scientists, All Other (19–1099), National Compensation Survey: Occupational wages in the United States May 2011, ''U.S. Department of Labor, Bureau of Labor Statistics.''

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the estimated total and annualized cost to process HCUP database applications and maintain the ordering system over the 3 years covered by this information collection request. It is estimated to cost $17,237 annually to operate and maintain the ordering system.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUALIZED COST

Cost component	Total cost	Annualized cost
Order Review	$14,493	$4,831
Monthly Updates—Product Catalog	1,857	619
System Maintenance	13,820	4,607
Customer Inquiries	4,483	1,495
Management/Troubleshooting	17,058	5,689
Total	51,711	17,237

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: September 13, 2012.

Carolyn M. Clancy,

Director.

[FR Doc. 2012–23165 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Medical Expenditure Panel Survey (MEPS) Household Component and the MEPS Medical Provider Component.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on June 13th, 2012 and allowed 60 days for public comment. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by October 22, 2012.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Medical Expenditure Panel Survey (MEPS) Household Component and the MEPS Medical Provider Component

For over thirty years, results from the MEPS and its predecessor surveys (the 1977 National Medical Care Expenditure Survey, the 1980 National Medical Care Utilization and Expenditure Survey and the 1987 National Medical Expenditure Survey) have been used by OMB, DHHS, Congress and a wide number of health services researchers to analyze health care use, expenses, and health policy.

Major changes continue to take place in the health care delivery system. The MEPS is needed to provide information about the current state of the health care system as well as to track changes over time. The MEPS permits annual estimates of use of health care and expenditures and sources of payment for that health care. It also permits tracking individual change in employment, income, health insurance and health status over two years. The use of the National Health Interview Survey (NHIS) as a sampling frame expands the MEPS analytic capacity by providing another data point for comparisons over time.

Households selected for participation in the MEPS Household Component (MEPS–HC) are interviewed five times in person. These rounds of interviewing are spaced about 5 months apart. The interview will take place with a family respondent who will report for him/herself and for other family members.

The MEPS–HC has the following goal:

- To provide nationally representative estimates for the U.S. civilian noninstitutionalized population for health care use, expenditures, sources of payment and health insurance coverage.

The MEPS Medical Provider Component (MEPS–MPC) will contact medical providers (hospitals, physicians, home health agencies and institutions) identified by household respondents in the MEPS–HC as sources of medical care for the time period covered by the interview, and all pharmacies providing prescription drugs to household members during the covered time period. The MEPS–MPC is not designed to yield national estimates. The sample is designed to target the types of individuals and providers for whom household reported expenditure data was expected to be insufficient. For example, households with one or more Medicaid enrollees are targeted for inclusion in the MEPSMPC because this group is expected to have limited information about payments for their medical care.

The MEPS–MPC has the following goal:

- To serve as an imputation source for and to supplement/replace household reported expenditure and source of payment information. This data will supplement, replace and verify information provided by household respondents about the charges, payments, and sources of payment associated with specific health care encounters.

This study is being conducted by AHRQ through its contractors, Westat and RTI International, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the cost and use of health care services and with respect to health statistics and surveys. 42 U.S.C. 299a(a)(3) and (8); 42 U.S.C. 299b–2.

Method of Collection

To achieve the goals of the MEPS–HC the following data collections are implemented:

1. Household Component Core Instrument. The core instrument collects data about persons in sample households. Topical areas asked in each round of interviewing include condition enumeration, health status, health care utilization including prescribed medicines, expense and payment, employment, and health insurance. Other topical areas that are asked only once a year include access to care, income, assets, satisfaction with health plans and providers, children's health, and adult preventive care. While many of the questions are asked about the entire reporting unit (RU), which is

typically a family, only one person normally provides this information.

2. Adult Self Administered Questionnaire. A brief self-administered questionnaire (SAQ) will be used to collect self-reported (rather than through household proxy) information on health status, health opinions and satisfaction with health care for adults 18 and older. The satisfaction with health care items are a subset of items from the Consumer Assessment of Healthcare Providers and Systems (CAHPS®). The health status items are from the Short Form 12 Version 2 (SF–12 version 2), which has been widely used as a measure of self-reported health status in the United States, the Kessler Index (K6) of non-specific psychological distress, and the Patient Health Questionnaire (PHQ–2).

3. Diabetes Care SAQ. A brief self administered paper-and-pencil questionnaire on the quality of diabetes care is administered once a year (during rounds 3 and 5) to persons identified as having diabetes. Included are questions about the number of times the respondent reported having a hemoglobin A1c blood test, whether the respondent reported having his or her feet checked for sores or irritations, whether the respondent reported having an eye exam in which the pupils were dilated, the last time the respondent had his or her blood cholesterol checked and whether the diabetes has caused kidney or eye problems. Respondents are also asked if their diabetes is being treated with diet, oral medications or insulin.

4. Authorization forms for the MEPS–MPC Provider and Pharmacy Survey. As in previous panels of the MEPS, we will ask respondents for authorization to obtain supplemental information from their medical providers (hospitals, physicians, home health agencies and institutions) and pharmacies.

5. MEPS Validation Interview. Each interviewer is required to have at least 15 percent of his/her caseload validated to insure that CAPI questionnaire content was asked appropriately and procedures followed, for example the use of show cards. Validation flags are set programmatically for cases pre-selected by data processing staff before each round of interviewing. Home office and field management may also request that other cases be validated throughout the field period. When an interviewer fails a validation all their work is subject to 100 percent validation. Additionally, any case completed in less than 30 minutes is validated. A validation abstract form containing selected data collected in the CAPI interview is generated and used by the validator to guide the validation interview.

To achieve the goal of the MEPS–MPC the following data collections are implemented:

1. MPC Contact Guide/Screening Call. An initial screening call is placed to determine the type of facility, whether the practice or facility is in scope for the MEPS–MPC, the appropriate MEPS–MPC respondent and some details about the organization and availability of medical records and billing at the practice/facility. All hospitals, physician offices, home health agencies, institutions and pharmacies are screened by telephone. A unique screening instrument is used for each of the seven provider types in the MEPS–MPC.

2. Home Care Provider Questionnaire for Health Care Providers. This questionnaire is used to collect data from home health care agencies which provide medical care services to household respondents. Information collected includes type of personnel providing care, hours or visits provided per month, and the charges and payments for services received.

3. Home Care Provider Questionnaire for Non-Health Care Providers. This questionnaire is used to collect information about services provided in the home by non-health care workers to household respondents because of a medical condition; for example, cleaning or yard work, transportation, shopping, or child care.

4. Medical Event Questionnaire for Office-Based Providers. This questionnaire is for office-based physicians, including doctors of medicine (MDs) and osteopathy (DOs), as well as providers practicing under the direction or supervision of an MD or DO (e.g., physician assistants and nurse practitioners working in clinics). Providers of care in private offices as well as staff model HMOs are included.

5. Medical Event Questionnaire for Separately Billing Doctors. This questionnaire collects information from physicians identified by hospitals (during the Hospital Event data collection) as providing care to sampled persons during the course of inpatient, outpatient department or emergency room care, but who bill separately from the hospital.

6. Hospital Event Questionnaire. This questionnaire is used to collect information about hospital events, including inpatient stays, outpatient department, and emergency room visits. Hospital data are collected not only from the billing department, but from medical records and administrative records departments as well. Medical records departments are contacted to determine the names of all the doctors who treated the patient during a stay or visit. In many cases, the hospital administrative office also has to be contacted to determine whether the doctors identified by medical records billed separately from the hospital itself; the doctors that do bill separately from the hospital will be contacted as part of the Medical Event Questionnaire for Separately Billing Doctors. HMOs are included in this provider type.

7. Institutions Event Questionnaire. This questionnaire is used to collect information about institution events, including nursing homes, rehabilitation facilities and skilled nursing facilities. Institution data are collected not only from the billing department, but from medical records and administrative records departments as well. Medical records departments are contacted to determine the names of all the doctors who treated the patient during a stay. In many cases, the institution administrative office also has to be contacted to determine whether the doctors identified by medical records billed separately from the institution itself.

8. Pharmacy Data Collection Questionnaire. This questionnaire requests the national drug code (NDC) and when that is not available the prescription name, date prescription was filled, payments by source, prescription strength and form (when the NDC is not available), quantity, and person for whom the prescription was filled. When the NDC is available, we do not ask for prescription name, strength or form because that information is embedded in the NDC; this reduces burden on the respondent. Most pharmacies have the requested information available in electronic format and respond by providing a computer generated printout of the patient's prescription information. If the computerized form is unavailable, the pharmacy can report their data to a telephone interviewer. Pharmacies are also able to provide a CD–ROM with the requested information if that is preferred. HMOs are included in this provider type.

The MEPS is a multi-purpose survey. In addition to collecting data to yield annual estimates for a variety of measures related to health care use and expenditures, the MEPS also provides estimates of measures related to health status, consumer assessment of health care, health insurance coverage, demographic characteristics, employment and access to health care indicators. Estimates can be provided for individuals, families and population

subgroups of interest. Data from the MEPS, both the HC and MPC, are intended for a number of annual reports required to be produced by AHRQ, including the National Health Care Quality Report and the National Health Care Disparities Report.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the MEPS–HC and the MEPS–MPC. The MEPS–HC Core Interview will be completed by 15,093* (see note below Exhibit 1) ''family level'' respondents, also referred to as RU respondents. Since the MEPS–HC consists of 5 rounds of interviewing covering a full two years of data, the annual average number of responses per respondent is 2.5 responses per year. The MEPS–HC core requires an average response time of 86 minutes to administer. The Adult SAQ will be completed once a year by each person in the RU that is 18 years old and older, an estimated 28,254 persons. The Adult SAQ requires an average of 7 minutes to complete. The Diabetes care SAQ will be completed once a year by each person in the RU identified as having diabetes, an estimated 2,345 persons, and takes about 3 minutes to complete. The authorization form for the MEPS–MPC Provider Survey will be completed once for each medical provider seen by any RU member. The 14,489* RUs in the MEPS–HC will complete an average of 5.2 forms, which require about 3 minutes each to complete. The authorization form for the MEPS–MPC Pharmacy Survey will be completed once for each pharmacy for any RU member who has obtained a prescription medication. RUs will complete an average of 3.1 forms, which take about 3 minutes to complete. About one third of all interviewed RUs will complete a validation interview as part of the MEPS–HC quality control, which takes an average of 5 minutes to complete. The total annual burden hours for the MEPS–HC are estimated to be 63,907 hours.

All 34,000 medical providers and pharmacies included in the MEPS–MPC will receive a screening call which will take 3 minutes on average. The MEPS–MPC uses 7 different questionnaires—6 for medical providers and 1 for pharmacies. Each questionnaire is relatively short and requires 3 to 5 minutes to complete. The total annual burden hours for the MEPS–MPC are estimated to be 18,914 hours. The total annual burden for the MEPS–HC and MPC is estimated to be 82,821 hours.

Exhibit 2 shows the estimated annual cost burden associated with the respondents' time to participate in this information collection. The annual cost burden for the MEPS–HC is estimated to be $1,389,339; the annual cost burden for the MEPS–MPC is estimated to be $285,680. The total annual cost burden for the MEPS–HC and MPC is estimated to be $1,675,019.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
MEPS–HC				
MEPS–HC Core Interview	*15,093	2.5	86/60	54,083
Adult SAQ	28,254	1	7/60	3,296
Diabetes care SAQ	2,345	1	3/60	117
Authorization form for the MEPS–MPC Provider Survey	14,489	5.2	3/60	3,767
Authorization form for the MEPS–MPC Pharmacy Survey	14,489	3.1	3/60	2,246
MEPS–HC Validation Interview	4,781	1	5/60	398
Subtotal for the MEPS–HC	79,451	na	na	63,907
MEPS–MPC				
MPC Contact Guide/Screening Call**	34,000	1	3/60	1,700
Home care for health care providers questionnaire	465	6.5	5/60	252
Home care for non-health care providers questionnaire	35	6.6	5/60	19
Office-based providers questionnaire	10,800	5.8	5/60	5,220
Separately billing doctors questionnaire	10,800	2	3/60	1,080
Hospitals questionnaire	5,000	6.5	5/60	2,708
Institutions (non-hospital) questionnaire	100	1.5	5/60	13
Pharmacies questionnaire	6,800	23.3	3/60	7,922
Subtotal for the MEPS–MPC	68,000	na	na	18,914
Grand Total	147,451	na	na	82,821

*While the expected number of responding units for the annual estimates is 14,489, it is necessary to adjust for survey attrition of initial respondents by a factor of 0.96 (15,093 = 14,489/0.96).

**There are 6 different contact guides; one for each provider type, except for the two home care provider types which use the same contact guide.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate	Total cost burden
MEPS–HC				
MEPS–HC Core Interview	15,093	54,083	*$21.74	$1,175,764
Adult SAQ	28,254	3,296	21.74	71,655

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN—Continued

Form name	Number of respondents	Total burden hours	Average hourly wage rate	Total cost burden
Diabetes care SAQ	2,345	117	21.74	2,544
Authorization forms for the MEPS–MPC Provider Survey	14,489	3,767	21.74	81,895
Authorization form for the MEPS–MPC Pharmacy Survey	14,489	2,246	21.74	48,828
MEPS–HC Validation Interview	4,781	398	21.74	8,653
Subtotal for the MEPS–HC	79,451	63,907	na	1,389,339
MEPS–MPC				
MPC Contact Guide/Screening Call	34,000	1,700	** 15.59	26,503
Home care for health care providers questionnaire	465	252	15.59	3,929
Home care for non-health care providers questionnaire	35	19	15.59	296
Office-based providers questionnaire	10,800	5,220	15.59	81,380
Separately billing doctors questionnaire	10,800	1,080	15.59	16,837
Hospitals questionnaire	5,000	2,708	15.59	42,218
Institutions (non-hospital) questionnaire	100	13	15.59	203
Pharmacies questionnaire	6,800	7,922	*** 14.43	114,314
Subtotal for the MEPS–MPC	68,000	18,347	na	285,680
Grand Total	147,451	82,254	na	1,675,019

* Mean hourly wage for All Occupations (00–0000).
** Mean hourly wage for Medical Secretaries (43–6013)
*** Mean hourly wage for Pharmacy Technicians (29–2052)
Occupational Employment Statistics, May 2011 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. *http://www.bls.gov/oes/current/oes_nat.htm#b29-0000*.

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the total and annualized cost of this information collection. The cost associated with the design and data collection of the MEPS–HC and MEPS–MPC is estimated to be $51,401,596 in each of the three years covered by this information collection request.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUALIZED COST

Cost component	Total cost	Annualized cost
Sampling Activities	$3,002,731	$1,000,910
Interviewer Recruitment and Training	9,190,168	3,063,389
Data Collection Activities	93,611,428	31,203,809
Data Processing	23,087,605	7,695,868
Production of Public Use Data Files	21,079,118	7,026,373
Project Management	4,233,739	1,411,246
Total	154,204,789	51,401,596

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: September 6, 2012.

Carolyn M. Clancy,

Director.

[FR Doc. 2012–23163 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed

information collection project: ''CHIPRA Pediatric Quality Measures Program Candidate Measure Submission Form.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on April 18th, 2012 and allowed 60 days for public comment. Two public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by October 22, 2012.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Pediatric Quality Measures Program

Section 401(a) of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111–3, amended the Social Security Act (''the Act'') to enact section 1139A (42 U.S.C. 1320b–9a). Section 1139A(b) charged the Department of Health and Human Services (HHS) with improving pediatric health care quality measures. Since CHIPRA was passed, AHRQ and the Centers for Medicare & Medicaid Services (CMS) have been working together to implement selected provisions of the legislation related to children's health care quality. An initial core measure set for voluntary use by Medicaid and Children's Health Insurance Programs (CHIP) was posted December 29, 2009 (*http://www.gpo.gov/fdsys/pkg/FR-2009-12-29/html/E9–30802.htm*). In February 2011, CMS released a State Health Official letter which outlined the initial core measure set and how these measures should be reported to CMS. The Technical Specifications and Resource Manual for the initial core measure set for federal fiscal year 2011 reporting is available at *http://www.medicaid.gov/Medicaid-CHIP-ProgramInformation/By-Topics/Quality-of-Care/Downloads/InitialCoreSetResouceManual.pdf.*

As required by CHIPRA, by January 1, 2011, AHRQ and CMS established the CHIPRA Pediatric Quality Measures Program (PQMP) in accordance with section 1139A(b)(1) of the Act to enhance select children's health care quality measures and develop new measures (*http://www.ahrq.gov/chipra*). The PQMP is intended to develop evidence-based, consensus measures to improve the initial core set and increase the portfolio of measures available to other public and private purchasers of children's health care services, providers, and consumers. HHS anticipates that measures ultimately included in the Improved Core Set will also be used by public and private purchasers to measure pediatric healthcare quality. The PQMP consists of the following:

(1) Seven Centers of Excellence (CoEs) that are developing and/or enhancing children's health care quality measures through cooperative agreements with AHRQ in order to increase the portfolio of measures available to the public and private purchasers of children's health care services, providers and consumers (*http://www.ahrq.gov/chipra/pqmpfact.htm*);

(2) CHIPRA Coordinating and Technical Assistance Center (CCTAC);

(3) Two CHIPRA quality demonstration grantees (Illinois, a partner to the Florida grantee, and Massachusetts) funded by CMS to undertake new quality measure development as part of their grants *http://www.insurekidsnow.gov/professionals/CHIPRA/grants summary.html*; and

(4) The Subcommittee on Children's Healthcare Quality Measures of the AHRQ National Advisory Council on Healthcare Research and Quality (SNAC) that will review measures nominated through a public call for measures, as well as measures developed or enhanced by the CoEs, and make recommendations for an improved core set of children's health care quality measures and other CHIPRA purposes (*http://ahrq.gov/CHIPRA/qmsnaclist12.htm*).

Section 1139A of the Act provides that improved core sets of children's health care quality measures be identified beginning January 1, 2013, and annually thereafter, for voluntary use by state Medicaid and CHIP programs and other CHIPRA purposes. AHRQ intends to solicit public nominations for children's health care quality measures using a standard measure nomination form in early 2013 and 2014. These solicitations will be undertaken by AHRQ to identify children's health care quality measures for review by the SNAC.

Section 1139A(b)(2) of the Act requires that the measures in the improved core sets shall, at a minimum, be:

(A) Evidence-based and, where appropriate, risk adjusted;

(B) Designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

(C) Designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

(D) Periodically updated; and

(E) Responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

Hence, AHRQ, CMS and PQMP developed a CHIPRA Pediatric Quality Measures Program (PQMP) Candidate Measure Submission Form (Attachment A, hereinafter referred to as ''CHIPRA PQMP Candidate Measure Submission Form''). The CHIPRA PQMP Candidate Measure Submission Form details the desirable attributes of measures and related definitions to provide operational guidance as specified in section 1139A(b)(2) of the Act. AHRQ intends to use this CHIPRA PQMP Candidate Measure Submission Form to conduct a public call for measures early in calendar years 2013 and 2014 to solicit measures for consideration by the SNAC for the respective 2014 and 2015 improved core sets of children's health care quality measures.

The goals of the CHIPRA PQMP Candidate Measure Form are to:

(1) Solicit nominations for children's health care quality measures in early 2013 and 2014 through public calls for measures, using a standardized data collection form;

(2) Use the information provided through the standardized data collection form to support SNAC review of children's health care quality measures nominated by the public and measures developed by the seven CoEs; and

(3) Identify measures for improved core sets of children's health care quality measures and for other CHIPRA purposes.

The process for review of the measures developed by the seven COEs will be the same as that for publicly nominated measures.

Respondents to these public calls for measures in 2013 and 2014 are expected to include pediatricians, researchers, measure developers, and measure stewards of children's health care quality measures.

This project is being conducted by AHRQ pursuant to AHRQ's statutory authority under Title IX of the Public Health Service Act to conduct and support research to improve health care quality, and to fulfill a number of requirements under Title IV of CHIPRA, including requirements to identify candidate measures for public posting of an improved core set of children's health care quality measures by January 1, 2014 and January 1, 2015.

Method of Collection

To achieve the goals of this project, AHRQ intends to solicit submission of measures from the members of the public using the CHIPRA PQMP Candidate Measure Submission Form, a standardized data collection tool. Data collection using the CHIPRA PQMP Candidate Measure Submission Form will be adequate to achieve the goals of the project. Below is an outline of the type of data collected through the CHIPRA PQMP Candidate Measure Submission Form and description of the information solicited from each nominator pursuant to section 1139A(b)(2) of the Act.

1. *Basic measure information including:* measure name, measure description, measure owner, National Quality Forum (NQF) identification number (if applicable; i.e., if the measure has been endorsed by NQF), whether part of a measure hierarchy (e.g., a collection of measures, a measure set, a measure subset as defined at *http://www.qualitymeasures.ahrq.gov/about/hierarchy.aspx*), numerator statement and numerator exclusions (as appropriate), denominator statement and denominator exclusions (as appropriate), and data sources.

2. *Detailed measure specifications:* Description of how a measure would be calculated from appropriate data sources.

3. *Importance of the measure:* Description of how the measure meets one or more of the following criteria for importance, citing scientific literature and providing references: evidence for general importance of the measure including potential for quality improvement and reduction of disparities in quality; health importance/prevalence of condition; health importance/severity and burden (including impact on children, families and societies); overall cost burden to patients, families, public and private payers, or society more generally currently and over the life span of the child; association of measure topic to children's current or future health; how the underlying concept of the measure changes in meaning and manifestation (if at all) across developmental stages; importance to Medicaid and/or CHIP program, including the extent to which the measure is understood to be sensitive to changes in Medicaid or CHIP (e.g., policy changes, quality improvement strategies), relevance to Early Periodic Screening, Diagnosis, and Treatment benefit in Medicaid and any other specific relevance to Medicaid/CHIP; and description of how the measure complements or improves on an existing measure in this topic area for the child or adult population or if it is intended to fill a specific gap in an existing measure category or topic.

4. *Measure Categories addressed by the measure:* CHIPRA asks that the improved core set, taken together, cover all settings, services, and topics of health care relevant to children. Moreover, the legislation requires the core set to address the needs of children across all ages including services to promote healthy birth. Regardless of the eventual use of the measure, nominators will need to provide information on all settings, services, measure topics, and populations that a measure addresses.

5. *Evidence or other justification for the focus of the measure:* The evidence base for the focus of the measures included in the January 1, 2014 and January 1, 2015 improved core sets will be made explicit and transparent; thus, it is critical for nominations to specify the scientific evidence or other basis for the focus of the measure, including a brief description of the evidence base or rationale for the relationship between the measure and a significant structure, process, or outcome that influences children's health and health care.

6. *Scientific soundness of the measure:* Explanation of methods to determine the scientific soundness of the measure itself, including results of all tests of validity and reliability, including description(s) of the study sample(s) and methods used to arrive at the results. Also, information on how characteristics of the data system/data sources may affect validity and reliability of the measure.

7. *Identification of disparities:* CHIPRA requires that quality measures be able to identify disparities by race and ethnicity, and be responsive to domains of health care quality such as socioeconomic status and special health care needs. Nominations will provide evidence (if available) from testing of measures with diverse populations (considering that diversity may include race, ethnicity, special health care needs, socioeconomic status, rural populations, inner city populations, and Limited English Proficiency populations to assess measure's performance for disparities identification.

8. *Feasibility:* Description of the measure's feasibility, including: availability of data in existing data systems; opportunities/pathways for implementation; extent to which the measure has been used or is in use (or has not been used), including settings in which it has been used; data collection methods that have been used; eligible populations and results of testing in the eligible populations, including an estimation of the population size required to gain adequate numbers of observations for reliable comparisons, such as estimates of the required population sizes to gain adequate numbers for stratification by race, ethnicity, special health care need, and socioeconomic status.

9. *Levels of aggregation:* CHIPRA states that data used in quality measures must be collected and reported in a standard format that permits comparison (at minimum) at State, health plan, and provider levels. Nominations will provide information on all levels of aggregation at which the measure is primarily intended to apply e.g., State (Medicaid and CHIP populations), health plan, hospital, practice, provider, patient) and at which the measure has been tested.

10. *Understandability:* CHIPRA states that the core set should allow purchasers, families, and health care providers to understand the quality of care for children. Nominations will include a description of the usefulness of the measure to purchasers, families, and health care providers and present results from efforts to assess the understandability of the measure.

11. *Health Information Technology:* Nominations will provide information on health information technology (HIT) that has been or could be incorporated into the measure calculation.

12. *Limitations of the measure:* Nominations will provide brief description of any limitations of the measure related to the attributes included in the form.

13. *Summary Statement:* Nominations will provide a summary rationale for why the measure should be selected for use, taking into account a balance among desirable attributes and limitations of the measure.

14. *Identifying information for the measure submitter:* All nominations will include contact information for the measure submitter, including: a) Name, b) Title, c) Organization, d) Mailing address, e) Telephone number, and f) email address. Further, all nominations will include a written statement disclosing the proprietary and/or

confidentiality status of the measure and full measure specifications, as described in the Public Disclosure Requirements. This statement must be signed by the applicable rights holder(s) or an individual authorized to act on its behalf for each submitted measure or instrument. If signed by an authorized individual, the statement must describe the basis for such authorization. Submitters are encouraged to disclose the terms under which the measure and full measure specifications are currently made available to interested parties—for example, a standard license and/or nondisclosure agreement, or a statement describing the terms thereof. Should HHS accept the measure for the 2014 and/or 2015 Improved Core Measure Sets, full measure specifications for the accepted measure will be subject to public disclosure (e.g., on the AHRQ and/or CMS Web sites). In addition, AHRQ expects that measures and full measure specifications will be made reasonably available to all interested parties.

15. *Opportunity to upload supplementary material:* Nominations will have opportunity to upload attachments including graphics, tables, diagrams, and any other supplemental material. This information supports the review of the measure.

16. *Glossary of Terms:* The glossary of terms details the definitions for key desirable attributes of measures in the PQMP Candidate Measure Submission Form.

The information resulting from this data collection will be used to: (a) Improve and strengthen the initial core set of measures of health care quality established under CHIPRA (*http://www.gpo.gov/fdsys/pkg/FR-2009-12-29/html/E9-30802.htm*), (b) expand on existing pediatric quality measures used by public and private health care purchasers, and (c) increase the portfolio of evidence-based consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

All measures nominated by members of the public will be reviewed by members of the SNAC using the categories of desirable attributes detailed in the CHIPRA PQMP Candidate Measure Submission Form. The SNAC will make recommendations to NAC which in turn will make recommendations to the AHRQ Director for consideration of select measures for inclusion in the public posting of an improved core set by January 1, 2014 and January 1, 2015 for voluntary use by Medicaid and CHIP programs and other CHIPRA purposes.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for members of the public who will nominate measures through use of the online CHIPRA PQMP Candidate Measure Submission Form. We anticipate a maximum of 75 nominations each year with each nomination requiring 3.25 hours. The total burden is estimated to be 244 hours annually.

Exhibit 2 shows the estimated annualized cost burden for respondents' time to complete the online submission form for the public call for measures. The total cost burden is estimated to be $19,195 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection	Number of nominations	Number of responses per nomination	Hours per response	Total burden hours
CHIPRA PQMP Candidate Measure Submission Form	75	1	3.25	244

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection	Number of nominations	Total burden hours	Average hourly wage rate*	Total cost burden
CHIPRA PQMP Candidate Measure Submission Form	75	244	$78.67	$19,195

* Based upon the mean of the average wages for 29–1065 (Pediatricians, General), $78.67 per hour, National Compensation Survey: Occupational Wages in the United States, May 2009, U.S. Department of Labor, Bureau of Labor Statistics. Although the measure nominations will be solicited from the general public, AHRQ is using the wage rate for pediatricians since our expectation is that respondents to the 2013 and 2014 public call for measures will primarily be pediatricians who will be measure developers or measure stewards of children's health care quality measures.

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the estimated total and annualized cost over 3 years to the government for conducting this project. The total cost is estimated to be $275,270.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUALIZED COST

Cost component	Total cost	Annualized cost
Project Development	$16,205	$5,402
Data Collection Activities	46,553	15,518
Data Processing and Analysis	43,190	14,397
Publication of Results	53,938	17,979
Project Management	22,620	7,540
Overhead	92,764	30,921
Total	275,270	91,757

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: September 6, 2012.

Carolyn M. Clancy,

Director.

[FR Doc. 2012–23162 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Special Emphasis Panel (SEP) meeting on ''AHRQ Patient Centered Outcomes Research (PCOR) Pathway to Independence Award (K99/ROC)''

DATES: November 1, 2012 (Open on November 1 from 8:00 a.m. to 8:30 a.m. and closed for the remainder of the meeting).

ADDRESSES: Hyatt Regency Hotel Bethesda, One Metro Center, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact: Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for ''AHRQ Patient Centered Outcomes Research (PCOR) Pathway to Independence Award (K99/R00)'' are to be reviewed and discussed at this meeting. 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.

Dated: September 13, 2012.

Carolyn M. Clancy,

Director.

[FR Doc. 2012–23166 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of five AHRQ subcommittee meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. These meetings will be closed to the public in accordance with 5 U.S.C. App. 2 section 10(d),'5 U.S.C. section 552b(c)(4), and 5 U.S.C. section 552b(c)(6).

DATES: See below for dates of meetings:

1. Health Care Research Training
   Date: October 11–12, 2012 (Open from 8:30 a.m. to 8:45 a.m. on October 11 and closed for remainder of the meeting)
2. Healthcare Effectiveness and Outcomes Research
   Date: October 16–17, 2012 (Open from 8:30 a.m. to 8:45 a.m. on October 16 and closed for remainder of the meeting)
3. Health Systems and Value Research
   Date: October 24, 2012 (Open from 8:30 a.m. to 8:45 a.m. on October 24 and closed for remainder of the meeting)
4. Healthcare Information Technology Research
   Date: October 25, 2012 (Open from 8:30 a.m. to 8:45 a.m. on October 25 and closed for remainder of the meeting)
5. Healthcare Safety and Quality Improvement Research
   Date: October 31, 2012 (Open from 8:30 a.m. to 8:45 a.m. on October 31 and closed for remainder of the meeting)

ADDRESSES: The five meetings will take place in the same location:

Hyatt Regency Hotel Bethesda,
One Metro Center,
Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: (To obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, AHRQ 540, Gaither Road, Suite 2000, Rockville, Maryland 20850, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION: In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the scientific peer review groups listed above, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committee. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). 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.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: September 6, 2012.

Carolyn M. Clancy,

Director.

[FR Doc. 2012–23164 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-12–12RO]

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 S. Lane, 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

Anniston Community Health Survey: Follow-up and Dioxin Analyses (ACHS–II)—New—Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (DHHS) Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In the past, polychlorinated biphenyls (PCBs) were used as coolants and lubricants in electrical equipment. They didn't burn easily and were good insulators. PCBs are no longer made in the U.S. They were banned in 1977 because they persist in the environment. Concerns grew about harm to health.

The City of Anniston, AL, was the site of the former Monsanto facility. PCBs were made there from 1929 to 1971. For decades, PCBs were released into the local air, soil, and surface water. In 1996, residents found out they were exposed. Concerns grew and led to litigation. In 2003, a settlement in favor of the residents was reached in state and federal courts.

The Anniston Environmental Health Research Consortium (AEHRC) was funded by the Agency for Toxic Substances and Disease Registry (ATSDR). The AEHRC conducted the Anniston Community Health Survey (ACHS) from 2005 to 2007. Serum PCB levels in 766 Anniston adults were found to be three to seven times higher than in U.S. adults. Also, higher PCB levels were found in Anniston adults who had high blood pressure and diabetes.

The ATSDR and the National Institutes of Health (NIH) plan to continue the work of the first ACHS. These agencies will conduct a follow-up study called the ACHS–II. It will be a repeated cross-sectional study. Data collection will be managed by the University of Alabama at Birmingham (UAB) and the Calhoun County Health Department (CCHD).

A sample of 500 adults will be selected from the first ACHS cohort. After informed consent, clinical assessments will be done. These will be for blood pressure, height, weight, and body girth. A questionnaire will be answered by computer-assisted personal interviews (CAPIs). Questions will be asked for health, demographic, diet, and lifestyle factors. The self-reported responses will be compared to laboratory analytes. For these, blood samples will be drawn and analyzed.

The ACHS–II will measure the same serum PCBs as in the first Anniston survey. In this way, changes in PCB levels can be studied. The ACHS–II will also include serum analytes for dioxins, furans, dioxin-like PCBs, and other similar chemicals. Additional analytes include blood measures of heavy metals. Clinical biomarkers will include measures for thyroid, diabetes, lipids, and immune function. This will give a more complete profile of human exposures and health in Anniston, AL.

The ATSDR is requesting a two-year approval for this information collection.

There are no costs to respondents other than their time. In total, they will spend 2 hours in the study.

EXHIBIT 1—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 hours
Adults who took part in first Anniston Community Health Survey.	Telephone Recruitment Script.	333	1	2/60	11
	Survey for Refusals	165	1	1/60	3
	Informed Consent	250	1	1/60	4
	Update Contact Information Form.	250	1	1/60	4
	Medications Form	250	1	3/60	12
	Blood Draw Form	250	1	2/60	8
	Questionnaire	250	1	45/60	188
Total					230

Dated: September 14, 2012.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–23203 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-12–12RP]

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 S. Lane, at 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

Assessment of the Psychosocial Impact of Newborn Screening for Congenital Cytomegalovirus (CMV) Infection—New—National Center for Immunization and Respiratory Diseases (NCIRD) and National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year in the United States, more than 30,000 children are born with congenital CMV infection. Approximately 80% develop normally, while the remaining 20% are born with or subsequently develop disabilities such as hearing loss or mental retardation. A similar number of children are affected by serious CMV-related disabilities than by several better-known childhood conditions, including Down syndrome and spina bifida.

The birth prevalence of congenital CMV infection is several times higher than the combined birth prevalence of all metabolic or endocrine disorders in the core U.S. newborn screening panel. Because newborn CMV screening is rarely performed, and because a definitive diagnosis of congenital CMV requires access to urine, saliva, or blood collected soon after birth, most infected children are never diagnosed. Newborn CMV screening offers some clear potential benefits, but few studies have assessed the potential for harm (e.g., increased parental anxiety, ''fragile child syndrome'').

CDC is requesting OMB approval for one year to collect information about newborn CMV screening. The purpose of this information collection is to understand the psychosocial impact of newborn screening on parents whose infants underwent CMV screening as part of a routine infant CMV screening program in Houston, Texas. The potential study population includes approximately 70 CMV-infected children who were symptomatic at birth, 100 CMV-infected children who were asymptomatic at birth (20 of whom developed sequelae), and 50 controls that were CMV-uninfected. The goals of this information collection are to: (1) Document the positive and negative psychosocial impacts of newborn CMV screening on parents and their children; (2) identify modifiable factors that might increase positive psychosocial impacts and decrease negative psychosocial impacts of newborn CMV screening; (3) use what is learned about psychosocial impacts to identify key messages that parents need relative to newborn CMV screening and follow-up; and (4) to learn what challenges are associated with obtaining a congenital CMV diagnosis in the absence of CMV newborn screening.

Much of the potential study population is unique in that their children experienced newborn CMV screening as part of a previous research study. Universal CMV screening has not been recommended by medical associations or state or federal governments and as a result newborn CMV screening is not typically performed. The parents' experience with CMV screening and follow-up will help inform decisions about whether newborn CMV screening would be good public health policy. This study represents the first assessment of the experiences of parents whose children were screened for CMV at birth.

Respondents fall into four categories depending on the past experiences of their child who was screened for CMV:

- Parent Group 1 (PG1)—Child screened positive for congenital CMV at birth, asymptomatic at birth, but *did not* develop sequelae.
- Parent Group 2 (PG2)—Child screened positive for congenital CMV at birth, asymptomatic at birth, but *did* subsequently develop sequelae (e.g., hearing loss).
- Parent Group 3 (PG3)—Child was diagnosed with congenital CMV and had symptoms at birth.
- Parent Group 4 (PG4)—Child screened negative for congenital CMV at birth.

Information will be collected from PG1 via focus groups, from PG2 and PG3 via interviews, and from all four parent groups via a mail survey. The focus group, interview and survey respondents will be asked to participate only once. It is estimated that 71 parents will participate in either individual interviews or focus groups and that 230 will participate in the mail survey. The interviews are planned to take 60 minutes while the focus groups will be held for 90 minutes. The survey is estimated to take 10 minutes per respondent to complete and mail based on previous administrations reported in the literature. Reading and responding to the focus group and interview recruitment letters is estimated to take 5 minutes each. There is no cost to respondents other than their time.

ESTIMATES OF ANNUALIZED BURDEN HOURS

Parent category	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Parent Group 1	Focus Group Guide	36	1	1.5	54
	Focus group recruitment letter	50	1	5/60	4
Parent Groups 2 and 3	Interviewer guide	35	1	1	35
	Interview recruitment letter	50	1	5/60	4
Parent Groups 1, 2, 3, and 4	Survey	230	1	10/60	38
Total Burden Hours					135

Dated: September 14, 2012.

Ron A. Otten,

Director, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–23197 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–12–12RS]

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 S. Lane, at 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

Exposure Assessment and Epidemiological Study of U.S. Workers Exposed to Carbon Nanotubes and Carbon Nanofibers—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. The Occupational Safety and Health Act of 1970, Public Law 91–596 (Section 20[a][1] authorizes NIOSH to conduct research to advance the health and safety of workers. In this capacity, NIOSH will conduct an exposure assessment and epidemiological study of U.S. carbon nanotube (CNT) and carbon nanofiber (CNF) workers.

At present, because of the newness of the technology, much of the occupational exposure to engineered nanomaterials occurs at the research and development (R&D) or pilot scale. There have been few reliable surveys of the size of the workforce exposed to nanomaterials. Health effects from exposure to nanomaterials are uncertain, but may be more severe than from larger-sized particles of the same material. This is due to the small size, high surface area per unit mass (i.e., specific surface area) or (in some cases) high aspect ratio of nanomaterials. Carbon nanotubes and nanofibers are among the nanomaterials of greatest interest from a public health perspective because of their potentially asbestiform properties (e.g., high aspect ratio) and toxicological evidence of possible fibrogenic, inflammatory, and clastogenic damage resulting from exposures at occupationally relevant levels. In addition, the useful properties of CNT and CNF have rendered them among the first nanomaterials to be commercially exploited in manufacturing settings. Thus, an epidemiologic study to determine whether early or late health effects occur from occupational exposure to CNT and CNF is warranted.

The proposed research is a cross-sectional study of the small current U.S. workforce involved with CNT and CNF in manufacturing and distribution, to be conducted in the following phases: 1) Industrywide exposure assessment study to evaluate worker exposure and further develop and refine measurement methods for CNT and CNF. This component will refine sampling and analysis protocols previously developed for the detection and quantification of CNT and CNF in US workplaces. 2) A cross-sectional study relating the best metrics of CNT and CNF exposure to markers of early pulmonary or cardiovascular health effects. After the sampling and analysis protocols have been established to measure CNT and CNF, an industrywide study of the association between exposure and health effects will be conducted. Medical examinations will be conducted and several biomarkers of early effect (for pulmonary fibrosis, cardiovascular disease, and genetic damage) will be measured in blood and sputum for workers exposed to a range of CNT and CNF levels.

The study will include a questionnaire with a three-fold purpose: (1) To determine whether study participants have any contraindications for certain medical procedures to be conducted (spirometry and sputum induction), (2) to assist in interpretation of the biomarker results, and (3) to inquire about current and past exposure to CNT, CNF, and other chemicals, dusts, and fumes. The questionnaire will be given by NIOSH personnel as a computer-assisted personal interview (CAPI). After administration of the CAPI, medical examinations will be conducted to evaluate pulmonary function (via spirometry) and blood pressure, and sputum and blood will be collected. Statistical analyses will be conducted to determine the nature of the relation between exposure to CNT

and CNF and these biomarkers of early effect, considering potential confounding factors such as smoking, age, gender, and workplace co-exposures, including non-engineered ultrafine particles.

The proposed project supports the NIOSH legislatively mandated industrywide studies program that conducts epidemiological and exposure assessment research studies to identify the occupational causes of disease in the working population and their offspring and to effectively communicate study results to workers, scientists, industry, and the public.

The questionnaire will be administered one time only, at the worksite, to 100 workers involved in the production and use of CNT or CNT. The study will be carried out during the participants' regular work shift. There is no cost to respondents or their employers other than their time. We estimate that the average burden per response to be 22 minutes, and that the total burden to all respondents will be 37 hours (see table below).

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Nanomaterials Workers	100	1	22/60	37
Total				37

Dated: September 14, 2012.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–23194 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Times and Dates: 9:00 a.m.–5:00 p.m., October 11, 2012; 9:00 a.m.–12:00 p.m., October 12, 2012

Place: Renaissance Washington, DC Dupont Circle Hotel, City Center Ballroom, 1143 New Hampshire Avenue NW., Washington, District of Columbia 20037.

Status: Open to the public, limited only by the space available. Please register for the meeting at *www.cdc.gov/hicpac.*

Purpose: The Committee is charged with providing advice and guidance to the Secretary, Department of Health and Human Services (HHS); the Director, Centers for Disease Control and Prevention (CDC); the Deputy Director, Office of Infectious Diseases (OID), CDC; and the Director, National Center for Emerging and Zoonotic Infectious Disease (NCEZID), CDC, regarding (1) the practice of infection control; (2) strategies for surveillance, prevention, and control of healthcare-associated infections (e.g., nosocomial infections) antimicrobial resistance and related events in settings where healthcare is provided, including hospitals, ambulatory and long-term care facilities, and home health agencies; and (3) periodic updating of existing guidelines, development of new guidelines, guideline evaluation; and other policy statements regarding the prevention of healthcare-associated infections an healthcare-related conditions.

Matters To Be Discussed: The agenda will include updates on CDC's activities for healthcare associated infections (HAI), an update on the draft guideline for prevention of infections among patients in neonatal intensive care units (NICU), draft guideline for the prevention of surgical site infections, draft guidance for facility adjudication of infection data, and an update from the HICPAC surveillance working group.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Erin Stone, M.S., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, l600 Clifton Road, NE., Mailstop A–07, Atlanta, Georgia 30333 Telephone (404) 639–4045. Email: *hicpac@cdc.gov*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 12, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–23193 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—Ethics Subcommittee (ES)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

Time and Date: 8:30 a.m.–2:30 p.m., EDT, Thursday, October 11, 2012.

Place: CDC, Thomas R. Harkin Global Communications Center, Distance Learning Auditorium, 1600 Clifton Road, NE., Atlanta, GA 30333. This meeting is also available by teleconference. Please dial (877) 928–1204 and enter code 4305992.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 60 people. To accommodate public participation in the meeting, a conference telephone line will be available. The public is welcome to participate during the public comment period. The public comment period is tentatively scheduled for 2 p.m.–2:10 p.m.

Purpose: The ES will provide counsel to the ACD, CDC, regarding a broad range of public health ethics questions and issues arising from programs, scientists and practitioners.

Matters To Be Discussed: Agenda items will include the following topics: Ethical considerations relating to use of travel restrictions for the control of communicable diseases; addition of ethics standards to the accreditation process for public health departments; approaches for evaluating the impact of public health ethics activities; progress on developing practical tools to assist state, tribal, local, and territorial health departments in their efforts to address public health ethics challenges; and strategies for

increasing collaboration between public health ethics and public health law.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: For security reasons, members of the public interested in attending the meeting should contact Drue Barrett, Ph.D., Designated Federal Officer, ACD, CDC—ES, 1600 Clifton Road NE., M/S D–50, Atlanta, Georgia 30333. Telephone: (404) 639–4690. Email: *dbarrett@cdc.gov*. The deadline for notification of attendance is October 1, 2012.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 12, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–23192 Filed 9–19–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Title IV–E Plan for Foster Care, Adoption Assistance, and, optional, Guardianship Assistance Programs.

OMB No.: 0980–0141.

Description: A title IV–E plan is required by section 471, part IV–E of the Social Security Act (the Act) for each public child welfare agency requesting Federal funding for foster care, adoption assistance and guardianship assistance under the Act. Section 479B of the Act provides for an Indian tribe, tribal organization or tribal consortium (Tribe) to operate a title IV–E program in the same manner as a State with minimal exceptions. The Tribe must have an approved title IV–E Plan. The title IV–E plan provides assurances the programs will be administered in conformity with the specific requirements stipulated in title IV–E. The plan must include all applicable State or Tribal statutory, regulatory, or policy references and citations for each requirement as well as supporting documentation. A title IV–E agency may use the pre-print format prepared by the Children's Bureau of the Administration for Children and Families or a different format, on the condition that the format used includes all of the title IV–E plan requirements of the law.

Respondents: Title IV–E agencies administering or supervising the administration of the title IV–E programs.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Title IV–E Plan	17	1	16	272

Estimated Total Annual Burden Hours: 272.

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: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@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.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2012–23120 Filed 9–19–12; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number 93.631]

Announcement of the Award of a Single-Source Program Expansion Supplement Grant to the University of Boston for the Institute for Community Inclusion (ICI) in Boston, MA

AGENCY: Administration on Developmental and Intellectual Disabilities (AIDD), ACF, HHS.

ACTION: Announcing the award a single-source program expansion supplement to the University of Massachusetts for the Institute for Community Inclusion in Boston, MA, to support the additional employment grants that will be awarded.

SUMMARY: The Administration for Children and Families (ACF), Administration on Developmental and Intellectual Disabilities (AIDD) announces the award of a grant in the amount of $300,000 to the University of Massachusetts for the Institute for Community Inclusion, Boston, MA.

DATES: The project period for the award is from September 30, 2012 to September 29, 2013.

FOR FURTHER INFORMATION CONTACT: Ophelia McLain, Supervisory Program Specialist, Administration on Intellectual and Developmental Disabilities, 370 L'Enfant Promenade SW., 2nd Floor East, Washington, DC 20447. Telephone: 202–690–7025; Email: *ophelia.mclain@acf.hhs.gov*.

SUPPLEMENTARY INFORMATION: In September 2011, the Administration on Developmental and Intellectual Disabilities (AIDD) awarded a grant to the ICI to serve as the training and technical assistance (T/TA) provider to recipients of Partnerships in Employment Systems Change grants, also awarded that same year. AIDD has expanding the Employment efforts by awarding two additional Partnerships in Employment Systems Change grants in

Fiscal Year 2012. Program expansion supplemental award funds will support T/TA efforts by the ICI in serving the two additional two grantees.

Statutory Authority: The statutory authority is the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Section 161.

Jamie Kendall,

Deputy Commissioner, Administration on Intellectual and Developmental Disabilities.

[FR Doc. 2012–23244 Filed 9–19–12; 8:45 am]

BILLING CODE 4184–38–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369; (Formerly Docket No. 2007D–0168)]

Draft Guidance for Industry on Bioequivalence Recommendations for Pentosan Polysulfate Sodium Capsule; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Bioequivalence Recommendations for Pentosan Polysulfate Sodium.'' The recommendations provide specific guidance on the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs) for pentosan polysulfate sodium capsule.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by November 19, 2012.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Geoffrey Wu, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9326.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311; FDA–2007–D–0433), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.* As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and provide a meaningful opportunity for the public to consider and comment on those recommendations. This notice announces the availability of draft BE recommendations for pentosan polysulfate sodium capsule.

New drug application 020193 for Elmiron (pentosan polysulfate sodium) capsule was initially approved by FDA in September 1996. There are no approved ANDAs for this product. FDA is now issuing a draft guidance for industry on BE recommendations for generic pentosan polysulfate sodium capsule (Draft Pentosan Polysulfate Sodium Capsule BE Recommendations).

In March 2012, Janssen Pharmaceuticals, Inc. (Janssen), manufacturer of the reference listed drug (RLD), Elmiron, submitted (through its attorneys) a citizen petition requesting that FDA require that any ANDA referencing Elmiron meet certain conditions, including conditions related to demonstrating BE (Docket No. FDA–2012–P–0295). FDA is reviewing the issues raised in the petition. FDA will consider any comments on the Draft Pentosan Polysulfate Sodium Capsule BE Recommendations before responding to Janssen's citizen petition.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the design of BE studies to support ANDAs for pentosan polysulfate sodium capsule. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to *http://www.regulations.gov.* It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: September 14, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–23177 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Oncologic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Oncologic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 8, 2012, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability,

visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Caleb Briggs, 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: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: During the morning session, the committee will discuss new drug application (NDA) 204026, with the established name pomalidomide, application submitted by Celgene Corporation. The proposed indication (use) for this product is in combination with dexamethasone for patients with relapsed and refractory multiple myeloma who have received at least 2 prior regimens of established benefit, including both lenalidomide and bortezomib and have demonstrated disease progression on the last therapy.

During the afternoon session, the committee will discuss supplemental new drug application (sNDA) 021882/015, with the trade name EXJADE (deferasirox) tablets for oral suspension, application submitted by Novartis Pharmaceutical Corporation. The proposed indication (use) for this product is for the treatment of chronic iron overload in patients with non-transfusion-dependent thalassemia syndromes (beta-thalassemia intermedia, HbE beta-thalassemia, and alpha-thalassemia) aged 10 years and older.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 25, 2012. Oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11 a.m. and 3:30 p.m. to 4 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 17, 2012. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 18, 2012.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Caleb Briggs at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 13, 2012.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2012–23186 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Anti-Infective Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Anti-Infective Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 29, 2012, from 8 a.m. to 5 p.m.

Location: DoubleTree by Hilton Hotel Washington DC-Silver Spring, The Ballroom, 8727 Colesville Rd., Silver Spring, MD 20910. The hotel's phone number is 301–589–5200.

Contact Person: Diane Goyette, 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: *AIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss new drug application (NDA) 22407, VIBATIV (telavancin hydrochloride) sterile powder for injection, submitted by Theravance, Inc., for the requested

indication of nosocomial pneumonia (pneumonia contracted by hospitalized patients), including ventilator-associated pneumonia, caused by susceptible isolates of the following Gram-positive bacteria: *Staphylococcus aureus* (including methicillin-susceptible and -resistant isolates) or *Streptococcus pneumoniae* (penicillin susceptible strains).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 13, 2012. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 2, 2012. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 5, 2012.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Diane Goyette at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 13, 2012.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2012–23185 Filed 9–19–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection: Comment Request: Drug Accountability Report Form and Investigator Registration Procedure in the Conduct of Investigational Trials for the Treatment of Cancer (NCI)

SUMMARY: 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 National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: *Title:* Drug Accountability Report Form and Investigator Registration Procedure in the Conduct of Investigational Trials for the Treatment of Cancer (NCI) (OMB No. 0925–0613). *Type of Information Collection Request:* Revision. Need and Use of Information Collection: The U.S. Food and Drug Administration (FDA) holds the National Cancer Institute (NCI) responsible, as a sponsor of investigational drug trials, for the collection of information about the clinical investigators who participate in these trials and to assure the FDA that systems for accountability are being maintained by investigators in its clinical trials program. The information collected is used to identify qualified investigators and to facilitate the submission and distribution of important information relative to the investigational drug and the response of the patient to that drug. Investigators are physicians who specialize in the treatment of patients with cancer. Data obtained from the Drug Accountability Record is used to track the dispensing of investigational anticancer agents from receipt from the NCI to dispensing or administration to patients. NCI and/or its auditors use this information for compliance purposes. *Frequency of Response:* Up to 16 times per year. *Affected Public:* Private sector including businesses, other for-profit organizations, and non-profit institutions. *Type of Respondents:* Investigators, pharmacists, nurses, pharmacy technicians, and data managers. The annualized respondents' burden for record keeping is estimated to require 14,223 hours (see Table 1). There are no capital costs, operating costs, or maintenance costs.

TABLE 1—ESTIMATES OF ANNUAL BURDEN

Type of respondents	Form	Number of respondents	Frequency of response	Average time per response (hours)	Total hour burden
Investigators and Designee for Investigator Registration and DARF.	Statement of Investigator	20,112	1	15/60	5,028
	Supplemental Investigator	20,112	1	10/60	3,352
	Financial Disclosure	20,112	1	5/60	1,676
	Drug Accountability Record Form (DARF and DARF-Oral).	3,907	16	4/60	4,167
Totals					14,223

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; including the validity of the methodology and assumptions used; (3) The quality, utility, and clarity of the information collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Charles, Hall, RPh, M.S., Chief, Pharmaceutical Management Branch, Cancer Therapy Evaluation Program, National Cancer Institute, Executive Plaza North, Room 7149, 9000 Rockville Pike, Bethesda, Maryland 20891. Or call non-toll-free number 301–496–5725 or email your request, include your address to: *hallch@mail.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: September 14, 2012.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2012–23243 Filed 9–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; R25 DAP Sept. 2012.

Date: October 25, 2012.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, 3rd Floor Conference Room, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov*.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Genomic Resources.

Date: October 29, 2012.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, 4th floor Conference Room, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov*.

Name of Committee: National Human Genome Research Institute Initial Review Group; Genome Research Review Committee, GNOM–G (CEGS plus regular load).

Date: November 1–2, 2012.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, Terrace Suite 9 & 10, Rockville, MD 20852.

Contact Person: Ken D. Nakamura, Ph.D., Scientific Review Officer, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: September 14, 2012.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–23128 Filed 9–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel; Clinical Research of Complementary Medical Care.

Date: October 22, 2012.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Hungyi Shau, Ph.D., Scientific Review Officer, National Center For Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, 301–402–1030, *Hungyi.Shau@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: September 13, 2012.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–23129 Filed 9–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NHLBI.

The meeting will be closed to the public as indicated below in accordance

with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Heart, Lung, and Blood Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NHLBI.

Date: October 29, 2012.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, 10 Center Drive, Room B1D401, Bethesda, MD 20892.

Contact Person: Robert S. Balaban, Ph.D., Scientific Director, Division of Intramural Research, National Institutes of Health, NHLBI, Building 10, CRC, 4th Floor, Room 1581, 10 Center Drive, Bethesda, MD 20892, 301/496–2116.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/index.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 13, 2012.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–23127 Filed 9–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

[CFDA Number 93.676]

Announcing the Award of 24 Single-Source Program Expansion Supplement Grants Under the Unaccompanied Alien Children's Shelter Care Program

AGENCY: Office of Refugee Resettlement, ACF, HHS.

ACTION: The Office of Refugee Resettlement (ORR) announces the award of 24 single-source program expansion supplement grants under its Unaccompanied Alien Children's (UAC) Program where grantees provide a range of custodial/residential shelter care and services for recently arrived unaccompanied alien children.

SUMMARY: The Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR) announces the award of 24 single-source program expansion supplement grants for a total of $60,835,955. The additional funding provided to current grantees under ORR's UAC program will support services to unaccompanied alien children through September 30, 2012.

The ORR UAC grantees that have received single-source program expansion supplements are:

Grantee organization	Location	Award amount
BCFS Health and Human Services	San Antonio, TX	$24,765,693
BCFS Health and Human Services	San Antonio, TX	272,645
A New Leaf	Mesa, AZ	180,000
Bokenkamp	Corpus Christi, TX	547,826
Catholic Charities Miami (Boystown)	Miami, FL	752,203
Catholic Charities Galveston/Houston	Houston, TX	213,733
Children's Village	Dobbs Ferry, NY	1,712,029
Children's Village	Dobbs Ferry, NY	152,000
David and Margaret	LaVerne, CA	402,000
Florence Crittenton	Fullerton, CA	348,817
His House	Miami, FL	423,535
International Education Services	Los Fresnos, TX	2,260,821
International Education Services	Los Fresnos, TX	638,042
International Education Services	Los Fresnos, TX	192,577
Lutheran Immigration and Refugee Services (LIRS)	Baltimore, MD	1,836,754
Lutheran Immigration and Refugee Services (LIRS)	Baltimore, MD	268,612
Shenandoah Valley Children's Center	Staunton, VA	135,000
Morrison Child and Family Services	Portland, OR	228,684
Pioneer Human Services	Tacoma, WA	135,257
YouthCare	Seattle, WA	322,080
Heartland Alliance	Chicago, IL	6,121,454
Southwest Key Inc.	Austin, TX	18,615,410
US Conference of Catholic Bishops (USCCB)	Washington, DC	182,855
US Committee on Refugees and Immigrants (USCRI)	Washington, DC	127,928

DATES: October 1, 2011 through September 30, 2012.

FOR FURTHER INFORMATION CONTACT: Kenneth Tota, Deputy Director, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, Telephone (202) 401–4858.

SUPPLEMENTARY INFORMATION: The expansion supplement grants will support the expansion of bed capacity to meet the number of unaccompanied alien children referrals from the Department of Homeland Security (DHS). The funding program is mandated by Section 462 of the Homeland Security Act to ensure appropriate placement of all referrals from the DHS. The program is tied to DHS apprehension strategies and a sporadic number of border crossers.

Statutory Authority: Section 462 of the Homeland Security Act of 2002, Pub. L. 6 U.S.C. 279(b) (A)-(J) and Section 235 (a)(5)(C) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457, (8 U.S.C. 1232), gives the ORR statutory authority to ensure the appropriate placement of all DHS UAC referrals within specified timeframes and

provides a range of custodial/residential shelter care and services.

Eskinder Negash,

Director, Office of Refugee Resettlement.

[FR Doc. 2012–23245 Filed 9–19–12; 8:45 am]

BILLING CODE 4120–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

[CFDA Number 93.676]

Announcing the Award of Three Single-Source Program Expansion Supplement Grants to Unaccompanied Alien Children's Shelter Care Grantees

AGENCY: Office of Refugee Resettlement, ACF, HHS.

ACTION: The Office of Refugee Resettlement announces the award of three single-source program expansion supplement grants from its Unaccompanied Alien Children's Program to two organizations, Florence Crittenton Services of Orange County, Inc., in Fullerton, CA, and International Education Services, Inc., in Los Fresnos, TX.

SUMMARY: The Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR) announces the award of a single-source program expansion supplement grant to two current grantees, for a total of $2,659,864. The additional funding provided by the awards will support services to unaccompanied alien children through September 30, 2012.

The supplement grant will support the expansion of bed capacity to meet the number of unaccompanied alien children referrals from the Department of Homeland Security (DHS). The funding program is mandated by Section 462 of the Homeland Security Act to ensure appropriate placement of all referrals from the DHS. The program is tied to DHS apprehension strategies and sporadic number of border crossers.

One expansion supplement award is made to Florence Crittenton Services of Orange County, Inc., in Fullerton, CA, in the amount of $226,800 to support expansion of bed capacity to meet the needs of the high number of unaccompanied alien children transferred from the DHS. Award funds will support services to unaccompanied alien children through September 30, 2012.

Two expansion supplement awards are made to International Education Services, Inc., in Los Fresnos, TX. One award for $1,588,827 will provide unaccompanied alien children with temporary 24-hour licensed shelter care in facilities in South Texas. The other award for $844,237 will support the International Education Services, Inc. Harlingen Foster Care Program that provides unaccompanied children with temporary 24-hour family care in private homes within the Cameron County in South Texas.

DATES: The period of support under these supplements is October 1, 2011 through September 30, 2012.

FOR FURTHER INFORMATION CONTACT: Kenneth Tota, Deputy Director, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, Telephone (202) 401–4858.

SUPPLEMENTARY INFORMATION: The UAC program has specific requirements for the provision of services to unaccompanied alien children. These grantee organizations are the only entities with the infrastructure, licensing, experience, and appropriate level of trained staff to meet the required service requirements and the urgent need for the expansion of services required to respond to unexpected arrivals of unaccompanied children. The program expansion supplement will support such services and alleviate the buildup of children waiting in border patrol stations for placement in shelter care.

Statutory Authority: Awards announced in this notice are authorized by Section 462 of the Homeland Security Act, Pub. L. 6 U.S.C. 279(b)(A)–(J) and sections 235(a)(5)(C); 235(d) of the Trafficking Victims Protection Reauthorization Act of 2008, (8 U.S.C. 1232).

Eskinder Negash,

Director, Office of Refugee Resettlement.

[FR Doc. 2012–23247 Filed 9–19–12; 8:45 am]

BILLING CODE 4120–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

[CFDA Number 93.676]

Announcing the Award of Two Urgent Single-Source Grants To Support Unaccompanied Alien Children Program Services

AGENCY: Office of Refugee Resettlement, ACF, HHS.

ACTION: The Office of Refugee Resettlement (ORR) announces the award of two urgent single-source grants from the Unaccompanied Alien Children's Program to Youth for Tomorrow in Bristow VA and Lincoln Hall in Lincolndale, NY.

SUMMARY: The Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR) announces the award of two urgent single-source grants for a total of $4,767,696. Award funds will support grants to two organizations that are providing services under the Unaccompanied Alien Children's program.

Grantee organization	Location	Award amount
Youth for Tomorrow.	Bristow, VA	$1,851,760
Lincoln Hall	Lincolndale, NY	2,915,936

DATES: June 15, 2012—September 30, 2013.

FOR FURTHER INFORMATION CONTACT: Kenneth Tota, Deputy Director, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, Telephone (202) 401–4858.

SUPPLEMENTARY INFORMATION: The grants will support the expansion of bed capacity to meet the number of unaccompanied alien children referrals from the Department of Homeland Security (DHS). The funding program is mandated by section 462 of the Homeland Security Act to ensure appropriate placement of all referrals from the DHS. The program is tied to DHS apprehension strategies and sporadic number of border crossers.

The program has specific requirements for the provision of services to unaccompanied alien children. Existing grantees are the only entities with the infrastructure, licensing, experience and appropriate level of trained staff to meet the required service requirements and the urgent need for expansion of services in response to unexpected arrivals of unaccompanied children. The program expansion supplement will support such services and alleviate the buildup of children waiting in border patrol stations for placement in shelter care.

Statutory Authority: Awards are authorized by Section 462 of the Homeland Security Act of 2002, Pub. L. 6 U.S.C. 279(b)(A)–(J) and section 235 (a)(5)(C) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457, 8 U.S.C. 1232.

Eskinder Negash,

Director, Office of Refugee Resettlement.

[FR Doc. 2012–23246 Filed 9–19–12; 8:45 am]

BILLING CODE 4120–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2012–N224; FXIA16710900000P5–123–FF09A30000]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before October 22, 2012. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by October 22, 2012.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Chicago Zoological Society dba Brookfield Zoo, Brookfield, IL; PRT–84463A

The applicant requests a permit to import one Amur leopard (Panthera pardus orientalis) for the purpose of enhancement of the survival and propagation of the species.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Kyle Witwer, Fort Wayne, IN; PRT–76853A

Applicant: Tammy Burns, East New Market, MD; PRT–81310A

Applicant: Robert Woerner, Melville, NY; PRT–83522A

Applicant: Timothy Chestnut, Spokane, WA; PRT–82650A

Applicant: Robert Eslick, Chattaroy, WA; PRT–82530A

Applicant: Donald Priest, Portola Valley, CA; PRT–83520A

Applicant: Kevin Dunworth, Austin, TX; PRT–84493A

Applicant: Timothy Jackson, Salmon, ID; PRT–83741A

B. Endangered Marine Mammals and Marine Mammals

Applicant: Shannon Atkinson, University of Alaska, Fairbanks, AK; PRT–81899A

The applicant requests a permit to acquire biological specimens from up to 125 northern sea otters (*Enhydra lutris kenyoni*) per year for the purpose of scientific research. The specimens would be obtained opportunistically from sea otters taken from the wild in southeast Alaska by Alaskan native subsistence hunters. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal

Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2012–23263 Filed 9–19–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2012–N223; FXIA16710900000P5–123–FF09A30000]

Endangered Species; Marine Mammals; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA).

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA (16 U.S.C. 1531 *et seq.*), as amended, and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) The application was filed in good faith, (2) The granted permit would not operate to the disadvantage of the endangered species, and (3) The granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

ENDANGERED SPECIES

Permit No.	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
75399A	Eric Moore	77 FR 34059; June 8, 2012	August 15, 2012.
76196A	Eric Anderson	77 FR 36571; June 19, 2012	July 25, 2012.
76255A	Jayson Anderson	77 FR 36571; June 19, 2012	July 25, 2012.
76254A	Joshua Anderson	77 FR 36571; June 19, 2012	July 25, 2012.
844694	Southwest Fisheries Science Center	77 FR 36571; June 19, 2012	August 30, 2012.
76564A	Richard McNeely	77 FR 38652; June 28, 2012	August 15, 2012.
76856A	William Akin	77 FR 38652; June 28, 2012	August 13, 2012.
78581A	Kevin Perry	77 FR 41198; July 12, 2012	August 15, 2012.
78569A	Charles Nace	77 FR 41198; July 12, 2012	August 22, 2012.
74896A	Riverbanks Zoo and Garden	77 FR 46514; August 3, 2012	August 27, 2012.

MARINE MAMMALS

Permit No.	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
045447	Terrie M. Williams, University of California	77 FR 41198; July 12, 2012	August 27, 2012.

Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2012–23264 Filed 9–19–12; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–804]

Certain LED Photographic Lighting Devices and Components Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (''ALJ'') has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a general exclusion order against certain LED photographic lighting devices and components thereof. The ALJ alternatively recommended a limited exclusion order against certain LED photographic lighting devices and components thereof manufactured or sold by the respondents found in violation of 19 U.S.C. 1337.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. 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: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on September 7, 2012. Comments should address whether issuance of a general exclusion order (or alternatively a limited exclusion order) 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 recommended orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the recommended 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 recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the general exclusion order (or alternatively a limited exclusion order) would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 17, 2012.

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 investigation number (''Inv. No. 337–TA–804'') 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. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential 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 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.
Issued: September 17, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23216 Filed 9–19–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–791/826]

Certain Electric Fireplaces, Components Thereof, Manuals for Same, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same; [Corrected] Determination To Review In Part ALJ Initial Determination; Request for Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part the final initial determination (''ID'') (Order No. 20) of the presiding administrative law judge (''ALJ'') finding the remaining respondents, Shenzhen Reliap Industrial Co. (''Reliap'') and Yue Qiu Sheng (''Yue''), both of Shenzhen, China, in default and in violation of section 337. The Commission has also determined to review the ALJ's Order No. 19 denying respondents' motion for summary determination that complainants' breach of contract allegation is outside the scope of the investigation. The Commission is also requesting briefing on the issue on review and on remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–791 (''the 791 investigation'') on July 20, 2011, based on a complaint filed by Twin-Star International, Inc. of Delray Beach, Florida and TS

Investment Holding Corp. of Miami, Florida (collectively, ''Twin-Star''). 76 FR 43345–46 (July 20, 2011). The Commission instituted Investigation No. 337–TA–826 on January 19, 2012 based on another complaint filed by Twin-Star, and consolidated it with the 791 investigation. 77 FR 2757–58 (Jan. 19, 2012). The complaints allege a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electric fireplaces, components thereof, manuals for same, certain processes for manufacturing or relating to same and certain products containing same by reason of infringement of U.S. Copyright Nos. TX0007350474; TX0007350476; VA0001772660; and VA0001772661; and by reason of misappropriation of trade secrets, breach of contract, and tortious inference with contract, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The Commission's notice of investigation named Reliap, Yue, and Whalen Furniture Manufacturing, Inc. (''Whalen'') of San Diego, California as respondents. On July 3, 2012, the Commission issued notice of its determination not to review the ALJ's ID terminating the investigation as to Whalen based on a consent order and settlement agreement.

On June 20, 2012, Twin-Star moved for an ID finding the remaining respondents, Reliap and Yue, in default and in violation of section 337 pursuant to Commission Rule 210.17, 19 CFR 210.17. The Commission investigative attorney filed a response in support of the motion.

On July 13, 2012, the ALJ granted Twin-Star's motion and issued the final ID in this investigation finding the remaining respondents in default and in violation of section 337 pursuant to 19 CFR 210.17 because they did not participate in the investigation following withdrawal of their counsel on March 12, 2012. The ID also contained the ALJ's recommended determination on remedy. Specifically, the ALJ recommended issuance of a limited exclusion order with respect to the defaulting respondents.

Also on July 13, 2012, the ALJ issued Order No. 19, denying a motion filed by Yue on December 11, 2011, for summary determination that Twin-Star's breach of contract claim is outside the scope of the investigation. On July 20, 2012, the Commission investigative attorney petitioned for review of Order No. 19 and the ALJ's final ID. Twin-Star filed a response in opposition on July 30, 2012.

Having examined the record of this investigation, including the ALJ's ID, Order No. 19, and the parties' briefing, the Commission has determined to review Order No. 19 and to review the final ID in part to the extent that it finds a violation of section 337 based on the breach of contract allegations. The Commission has determined not to review the remainder of the ID.

On review, the parties, interested government agencies, and any other interested persons are requested to submit briefing on the issue under review and to address in particular the following:

(1) Please explain whether a breach of contract claim can give rise to a violation of 19 U.S.C. 1337(a)(1)(A), and discuss any relevant statutory language, legislative history, and legal precedent.

In connection with the final disposition of this investigation, the Commission may issue an order that results in the exclusion of the subject articles from entry into the United States. See 19 U.S.C. 1337(d). Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

When the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant is requested to state the issue under review and the dates that the copyrights at issue expire and the HTSUS numbers under which the accused products are imported. The written submissions must be filed no later than close of business on October 12, 2012. Reply submissions must be filed no later than the close of business on November 9, 2012. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

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 Commission rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–791/826'') 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*).

Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.17, 42–43, 45–46 and 50 of

the Commission's Rules of Practice and Procedure (19 CFR 210.17, 210.42–43, 210.45–46, and 210.50).

By order of the Commission.

Issued: September 14, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23175 Filed 9–19–12; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *Nu-West Mining, Inc. and Nu-West Industries, Inc.* v. *United States,* Civil Action No. 90–431–E–BLW, was lodged with the United States District Court for the District of Idaho on September 7, 2012.

The proposed Consent Decree concerns a complaint filed by Nu-West Mining, Inc. and Nu-West Industries, Inc. (collectively ''Nu-West'') against the United States under Sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607 and 9613, seeking to hold the United States liable for past and future response costs relating to the clean-up of contamination at four phosphate mines in Southeast Idaho. The United States counterclaimed against Nu-West under Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, seeking to hold Nu-West liable for these response costs. The proposed Consent Decree resolves all asserted claims and counterclaims by allocating response costs between Nu-West and the United States.

The Department of Justice will accept written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to the United States Department of Justice, P.O. Box 7611, Washington DC 20044–7611. Please refer to *Nu-West Mining, Inc. and Nu-West Industries, Inc.* v. *United States,* DJ # 90–11–3–1776/5.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Idaho, 801 E. Sherman Street, Room 119, Pocatello, ID 83201. In addition, the proposed Consent Decree may be examined electronically at *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, United States Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, or by emailing or faxing a request to ''Consent Decree Copy'' (*eescdcopy.enrd@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–5271. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $6.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment & Natural Resources Division.

[FR Doc. 2012–23168 Filed 9–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Amended Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

This Notice amends and replaces the original notice published on September 6, 2012, 77 Fed. Reg. 54926–54927. Notice is hereby given that on August 28, 2012, a proposed Consent Decree in *United States* v. *Cornell-Dubilier Electronics, Inc.,* Civil Action No. 12–cv–05407 JLL–MAH, was lodged with the United States District Court for the District of New Jersey.

The proposed Consent Decree resolves the United States' and the State of New Jersey's cost recovery and natural resource damages claims against Cornell-Dubilier Electronics, Inc. (''CDE'') under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* relating to the Cornell-Dubilier Electronics, Inc. Superfund Site (''Site'') located in South Plainfield, New Jersey. EPA has performed cleanup work at the Site using funds from the Superfund and will continue to do so. The Consent Decree includes covenants not to sue under Sections 106 and 107 of CERCLA and Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

In the proposed Consent Decree, CDE, an ability to pay party, and the United States and New Jersey agree to a stipulated judgment amount, 80 percent of the sum of the response cost and natural resource damage claims of the United States and New Jersey, or $367,453,449. CDE has agreed to pay, on a sliding scale, between 75 to 100 percent of portions of its insurance recoveries to the United States and New Jersey. In addition to payment of the potential recovery of insurance proceeds, CDE will make payments over three years totaling $1.11 million to the United States and New Jersey. All of these CDE payments will be divided between EPA, New Jersey, and the federal and state natural resource trustees. CDE will also place, as necessary, up to a total of $3.25 million into an escrow account for use in its state court insurance litigation relating to coverage for the Site. Finally, the Decree also resolves potential contribution claims and the State's cost claims against the Department of Defense and the General Services Administration. The federal agencies will pay $16,282,685 toward the United States' and the State's total past and estimated future response costs and natural resource damages.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to the matter as *United States* v. *Cornell-Dubilier Electronics, Inc.,* D.J. Ref. Number 90–11–2–08223/2. A person may request an opportunity for a public hearing in the affected area in accordance with Section 7003 of RCRA, 42 U.S.C. 6973, regarding the Decree's Section 7003 covenant not (1) to sue or (2) to order CDE to take actions as may be necessary to address an imminent and substantial endangerment or to protect public health and the environment.

During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or emailing a request to ''Consent Decree Copy'' (*EESCDCopy.ENRD@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–5271. If requesting by mail from the Consent Decree Library a copy of the proposed Consent Decree

only, please so note and enclose a check in the amount of $15.00 (25 cents per page reproduction cost for the 60 page proposed Consent Decree) payable to the U.S. Treasury. If requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

Ronald G. Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resource Division.

[FR Doc. 2012–23146 Filed 9–19–12; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[Docket No. ATF 47N]

Commerce in Explosives; List of Explosive Materials (2012R–10T)

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

ACTION: Notice of list of explosive materials.

SUMMARY: Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, the Department must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. 841 *et seq.* The list covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in 18 U.S.C. 841(c). This notice publishes the 2012 List of Explosive Materials.

DATES: The list becomes effective September 20, 2012.

FOR FURTHER INFORMATION CONTACT: William J. O'Brien, Industry Liaison Analyst; Explosives Industry Programs Branch; Firearms and Explosives Industry Division; Bureau of Alcohol, Tobacco, Firearms, and Explosives; United States Department of Justice; 99 New York Avenue NE., Washington, DC 20226 (202–207–8969).

SUPPLEMENTARY INFORMATION: The list is intended to include any and all mixtures containing any of the materials on the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is not all-inclusive. The fact that an explosive material is not on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in 18 U.S.C. 841. Explosive materials are listed alphabetically by their common names followed, where applicable, by chemical names and synonyms in brackets.

The Department has not added any new terms to the list of explosive materials or removed or revised any listing since its last publication.

This list supersedes the List of Explosive Materials dated October 19, 2011 (Docket No. ATF 47N, 76 FR 64974).

Notice of List of Explosive Materials

Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, I hereby designate the following as explosive materials covered under 18 U.S.C. 841(c):

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
* Ammonium nitrate explosive mixtures (non-cap sensitive).
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate explosive mixtures (excluding ammonium perchlorate composite propellant (APCP)).
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
* ANFO [ammonium nitrate-fuel oil].
Aromatic nitro-compound explosive mixtures.
Azide explosives.

B

Baranol.
Baratol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
* Blasting agents, nitro-carbo-nitrates, including non-cap sensitive slurry and water gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Bulk salutes.
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclonite [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.
Cyclotrimethylenetrinitramine [RDX].

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM [dipicramide; diaminohexanitrobiphenyl].
Dipicryl sulfone.
Dipicrylamine.
Display fireworks.
DNPA [2,2-dinitropropyl acrylate].
DNPD [dinitropentano nitrile].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA [ethylenedinitramine].
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
EGDN [ethylene glycol dinitrate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive liquids.
Explosive mixtures containing oxygen-releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen-releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen-releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen-releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitroform).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive powders.

F

Flash powder.

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogen [RDX].
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMTD [hexamethylenetriperoxidediamine].
HMX [cyclo-1,3,5,7-tetramethylene 2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; methylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate explosive mixtures.
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol [ethylene glycol dinitrate, EGDN].
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [plastic bonded explosives].
Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate explosives.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (manufactured as an explosive).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.
Pyrotechnic compositions.
PYX [2,6-bis(picrylamino)] 3,5-dinitropyridine.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Salutes (bulk).
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel, and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide explosive mixture.
Sodium dinitro-ortho-cresolate.
Sodium nitrate explosive mixtures.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Special fireworks.
Squibs.
Styphnic acid explosives.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a tetrazapentalene].
TATB [triaminotrinitrobenzene].
TATP [triacetonetriperoxide].
TEGDN [triethylene glycol dinitrate].
Tetranitrocarbazole.
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetrazole explosives.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN [trimethylolethane trinitrate].
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethylorthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.

Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water-bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthamonas hydrophilic colloid explosive mixture.

B. Todd Jones,

Acting Director.

[FR Doc. 2012–23241 Filed 9–19–12; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; American Society of Mechanical Engineers

Notice is hereby given that, on August 27, 2012, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the American Society of Mechanical Engineers (''ASME'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, since April 26, 2012, ASME has published six new standards, initiated one new standards activity, withdrawn one published standard, and withdrawn one proposed standard from consideration within the general nature and scope of ASME's standards development activities, as specified in its original notification. More detail regarding these changes can be found at *www.asme.org.*

On September 15, 2004, ASME filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 13, 2004 (69 FR 60895).

The last notification was filed with the Department on April 27, 2012. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 24, 2012 (77 FR 31041).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2012–23167 Filed 9–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1605]

Meeting of the Global Justice Information Sharing Initiative Federal Advisory Committee

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Global Justice Information Sharing Initiative (Global) Federal Advisory Committee (GAC) to discuss the Global Initiative, as described at *www.it.ojp.gov/global.*

DATES: The meeting will take place on Wednesday, October 24, 2012, from 8:30 a.m. to 4:00 p.m. ET.

ADDRESSES: The meeting will take place at the Sheraton Premiere at Tysons Corner hotel, 8661 Leesburg Pike, Vienna (Tysons Corner), VA 22182, Phone: (703) 448–1234.

FOR FURTHER INFORMATION CONTACT: J. Patrick McCreary, Global Designated Federal Employee (DFE), Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street, Washington, DC 20531; Phone: (202) 616–0532 [note: This is not a toll-free number]; Email: *James.P.McCreary@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Due to security measures, however, members of the public who wish to attend this meeting must register with Mr. J. Patrick McCreary at the above address at least (7) days in advance of the meeting. Registrations will be accepted on a space available basis. Access to the meeting will not be allowed without registration. All attendees will be required to sign in at the meeting registration desk. Please bring photo identification and allow extra time prior to the meeting.

Anyone requiring special accommodations should notify Mr. McCreary at least seven (7) days in advance of the meeting.

Purpose

The GAC will act as the focal point for justice information systems integration activities in order to facilitate the coordination of technical, funding, and legislative strategies in support of the Administration's justice priorities.

The GAC will guide and monitor the development of the Global information sharing concept. It will advise the Assistant Attorney General, OJP; the Attorney General; the President (through the Attorney General); and local, state, tribal, and federal policymakers in the executive, legislative, and judicial branches. The GAC will also advocate for strategies for accomplishing a Global information sharing capability.

Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the DFE.

J. Patrick McCreary,

Global Designated Federal Employee, Bureau of Justice Assistance, Office of Justice Programs.

[FR Doc. 2012–23157 Filed 9–19–12; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 12–075]

NASA Advisory Council; Science Committee; Earth Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Earth Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, October 10, 2012, 12:30 a.m. to 2:30 p.m., Local Time.

ADDRESSES: This meeting will take place telephonically. Any interested person may call the USA toll free conference

call number 888–456–0282, pass code ESS, to participate in this meeting by telephone.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4452, fax (202) 358–4118, or *mnorris@nasa.gov*.

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following topic: Government Performance and Results Act Review.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2012–23248 Filed 9–19–12; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 12–074]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, October 12, 2012, 12:00 p.m. to 1:00 p.m. local time.

ADDRESSES: NASA Johnson Space Center, NASA Parkway, Building 1, Room 966, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Ms. Harmony Myers, Aerospace Safety Advisory Panel Executive Director, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–1857.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Fourth Quarterly Meeting for 2012. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Updates on the Exploration Systems Development
- Updates on the Commercial Crew Program
- Updates on the International Space Station Program
- NASA Responses to ASAP Recommendations

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. Attendees will be required to sign a visitor's register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Any member of the public desiring to attend the ASAP 2012 Fourth Quarterly Meeting at the Johnson Space Center must provide their full name and company affiliation (if applicable) to Ms. Susan Burch at *susan.burch@nasa.gov* by October 9, 2012. Foreign Nationals attending the meeting will be required to provide the following information no less than 7 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); and title/position of attendee. Additional information may be requested. This would also include Permanent Resident information: green card number and expiration date. Persons with disabilities who require assistance should indicate this. Photographs will only be permitted during the first 10 minutes of the meeting.

During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA and should be received 2 working days in advance. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. To reserve a seat, file a written statement, or make a verbal presentation, please contact Ms. Susan Burch via email at *susan.burch@nasa.gov*.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2012–23250 Filed 9–19–12; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 12–076]

NASA Advisory Council; Science Committee; Heliophysics Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Heliophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, October 10, 2012, 9:00 a.m. to 5:00 p.m., Thursday, October 11, 2012, 8:30 a.m. to 5:00 p.m., and Friday, October 12, 2012, 8:30 a.m. to 11:30 p.m., Local Time.

ADDRESSES: NASA Headquarters, 300 E Street SW., Rooms 6H45, 6H45, and 7H45 respectively, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4452, fax (202) 358–4118, or *mnorris@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Heliophysics Division Overview and Program Status
—Flight Mission Status Report
—Heliophysics Division Comments on National Research Council Decadal Strategy for Solar and Space Physics Report
—Heliophysics Roadmap for Science and Technology 2013–2033 Status
—NASA Launch Services Briefing

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required

to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Marian Norris via email at *mnorris@nasa.gov* or by fax at (202) 358–4118. U.S. citizens and green card holders are requested to submit their name and affiliation 3 working days prior to the meeting to Marian Norris.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2012–23249 Filed 9–19–12; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*). This is the second notice for public comment; the first was published in the **Federal Register** at 77 FR 32700, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

Comments: Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the NSF, including whether the information will have practical utility; (b) the accuracy of the NSF'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, including through the use of automated collection techniques or other forms of information technology; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.*

DATES: Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission may be obtained by calling 703–292–7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: 2013 National Survey of College Graduates.

OMB Approval Number: 3145–0141.

Type of Request: Intent to seek approval to reinstate an information collection for three years.

1. *Abstract.* The National Survey of College Graduates (NSCG) has been conducted biennially since the 1970s. The 2013 NSCG sample will be selected from the 2011 American Community Survey (ACS), the 2010 NSCG, and the 2010 National Survey of Recent College Graduates (NSRCG). The purpose of this longitudinal panel survey is to provide national estimates on the science and engineering workforce and changes in their employment, education and demographic characteristics. The NSCG is one of the components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering population. The 2013 NSCG will provide necessary input into the SESTAT.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to "* * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government." The NSCG is designed to comply with these mandates by providing information on the supply and utilization of the nation's scientists and engineers.

The NSF uses the information from the NSCG to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering and Science and Engineering Indicators.* A public release file of collected data, designed to protect respondent confidentiality, will be made available to researchers on the Internet.

The U.S. Census Bureau, as in the past, will conduct the NSCG for NSF. The survey data collection will begin in February 2013 using web and mail questionnaires. Nonrespondents to the web or mail questionnaire will be followed up by computer-assisted telephone interviewing. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002, and the individual's response to the survey is voluntary. NSF will ensure that all information collected will be kept strictly confidential and will be used only for statistical purposes.

2. *Expected Respondents.* A statistical sample of approximately 144,000 persons will be contacted in 2013. NSF estimates the response rate to be 80 to 90 percent.

3. *Estimate of Burden.* The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes. NSF estimates that the total burden for the 2013 NSCG will be no more than 50,542 hours.

Dated: September 17, 2012.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2012–23258 Filed 9–19–12; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*). This is the second notice for public comment; the first was published in the **Federal Register** at 77 FR 2012–32699, and no

comment was received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission may be obtained by calling 703–292–7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

Comments: Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the NSF, including whether the information will have practical utility; (b) the accuracy of the NSF'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, including through the use of automated collection techniques or other forms of information technology; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: 2013 Survey of Doctorate Recipients.

OMB Approval Number: 3145–0020.

Type of Request: Intent to seek approval to reinstate an information collection for three years.

1. Abstract. The Survey of Doctorate Recipients (SDR) has been conducted biennially since 1973 and is a longitudinal survey. The 2013 SDR will consist of a sample of individuals less than 76 years of age who have earned a research doctoral degree in a science, engineering or health field from a U.S. institution. The purpose of this longitudinal panel survey is to collect data that will be used to provide national estimates on the U.S.-educated doctoral science and engineering workforce and changes in their employment, education and demographic characteristics. The SDR is one of the components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering workforce. The 2013 SDR will provide necessary input into the SESTAT.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''* * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The SDR is designed to comply with these mandates by providing information on the supply and utilization of the nation's doctoral scientists and engineers.

The NSF uses the information from the SDR to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering* and *Science and Engineering Indicators.* The NSF publishes statistics from the SDR in many reports, but primarily in the biennial series, *Characteristics of Doctoral Scientists and Engineers in the United States.* A public release file of collected data, designed to protect respondent confidentiality, also will be made available to researchers on the Internet.

The survey data collection will begin in February 2013 by web survey, mail questionnaire, and computer-assisted telephone interview. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002, and the individual's response to the survey is voluntary. NSF will ensure that all information collected will be kept strictly confidential and will be used only for statistical purposes.

2. Expected Respondents. A statistical sample of approximately 47,000 individuals with U.S.-earned doctorates in science, engineering or health will be contacted in 2013. This sample will include approximately 40,000 individuals residing in the U.S. (national component) and 7,000 residing abroad (international component). NSF expects the response rate to be 70 to 80 percent for both the national and international components.

3. Estimate of Burden. The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes. NSF estimates that the annual burden will be 13,333 hours for the national component and 2,333 hours for the international component. Thus, NSF estimates that the total annual burden for both components will be 15,667 hours.

Dated: September 17, 2012.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2012–23257 Filed 9–19–12; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Large Scale Networking (LSN); Joint Engineering Team (JET)

AGENCY: The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO). Reference the NITRD Web site at: *http://www.nitrd.gov/.*

ACTION: Notice of meetings.

FOR FURTHER INFORMATION CONTACT: Dr. Grant Miller at *miller@nitrd.gov* or (703) 292–4873.

Date/Location: The JET meetings are held on the third Tuesday of each month, 11:00am–2:00pm, at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx participation is available for each meeting. Please reference the JET Web site for updates.

Jet Web site: The agendas, minutes, and other meeting materials and information can be found on the JET Web site at: *https://connect.nitrd.gov/nitrdgroups/index.php?title=Joint_Engineering_Team_(JET).*

SUMMARY: The JET, established in 1997, provides for information sharing among Federal agencies and non-Federal participants with interest in high performance research networking and networking to support science applications. The JET reports to the Large Scale Networking (LSN) Coordinating Group (CG).

Public Comments: The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *jet-comments@nitrd.gov.* Please note that under the provisions of the Federal

Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the JET Web site.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on September 17, 2012.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2012–23189 Filed 9–19–12; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Large Scale Networking (LSN); Middleware and Grid Interagency Coordination (MAGIC) Team

AGENCY: The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO). Reference the NITRD Web site at: *http://www.nitrd.gov/.*

ACTION: Notice of meetings.

FOR FURTHER INFORMATION CONTACT: Dr. Grant Miller at *miller@nitrd.gov* or (703) 292–4873.

Dates/Location: The MAGIC Team meetings are held on the first Wednesday of each month, 2:00–4:00pm, at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx participation is available for each meeting. Please reference the MAGIC Team Web site for updates.

Magic Web site: The agendas, minutes, and other meeting materials and information can be found on the MAGIC Web site at: *https://connect.nitrd.gov/nitrdgroups/index.php?title=Middleware_And_Grid_Interagency_Coordination_(MAGIC).*

SUMMARY: The MAGIC Team, established in 2002, provides a forum for information sharing among Federal agencies and non-Federal participants with interests and responsibility for middleware, Grid, and cloud projects. The MAGIC Team reports to the Large Scale Networking (LSN) Coordinating Group (CG).

Public Comments: The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *magic-comments@nitrd.gov.* Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the MAGIC Team Web site.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on September 17, 2012.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2012–23190 Filed 9–19–12; 8:45 am]

BILLING CODE 7555–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Board of Directors Meeting; Sunshine Act

TIME AND DATE: 2:00 p.m., Monday, October 1, 2012.

PLACE: 1325 G Street NW., Suite 800, Boardroom, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Erica Hall, Assistant Corporate Secretary (202) 220–2376; *ehall@nw.org*

AGENDA:

I. Call to Order
II. Executive Session
III. Approval of the Annual Board of Directors Meeting Minutes
IV. Approval of the Corporate Administration Committee Meeting Minutes
V. Approval of the Finance, Budget & Program Committee Meeting Minutes
VI. Approval of the Audit Committee Meeting Minutes
VII. Motion to Approve Treasury Partnership
VIII. Approval of FY 2013 Budget
IX. Election of Vice Chair and Audit Committee Chair
X. Financial Report
XI. All Staff Video
XII. 35th Anniversary
XIII. DC Lease Discussion & Update
XIV. Homeownership Business Model
XV. Discussion on Honoring Elected Officials
XVI. Management Report
XVII. Milestone Report & Dashboard
XVIII. NFMC & EHLP
XIX. Adjournment

Erica Hall,

Assistant Corporate Secretary.

[FR Doc. 2012–23306 Filed 9–18–12; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0218]

Comparative Environmental Evaluation of Alternatives for Handling Low-Level Radioactive Waste Spent Ion Exchange Resins From Commercial Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft report; request for comment.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing for public comment the Draft Comparative Environmental Evaluation of Alternatives for Handling Low-Level Radioactive Waste Spent Ion Exchange Resins from Commercial Nuclear Power Reactors.

DATES: Please submit comments by January 18, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and are publically available, by searching on *http://www.regulations.gov* under Docket ID NRC–2012–0218. 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–2012–XXXX. 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: Stephen Lemont, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5163; email: *Stephen.Lemont@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC– NRC–2012–0218 when contacting the NRC about the availability of information regarding this document. You may access information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC– NRC–2012–0218.
- *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 notice is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers for these documents are provided in Section II, ''Availability of Documents,'' of this document.
- *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– NRC–2012–0218 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 your 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. Availability of Documents

ADAMS Accession No.	Document title
ML12256A965	Draft Comparative Environmental Evaluation of Alternatives for Handling Low-Level Radioactive Waste Spent Ion Exchange Resins from Commercial Nuclear Power Plants.
ML090410246	SECY–10–0043, ''Blending of Low-Level Radioactive Waste,'' April 7, 2010.
ML102861764	SRM–SECY–10–0043, ''Staff Requirements—SECY–10–0043—Blending of Low-Level Radioactive Waste,'' October 13, 2010.
ML100220019	Official Transcript of Proceedings, ''Public Meeting on Low-Level Radioactive Waste, Rockville, Maryland,'' January 14, 2010.

III. Further Information

In the draft report, the NRC staff identifies and compares potential environmental impacts of six alternatives for managing low-level radioactive waste (LLRW) spent ion exchange resins (IERs) generated at commercial nuclear power plants (NPPs). This comparative environmental evaluation has been conducted consistent with Option 2 in the NRC staff's paper for the Commission, SECY–10–0043, ''Blending of Low-Level Radioactive Waste,'' April 7, 2010 (ADAMS Accession No. ML090410246), which identified policy, safety, and regulatory issues associated with LLRW blending, provided options for an NRC blending position, and proposed that the NRC staff revise the Commission position on blending to be risk-informed and performance based. Option 2 of SECY–10–0043 was approved by the Commission in the October 13, 2010 Staff Requirements Memorandum, SRM–SECY–10–0043, ''Staff Requirements—SECY–10–0043—Blending of Low-Level Radioactive Waste'' (ADAMS Accession No. ML102861764).

Additionally, in consideration of stakeholder concerns expressed regarding potential environmental impacts associated with the blending of certain LLRW, as documented in the NRC's Official Transcript of its January 14, 2010, ''Public Meeting on Blending of Low-Level Radioactive Waste'' (ADAMS Accession No. ML100220019), in SECY–10–0043, Option 2, the NRC staff also proposed that ''* * * disposal of blended ion exchange resins from a central processing facility would be compared to direct disposal of the resins, onsite storage of certain wastes when disposal is not possible and further volume reduction of the Class B and C concentration resins.'' The purpose of the draft report is to address this comparison of IER waste handling alternatives. The six alternatives evaluated in the draft report include the four identified by the NRC staff in SECY–10–0043, plus two additional alternatives that represent variations on the disposal of blended ion exchange resins from a central processing facility and volume reduction of the Class B and C concentration resins alternatives. The assumptions and methodologies used in the staff's evaluation and the evaluation results are documented in the draft report. Additional information regarding the draft report is presented in Section IV, ''Draft Report Overview,'' of this document.

IV. Draft Report Overview

In the comparative environmental evaluation presented in the draft report, the alternatives are described and potential environmental impacts of the alternatives are: (1) identified for a range of resource or impact areas (e.g., air quality, ecological resources, public and occupational health, transportation, waste management, water resources); and (2) compared in terms of their relative potential effects on human health and the environment. For reasons discussed in the draft report, the six alternatives are generic and not location-specific, and the comparative environmental evaluation of the alternatives is largely qualitative. An exception is that potential transportation impacts are assessed both quantitatively and qualitatively.

Furthermore, the evaluation is based on conservative, often bounding assumptions regarding the alternatives and various aspects of the analysis. This

approach is consistent with the assessment of generic, non-location-specific alternatives, for which exact data and information would not be available. Consequently, the staff used its professional knowledge, experience, and judgment to establish reasonable technical considerations, estimations, and approximations with regard to how the alternatives were described, would be implemented, and would potentially affect human health and the environment. The NRC staff also took care not to underestimate potential environmental effects and instead worked to bound the possible range of outcomes in most cases. Thus, the potential impacts of the six alternatives, if implemented in actual practice, would be expected to be of somewhat lesser magnitude than described in the draft report.

Ion exchange resins are small, bead-like materials used at commercial NPPs to capture radioactive contaminants dissolved in water used in plant operations. Over time, the IERs lose their ability to remove the contaminants from the water and the resins become ''spent'' and must be removed and replaced. The NRC defines three classes of LLRW—Class A, Class B, and Class C—in its regulations in section 61.55 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Waste classification.'' Of the three classes, Class A LLRW is the least hazardous and Class C is the most hazardous. Disposal facilities for LLRW are licensed to accept one or more of these classes of waste. Waste that exceeds the Class C limits is not generally acceptable for near-surface disposal. Licensees do not allow IERs to exceed the Class C limits, and waste at greater-than-Class C limits is not considered in this report. Spent IERs are managed as LLRW, and are classified as Class A, Class B, or Class C when shipped for disposal, depending on the concentrations and radioactivity levels of radionuclides present.

Currently, there are four licensed, operating LLRW disposal facilities in the United States. One of these facilities is licensed to dispose of, and can accept, Class A LLRW from most states. The other three facilities are licensed to dispose of Class A, B, and C LLRW, but can accept these wastes only from a limited number of states, although one of these facilities may receive approval to import LLRW from additional states in the future. As a result, all U.S. commercial NPPs (which currently include 104 operating nuclear reactors at 65 NPP locations) can dispose of their Class A LLRW spent IERs, but more than 40 of the 65 operating NPPs do not currently have access to a disposal facility for their Class B and C concentration spent IERs. Given this situation, LLRW processing and waste disposal companies are exploring alternatives for managing Class B and C concentration spent IERs.

One of these alternatives is to use a centralized processing facility to blend small volumes of higher-activity Class B and C concentration spent IERs with larger volumes of low activity Class A concentration spent IERs to produce Class A waste. Potential environmental impacts of this alternative, as compared to potential impacts of the other alternatives, are described in the draft report.

Specifically, the six alternatives evaluated in the draft report are:

- Alternative 1A—Direct disposal of blended Class A, B, and C spent IER LLRW from a central processing facility where mechanical mixing would be used to blend the spent IERs to produce Class A waste;
- Alternative 1B—Direct disposal of blended Class A, B, and C spent IER LLRW from a central processing facility where thermal processing would be used to blend the spent IERs to produce Class A waste;
- Alternative 2—Direct disposal of the Class A, B, and C spent IER LLRW (without blending);
- Alternative 3—Direct disposal of the Class A spent IERs, with long-term onsite storage of the Class B and C concentration spent IERs at the NPPs (including construction (expansion) of the waste storage facilities at the NPPs), followed by disposal of the Class B and C spent IERs at the end of the long-term storage period;
- Alternative 4A—Direct disposal of the Class A spent IERs, with volume reduction (by thermal processing) of the Class B and C concentration spent IERs, followed by long-term storage of the volume-reduced Class B and C concentration spent IERs (including construction of a storage facility at an existing LLRW disposal site), and then disposal at the end of the long-term storage period; and
- Alternative 4B—Direct disposal of the Class A spent IERs, with volume reduction (by thermal processing) of the Class B and C concentration spent IERs, then disposal of the volume-reduced Class B and C spent IERs.

As mentioned earlier, the comparative environmental evaluation is based on a number of assumptions. For example, the baseline for the evaluation is current land use. This means that, with the exception of the construction of the long-term waste storage facilities considered in Alternatives 3 and 4A, the evaluation assumes that no new IER handling, processing, and disposal facilities will be constructed and, therefore, does not revisit the impacts of construction of any of these facilities. In addition, the evaluation assumes that these facilities operate under licenses from the NRC or an Agreement State, and that all activities conducted in the alternatives would be in compliance with all applicable Federal, State, and local legal and regulatory requirements.

Additionally, each alternative is considered individually in the evaluation (i.e., each alternative is assumed to be implemented at the exclusion of all the other alternatives). There is no mix of alternatives, and all spent IERs generated at all 65 NPPs are assumed to be managed under each alternative. The staff recognizes that Agreement State requirements and other factors could prevent some NPPs from using some alternatives, and that in actual practice, all spent IERs generated at all 65 NPPs would not be managed under any single alternative. Therefore, the assumption that all spent IERs are managed under each alternative results in conservative estimates of the potential impacts of each alternative.

The assumptions used in this evaluation, such as those previously described, are reasonable and consistent with SECY–10–0043, Option 2, which established the basis for the comparative environmental evaluation. These assumptions are also necessary to place all six alternatives on a relatively equal footing, which helps avoid bias in the results of the evaluation.

The assessment of potential environmental effects of the six alternatives evaluated the following resource or impact areas: Air quality, ecological resources, historic and cultural resources, noise, public and occupational health, soil, transportation, waste management, and water resources. The following resource and impact areas were eliminated from detailed consideration for reasons discussed in the draft report: Accidents and other off-normal conditions, environmental justice, geology and minerals, land use, socioeconomics, and visual and scenic resources. In addition, to the extent practicable, the evaluation of potential environmental impacts identifies and accounts for generally accepted impact mitigation measures in each resource or impact area that would typically be employed in general industry practice. In accordance with the standard of significance that has been established by the NRC for assessing environmental impacts, using the standards of the Council on Environmental Quality's regulations in 40 CFR 1508.27 as a basis, each impact

for each alternative was assigned one of the following three significance levels:

• SMALL. The environmental effects are not detectable or are so minor that they would neither destabilize nor noticeably alter any important attribute of the resource.

• MODERATE. The environmental effects are sufficient to noticeably alter, but not destabilize important attributes of the resource.

• LARGE. The environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

The evaluation concludes that the potential environmental impacts of all six alternatives in all resource and impact areas would be SMALL, with the exception of potential impacts on historic and cultural resources from construction of long-term waste storage facilities in Alternatives 3 and 4A, which could be SMALL to MODERATE. Reasons for the mostly SMALL impacts, by resource or impact area, are discussed in the Draft Report.

Dated at Rockville, Maryland, this 12th day of September, 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. 2012–23205 Filed 9–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0167]

Guidelines for Preparing and Reviewing Licensing Applications for Instrumentation and Control Upgrades for Non-Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is requesting public comment on Chapter 7, Instrumentation and Control Systems, augmenting NUREG–1537, Part 1, ''Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors: Format and Content,'' for instrumentation and control upgrades and NUREG–1537, Part 2, ''Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors: Standard Review Plan and Acceptance Criteria,'' for instrumentation and control upgrades. This draft chapter of NUREG–1537, Part 1 and Part 2, provides revised guidance for preparing and reviewing applications to amend a facility operating license for I&C upgrades.

DATES: Comments may be submitted by December 4, 2012. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and are publically available, by searching on *http://www.regulations.gov* under Docket ID NRC–2012–0167. 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–2012–0167. 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: Mr. Duane A. Hardesty, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission Washington, DC 20005–0001; telephone: 301–415–3724; email: *duane.hardesty@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0167 when contacting the NRC about the availability of information regarding this document. You may access information related to this document by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0167.

• *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 draft Chapter of NUREG–1537 are located in ADAMS as follows: Part 1, Chapter 7 (ADAMS Accession No. ML12254A024) and Part 2, Chapter 7 (ADAMS Accession No. ML12254A017).

• *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–2012–0167 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 in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS, and the NRC does not 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 in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

The NRC is issuing this notice to solicit public comment on Chapter 7, Instrumentation and Control System, augmenting NUREG–1537, Part 1, ''Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors: Format and Content,'' for Instrumentation and Control upgrades and NUREG–1537, Part 2, ''Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors: Standard Review Plan and Acceptance Criteria,'' for Instrumentation and Control upgrades. After the NRC staff considers public comments, it will make a determination regarding issuance of the final NUREG.

Dated at Rockville, Maryland, this 17th day of September 2012.

For the Nuclear Regulatory Commission,

Linh N. Tran,

Acting Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–23326 Filed 9–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee On Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on October 4–5, 2012, 11545 Rockville Pike, Rockville, Maryland.

Thursday, October 4, 2012, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Proposed Changes to the NRC's Regulations for Protection Against Radiation to Conform with International Commission on Radiological Protection (ICRP) Recommendations (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed modifications to NCR's standards for protection against radiation in order to conform to current ICRP recommendations.

10:15 a.m.–12:15 p.m.: Safety Evaluation Report (SER) Associated with WCAP–16793–NP, Revision 2, ''Evaluation of Long-Term Cooling Considering Particulate, Fibrous and Chemical Debris in the Recirculating Fluid,'' and the Status of the Resolution of Generic Safety Issue (GSI) 191, ''Assessment of Debris Accumulation on PWR Sump Performance'' (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the SER associated with WCAP–16793–NP, Revision 2, and the status of the resolution of GSI–191. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

1:15 p.m.–2:15 p.m.: Reactor Pressure Vessel Fabrication and Flaw Assessment (Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding issues related to reactor pressure vessel fabrication and flaw assessment. [**Note:** This session will be closed in order to discuss and protect information provided in confidence by a foreign source, pursuant to 5 U.S.C. 552b(c)(4)]

2:15 p.m.–3:15 p.m.: Assessment of the Quality of Selected NRC Research Projects (Open)—The Committee will hold discussions with members of the ACRS panels performing the quality assessment of the following NRC research projects: (1) NUREG–1953, ''Confirmatory Thermal-Hydraulic Analysis to Support Specific Success Criteria in the Standardized Plant Analysis Risk Models—Surry and Peach Bottom,'' and (2) NUREG/CR–7040, ''Evaluation of JNES Equipment Fragility Tests for Use in Seismic Probabilistic Risk Assessments for U.S. Nuclear Power Plants.''

3:30 p.m.–7:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

[**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

Friday, October 5, 2012, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–7:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Antonio Dias, Cognizant ACRS Staff (Telephone: 301–415–6805, Email: *Antonio.Dias@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.*

nrc.gov/reading-rm/doc-collections/ACRS/.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

If attending this meeting please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security please contact Mr. Theron Brown (240) 888–9835 to be escorted to the meeting room.

Dated: September 14, 2012.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2012–23201 Filed 9–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Project No. 753; NRC–2012–0071]

Model Safety Evaluation for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF–522, Revision 0, ''Revise Ventilation System Surveillance Requirements To Operate for 10 Hours per Month,'' Using the Consolidated Line Item Improvement Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is announcing the availability of Technical Specifications (TSs) Task Force (TSTF) Traveler TSTF–522, Revision 0, ''Revise Ventilation System Surveillance Requirements to Operate for 10 Hours per Month,'' for plant-specific adoption. Additionally, the NRC staff finds the proposed TS (Volume 1) and TS Bases (Volume 2) changes in Traveler TSTF–522 acceptable for inclusion in the following Standard Technical Specifications (STS): NUREG–1430, ''[STS] Babcock and Wilcox Plants,'' NUREG–1431 ''[STS] Westinghouse Plants,'' NUREG–1432 ''[STS] Combustion Engineering Plants,'' NUREG–1433 ''[STS] General Electric BWR/4 Plants,'' NUREG–1434, ''[STS] General Electric BWR/6 Plants.''

ADDRESSES: Please refer to Docket ID NRC–2012–0071 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, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0071. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov*.
- *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*. TSTF–522, Revision 0, includes a model application and is available in ADAMS under Accession No. ML100890316. The model safety evaluation (SE) of TSTF–522, Revision 0, is available under ADAMS Accession No. ML12158A464. The NRC staff disposition of comments received to the Notice of Opportunity for Public Comment announced in the **Federal Register** on March 22, 2012 (77 FR 16869), is available under ADAMS Accession No. ML12158A513.
- *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.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle C. Honcharik, Senior Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–1774 or email at *Michelle.Honcharik@nrc.gov* or Mr. Matthew Hamm, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–1472 or email *Matthew.Hamm@nrc.gov*.

SUPPLEMENTARY INFORMATION: TSTF–522, Revision 0, is applicable to all nuclear reactor power plants. The proposed change revises the surveillance requirements (SRs) which currently require operating the ventilation system for at least 10 continuous hours with the heaters operating every 31 days or at a frequency controlled in accordance with the surveillance frequency control program (SFCP). The SRs would be changed to require at least 15 continuous minutes of ventilation system operation with heaters operating every 31 days or at a frequency controlled in accordance with the SFCP.

The NRC staff has reviewed the model application for TSTF–522 and has found it acceptable for use by licensees. Licensees opting to apply for this TS change are responsible for reviewing the NRC's staff SE and the applicable technical bases, providing any necessary plant-specific information, and assessing the completeness and accuracy of their license amendment request (LAR). The NRC will process each amendment application responding to the Notice of Availability according to applicable NRC rules and procedures.

The proposed change does not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF–522, Revision 0. However, significant deviations from the approach recommended in this notice or the inclusion of additional changes to the license will require additional NRC staff review. This may increase the time and resources needed for the review or result in NRC staff rejection of the LAR. Licensees desiring significant deviations or additional changes should instead submit an LAR that does not claim to adopt TSTF–522, Revision 0.

Dated at Rockville, Maryland, this 12th day of September, 2012.

For the Nuclear Regulatory Commission.

Sheldon D. Stuchell,

Acting Chief, Licensing Processes Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–23208 Filed 9–19–12; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2012–47 and CP2012–57; Order No. 1469]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Priority Mail Contract 42 to the competitive product list. This notice addresses procedural steps associated with the filing.

DATES: *Comments are due:* September 21, 2012.

ADDRESSES: Submit comments electronically by accessing the ''Filing Online'' link in the banner at the top of the Commission's Web site (*http://www.prc.gov*) or by directly accessing the Commission's Filing Online system at *https://www.prc.gov/prc-pages/filing-online/login.aspx*. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820 (case-related information) or *DocketAdmins@prc.gov* (electronic filing assistance).

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 42 to the competitive product list.[1] The Postal Service asserts that Priority Mail Contract 42 is a competitive product ''not of general applicability'' within the meaning of 39 U.S.C. 3632(b)(3). Request at 1. The Request has been assigned Docket No. MC2012–47.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2012–57.

Request. To support its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of Governors' Decision No. 11–6, authorizing the new product;
- Attachment B—a redacted copy of the contract;
- Attachment C—proposed changes to the Mail Classification Schedule competitive product list with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and related financial information under seal.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the contract will cover its attributable costs; make a positive contribution to covering institutional costs; and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of market dominant products subsidizing competitive products as a result of this contract. *Id.*

Related contract. The Postal Service included a redacted version of the related contract with the Request. *Id.* Attachment B. The contract is scheduled to become effective on the day the Commission issues all necessary regulatory approval. *Id.* at 2. The contract will expire 3 years from the effective date unless, among other things, either party terminates the agreement upon 30 days' written notice to the other party.[2] *Id.* at 3. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *Id.* Attachment D.

The Postal Service filed much of the supporting materials, including the related contract, under seal. *Id.* Attachment F. It maintains that the redacted portions of the contract; customer-identifying information; and related financial information, should remain confidential. *Id.* at 3. This information includes the price structure; underlying costs and assumptions; pricing formulas; information relevant to the customer's mailing profile; and cost coverage projections. *Id.* The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.* at 7.

II. Notice of Filings

The Commission establishes Docket Nos. MC2012–47 and CP2012–57 to consider the Request pertaining to the proposed Priority Mail Contract 42 product and the related contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 21, 2012. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie Rea Ward to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2012–47 and CP2012–57 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.
3. Comments by interested persons in these proceedings are due no later than September 21, 2012.
4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2012–23159 Filed 9–19–12; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2012–48 and CP2012–58; Order No. 1468]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Priority Mail Contract 43 to the competitive product list. This notice addresses procedural steps associated with the filing.

DATES: *Comments are due:* September 21, 2012.

ADDRESSES: Submit comments electronically by accessing the ''Filing Online'' link in the banner at the top of the Commission's Web site (*http://www.prc.gov*) or by directly accessing the Commission's Filing Online system at *https://www.prc.gov/prc-pages/filing-online/login.aspx*. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820 (case-related

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[1] Request of the United States Postal Service to Add Priority Mail Contract 42 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, September 13, 2012 (Request).

[2] However, the Postal Service may not terminate this contract without cause during the period of October 1 through January 15 for each contract year. *Id.*

information) or *DocketAdmins@prc.gov* (electronic filing assistance).

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 43 to the competitive product list.[1] The Postal Service asserts that Priority Mail Contract 43 is a competitive product ''not of general applicability'' within the meaning of 39 U.S.C. 3632(b)(3). Request at 1. The Request has been assigned Docket No. MC2012–48.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2012–58.

Request. To support its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of Governors' Decision No. 11–6, authorizing the new product;
- Attachment B—a redacted copy of the contract;
- Attachment C—proposed changes to the Mail Classification Schedule competitive product list with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and related financial information under seal.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the contract will cover its attributable costs, make a positive contribution to covering institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of market dominant products subsidizing competitive products as a result of this contract. *Id.*

Related contract. The Postal Service included a redacted version of the related contract with the Request. *Id.* Attachment B. The contract is scheduled to become effective on the first business day after the Commission issues all necessary regulatory approval. *Id.* at 2. The contract will expire 3 years from the effective date unless, among other things, either party terminates the agreement upon 90 days' written notice to the other party. *Id.* The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *Id.* Attachment D.

The Postal Service filed much of the supporting materials, including the related contract, under seal. *Id.* Attachment F. It maintains that the redacted portions of the contract, customer-identifying information, and related financial information, should remain confidential. *Id.* at 3. This information includes the price structure, underlying costs and assumptions, pricing formulas, information relevant to the customer's mailing profile, and cost coverage projections. *Id.* The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.* at 7.

II. Notice of Filings

The Commission establishes Docket Nos. MC2012–48 and CP2012–58 to consider the Request pertaining to the proposed Priority Mail Contract 43 product and the related contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than September 21, 2012. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie Rea Ward to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2012–48 and CP2012–58 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than September 21, 2012.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2012–23176 Filed 9–19–12; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail Contract 43 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, September 13, 2012 (Request).

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 17a–25; OMB Control No. 3235–0540, SEC File No. 270–482]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

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 existing collection of information provided for in the following rule: Rule 17a–25 (17 CFR 204.17a–25) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Paragraph (a)(1) of Rule 17a–25 requires registered broker-dealers to electronically submit securities transaction information, including identifiers for prime brokerage arrangements, average price accounts, and depository institutions, in a standardized format when requested by the Commission staff. In addition, paragraph (a)(3)(c) of Rule 17a–25 requires broker-dealers to submit, and keep current, contact person information for electronic blue sheets (''EBS'') requests. The Commission uses the information for enforcement inquiries or investigations and trading reconstructions, as well as for inspections and examinations.

The Commission estimates that it sends approximately 7,169 electronic blue sheet requests per year to clearing broker-dealers, who in turn submit an average 87,454 responses.[1] It is

[1] A single EBS request has a unique number assigned to each request (e.g. ''0900001''). However, the number of broker-dealer responses generated from one EBS request can range from one to several thousand. EBS requests are sent directly to clearing firms, as the clearing firm is the repository for trading data for securities transactions information provided by itself and correspondent firms.

Continued

estimated that each broker-dealer who responds electronically will take 8 minutes, and each broker-dealer who responds manually will take 1½ hours to prepare and submit the securities trading data requested by the Commission. The annual aggregate hour burden for electronic and manual response firms is estimated to be 11,785 (87,454 × 8 ÷ 60 = 11,600 hours) + (80 × 1.5 = 120 hours), respectively.[2] In addition, the Commission estimates that it will request 500 broker-dealers to supply the contact information identified in Rule 17a–25(c) and estimates the total aggregate burden hours to be 125. Thus, the annual aggregate burden for all respondents to the collection of information requirements of Rule 17a–25 is estimated at 11,785 hours (11,660 + 125).

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 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. 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 Office, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: September 17, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23233 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

Clearing brokers respond for themselves and other firms they clear for.

[2] Few of respondents submit manual EBS responses. The small percentage of respondents that submit manual responses do so by hand, via email, spreadsheet, disk, or other electronic media. Thus, the number of manual submissions (80) has minimal effect on the total annual burden hours.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Drucker, Inc., DynaMotive Energy Systems Corp., and Gate to Wire Solutions, Inc., Order of Suspension of Trading

September 18, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Drucker, Inc. because it has not filed any periodic reports since the period ended December 31, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of DynaMotive Energy Systems Corp. because it has not filed any periodic reports since the period ended December 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Gate to Wire Solutions, Inc. because it has not filed any periodic reports since the period ended November 30, 2009.

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 September 18, 2012 through 11:59 p.m. EDT on October 1, 2012.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2012–23315 Filed 9–18–12; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Enwin Resources, Inc., Order of Suspension of Trading

September 18, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Enwin Resources, Inc. because it has not filed any periodic reports since the period ended May 31, 2009.

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 company. 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 company is suspended for the period from 9:30 a.m. EDT on September 18, 2012 through 11:59 p.m. EDT on October 1, 2012.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2012–23316 Filed 9–18–12; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

China Mobile Media Technology, Inc., Order of Suspension of Trading

September 18, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Mobile Media Technology, Inc. because it has not filed any periodic reports since the period ended September 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 company. 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 company is suspended for the period from 9:30 a.m. EDT on September 18, 2012, through 11:59 p.m. EDT on October 1, 2012.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2012–23314 Filed 9–18–12; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67859; File No. SR–ISE–2012–72]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Schedule of Fees Regarding Complex Order Rebates

September 14, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 4, 2012, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the 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 ISE is proposing to amend its Schedule of Fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently assesses per contract transaction fees and provides rebates to market participants that add or remove liquidity from the Exchange (''maker/taker fees and rebates'') in a number of options classes (the ''Select Symbols'').[3] The Exchange's maker/taker fees and rebates are applicable to regular and complex orders executed in the Select Symbols and in the Special Non-Select Penny Pilot Symbols.[4] The Exchange also currently assesses maker/taker fees and rebates for complex orders in symbols that are in the Penny Pilot program but are not a Select Symbol (''Non-Select Penny Pilot Symbols'')[5] and for complex orders in all symbols that are not in the Penny Pilot Program (''Non-Penny Pilot Symbols'').[6]

The purpose of this proposed rule change is to amend the rebate tiers and increase the rebate levels for complex orders in options on the Select Symbols, the Non-Select Penny Pilot Symbols, the Non-Penny Pilot Symbols and in options on one Select Symbol—SPY—which has a distinct rebate tier and amount. The Exchange believes this proposed rule change will enhance the Exchange's competitive position and incentivize Members to increase the amount of Priority Customer complex orders that they send to the Exchange in these symbols.

In the Select Symbols, the Exchange currently provides a base rebate of $0.34 per contract, per leg, for Priority Customer complex orders when these orders trade with non-Priority Customer complex orders in the complex order book. Additionally, Members can earn a higher rebate amount by achieving certain average daily volume (ADV) thresholds on a month-to-month basis. The current ADV threshold for the base tier is 0–74,999 Priority Customer complex contracts. The Exchange proposes to lower this threshold to 0–39,999 Priority Customer complex contracts and the base rebate of $0.34 per contract, per leg, will now apply to this tier. With the adoption of a new base tier, what was previously the base tier is now the second tier. The ADV threshold for this tier was previously 0–74,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold so that it is now 40,000–74,999 Priority Customer complex contracts. The rebate amount for this tier was previously $0.34 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.36 per contract, per leg. With the adoption of a new base tier, what was previously the second tier is now the third tier. The ADV threshold for this tier was previously 75,000–124,999 Priority Customer complex contracts. The Exchange is not proposing any change to the ADV threshold for this tier. The rebate amount for this tier was previously $0.36 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.37 per contract, per leg. With the adoption of a new base tier, what was previously the third tier is now the fourth tier. The ADV threshold for this tier was previously 125,000–249,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering the top end of the range so that it is now 125,000–224,999 Priority Customer complex orders. The rebate amount for this tier was previously $0.37 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.38 per contract, per leg. Finally, with the adoption of a new base tier, what was previously the fourth tier is now the fifth tier. The ADV threshold for this tier was previously 250,000 or more Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering it so that it is now 225,000 or more Priority Customer complex contracts. The rebate amount for this tier was previously $0.38 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.39 per contract, per leg. The highest rebate amount achieved by the Member for the current calendar month applies retroactively to all Priority Customer complex order contracts that trade with non-Priority Customer complex orders in the complex order book executed by the Member during such calendar month.

In the Non-Select Penny Pilot Symbols, the Exchange currently provides a base rebate of $0.33 per contract, per leg, for Priority Customer complex orders when these orders trade with non-Priority Customer complex orders in the complex order book. Additionally, Members can earn a higher rebate amount by achieving certain ADV thresholds on a month-to-month basis. The current ADV threshold for the base tier is 0–74,999 Priority Customer complex contracts. The Exchange proposes to lower this threshold to 0–39,999 Priority Customer complex contracts and the base rebate of $0.33 per contract, per leg, will now apply to this tier. With the adoption of a new base tier, what was previously the base tier is now the second tier. The ADV threshold for this tier was previously 0–74,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold so that it is now 40,000–74,999 Priority Customer complex contracts. The rebate amount for this tier was previously

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Options classes subject to maker/taker fees and rebates are identified by their ticker symbol on the Exchange's Schedule of Fees.

[4] *See* Exchange Act Release Nos. 67201 (June 14, 2012), 77 FR 37082 (June 20, 2012) (SR–ISE–2012–49); and 67627 (August 9, 2012), 77 FR 49046 (August 15, 2012) (SR–ISE–2012–70).

[5] *See* Exchange Act Release No. 65724 (November 10, 2011), 76 FR 71413 (November 17, 2011) (SR–ISE–2011–72).

[6] *See* Exchange Act Release Nos. 66084 (January 3, 2012), 77 FR 1103 (January 9, 2012) (SR–ISE–2011–84); 66392 (February 14, 2012), 77 FR 10016 (February 21, 2012) (SR–ISE–2012–06); 66961 (May 10, 2012), 77 FR 28914 (May 16, 2012) (SR–ISE–2012–38); and 67400 (July 11, 2012), 77 FR 42036 (July 17, 2012) (SR–ISE–2012–63).

$0.33 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.34 per contract, per leg. With the adoption of a new base tier, what was previously the second tier is now the third tier. The ADV threshold for this tier was previously 75,000–124,999 Priority Customer complex contracts. The Exchange is not proposing any change to the ADV threshold for this tier. The rebate amount for this tier was previously $0.34 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.36 per contract, per leg. With the adoption of a new base tier, what was previously the third tier is now the fourth tier. The ADV threshold for this tier was previously 125,000–249,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering the top end of the range so that it is now 125,000–224,999 Priority Customer complex orders. The rebate amount for this tier was previously $0.36 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.37 per contract, per leg. Finally, with the adoption of a new base tier, what was previously the fourth tier is now the fifth tier. The ADV threshold for this tier was previously 250,000 or more Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering it so that it is now 225,000 or more Priority Customer complex contracts. The rebate amount for this tier was previously $0.37 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.38 per contract, per leg. The highest rebate amount achieved by the Member for the current calendar month applies retroactively to all Priority Customer complex order contracts that trade with non-Priority Customer complex orders in the complex order book executed by the Member during such calendar month.

In the Non-Penny Pilot Symbols, the Exchange currently provides a base rebate of $0.66 per contract, per leg, for Priority Customer complex orders when these orders trade with non-Priority Customer complex orders in the complex order book. Additionally, Members can earn a higher rebate amount by achieving certain ADV thresholds on a month-to-month basis. The current ADV threshold for the base tier is 0–74,999 Priority Customer complex contracts. The Exchange proposes to lower this threshold to 0–39,999 Priority Customer complex contracts and the base rebate of $0.66 per contract, per leg, will now apply to this tier. With the adoption of a new base tier, what was previously the base tier is now the second tier. The ADV threshold for this tier was previously 0–74,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold so that it is now 40,000–74,999 Priority Customer complex contracts. The rebate amount for this tier was previously $0.66 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.70 per contract, per leg. With the adoption of a new base tier, what was previously the second tier is now the third tier. The ADV threshold for this tier was previously 75,000–124,999 Priority Customer complex contracts. The Exchange is not proposing any change to the ADV threshold for this tier. The rebate amount for this tier was previously $0.70 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.74 per contract, per leg. With the adoption of a new base tier, what was previously the third tier is now the fourth tier. The ADV threshold for this tier was previously 125,000–249,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering the top end of the range so that it is now 125,000–224,999 Priority Customer complex orders. The rebate amount for this tier was previously $0.74 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.76 per contract, per leg. Finally, with the adoption of a new base tier, what was previously the fourth tier is now the fifth tier. The ADV threshold for this tier was previously 250,000 or more Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering it so that it is now 225,000 or more Priority Customer complex contracts. The rebate amount for this tier was previously $0.76 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.77 per contract, per leg. The highest rebate amount achieved by the Member for the current calendar month applies retroactively to all Priority Customer complex order contracts that trade with non-Priority Customer complex orders in the complex order book executed by the Member during such calendar month.

Finally, in SPY, the Exchange currently provides a base rebate of $0.36 per contract, per leg, for Priority Customer complex orders when these orders trade with non-Priority Customer complex orders in the complex order book. Additionally, Members can earn a higher rebate amount by achieving certain ADV thresholds on a month-to-month basis. The current ADV threshold for the base tier is 0–74,999 Priority Customer complex contracts. The Exchange proposes to lower this threshold to 0–39,999 Priority Customer complex contracts and the base rebate of $0.36 per contract, per leg, will now apply to this tier. With the adoption of a new base tier, what was previously the base tier is now the second tier. The ADV threshold for this tier was previously 0–74,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold so that it is now 40,000–74,999 Priority Customer complex contracts. The rebate amount for this tier was previously $0.36 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.37 per contract, per leg. With the adoption of a new base tier, what was previously the second tier is now the third tier. The ADV threshold for this tier was previously 75,000–124,999 Priority Customer complex contracts. The Exchange is not proposing any change to the ADV threshold for this tier. The rebate amount for this tier was previously $0.37 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.38 per contract, per leg. With the adoption of a new base tier, what was previously the third tier is now the fourth tier. The ADV threshold for this tier was previously 125,000–249,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering the top end of the range so that it is now 125,000–224,999 Priority Customer complex orders. The rebate amount for this tier was previously $0.38 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.39 per contract, per leg. Finally, with the adoption of a new base tier, what was previously the fourth tier is now the fifth tier. The ADV threshold for this tier was previously 250,000 or more Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering it so that it is now 225,000 or more Priority Customer complex contracts. The rebate amount for this tier was previously $0.39 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.40 per contract, per leg. The highest rebate amount achieved by the Member for the current calendar month applies retroactively to all Priority Customer complex order contracts that trade with non-Priority Customer complex orders in the complex order book executed by

the Member during such calendar month.

Further, the Exchange currently provides a base rebate of $0.06 per contract, per leg, for Priority Customer complex orders in all symbols traded on the Exchange (excluding SPY) when these orders trade against quotes or orders in the regular orderbook. In order to enhance the Exchange's competitive position and to incentivize Members to increase the amount of Priority Customer complex orders that they send to the Exchange, the Exchange has volume-based tiers similar to the volume-based tiers currently in place for complex orders that trade with non-Priority Customer complex orders in the complex order book. The current ADV threshold for the base tier is 0–74,999 Priority Customer complex contracts. The Exchange proposes to lower this threshold to 0–39,999 Priority Customer complex contracts and the base rebate of $0.06 per contract, per leg, will now apply to this tier. With the adoption of a new base tier, what was previously the base tier is now the second tier. The ADV threshold for this tier was previously 0–74,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold so that it is now 40,000–74,999 Priority Customer complex contracts. The rebate amount for this tier was previously $0.06 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.07 per contract, per leg. With the adoption of a new base tier, what was previously the second tier is now the third tier. The ADV threshold for this tier was previously 75,000–124,999 Priority Customer complex contracts. The Exchange is not proposing any change to the ADV threshold for this tier. The rebate amount for this tier was previously $0.07 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.08 per contract, per leg. With the adoption of a new base tier, what was previously the third tier is now the fourth tier. The ADV threshold for this tier was previously 125,000–249,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering the top end of the range so that it is now 125,000–224,999 Priority Customer complex orders. The rebate amount for this tier was previously $0.08 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.09 per contract, per leg. Finally, with the adoption of a new base tier, what was previously the fourth tier is now the fifth tier. The ADV threshold for this tier was previously 250,000 or more Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering it so that it is now 225,000 or more Priority Customer complex contracts. The rebate amount for this tier was previously $0.09 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.10 per contract, per leg. The highest rebate amount achieved by the Member for the current calendar month applies retroactively to all Priority Customer complex order contracts that trade with non-Priority Customer complex orders in the complex order book executed by the Member during such calendar month.

For SPY, the Exchange currently provides a base rebate of $0.07 per contract, per leg, for Priority Customer complex orders traded on the Exchange when these orders trade against quotes or orders in the regular orderbook. The current ADV threshold for the base tier is 0–74,999 Priority Customer complex contracts. The Exchange proposes to lower this threshold to 0–39,999 Priority Customer complex contracts and the base rebate of $0.07 per contract, per leg, will now apply to this tier. With the adoption of a new base tier, what was previously the base tier is now the second tier. The ADV threshold for this tier was previously 0–74,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold so that it is now 40,000–74,999 Priority Customer complex contracts. The rebate amount for this tier was previously $0.07 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.08 per contract, per leg. With the adoption of a new base tier, what was previously the second tier is now the third tier. The ADV threshold for this tier was previously 75,000–124,999 Priority Customer complex contracts. The Exchange is not proposing any change to the ADV threshold for this tier. The rebate amount for this tier was previously $0.08 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.09 per contract, per leg. With the adoption of a new base tier, what was previously the third tier is now the fourth tier. The ADV threshold for this tier was previously 125,000–249,999 Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering the top end of the range so that it is now 125,000–224,999 Priority Customer complex orders. The rebate amount for this tier was previously $0.09 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.10 per contract, per leg. Finally, with the adoption of a new base tier, what was previously the fourth tier is now the fifth tier. The ADV threshold for this tier was previously 250,000 or more Priority Customer complex contracts. The Exchange proposes to amend this threshold by lowering it so that it is now 225,000 or more Priority Customer complex contracts. The rebate amount for this tier was previously $0.10 per contract, per leg. The Exchange proposes to increase the rebate for this tier to $0.11 per contract, per leg. The highest rebate amount achieved by the Member for the current calendar month applies retroactively to all Priority Customer complex order contracts that trade with non-Priority Customer complex orders in the complex order book executed by the Member during such calendar month.

Finally, to incentivize members to trade in the Exchange's various auction mechanisms, the Exchange currently provides a per contract rebate to those contracts that do not trade with the contra order in the Exchange's Facilitation Mechanism and Solicited Order Mechanism, except when they trade against pre-existing orders and quotes, and to those contracts that do not trade with the contra order in the, Price Improvement Mechanism. For the Facilitation and Solicited Order Mechanisms, the rebate is currently $0.15 per contract. For the Price Improvement Mechanism, the rebate is currently $0.25 per contract. These rebates will continue to apply.

The Exchange is not proposing any other changes in this filing.

2. Statutory Basis

The Exchange believes that its proposal to amend its Schedule of Fees is consistent with Section 6(b) of the Exchange Act [7] in general, and furthers the objectives of Section 6(b)(4) of the Exchange Act [8] in particular, in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and other persons using its facilities. The impact of the proposal upon the net fees paid by a particular market participant will depend on a number of variables, most important of which will be its propensity to interact with and respond to certain types of orders.

The Exchange believes that it is reasonable and equitable to provide rebates for Priority Customer complex orders when these orders trade with Non-Priority Customer complex orders

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

in the complex order book because paying a rebate would continue to attract additional order flow to the Exchange and create liquidity in the symbols that are subject to the rebate, which the Exchange believes ultimately will benefit all market participants who trade on ISE. The Exchange has already established a volume-based incentive program, and is now merely proposing to adopt an additional tier and increase the rebate amounts in that program. The Exchange believes that the proposed rebates are competitive with rebates provided by other exchanges and are therefore reasonable and equitably allocated to those members that direct orders to the Exchange rather than to a competing exchange.

The Exchange also believes that it is reasonable and equitable to provide rebates for Priority Customer complex orders when these orders trade against quotes or orders in the regular orderbook. Again, the Exchange has already established a volume-based incentive program, and is now merely proposing to adopt an additional tier and increase the rebate amounts in that program. The Exchange believes paying these rebates would also attract additional order flow to the Exchange.

The Exchange believes that the proposed fee change will generally allow the Exchange and its Members to better compete for order flow and thus enhance competition. Specifically, the Exchange believes that its proposal, which, among other things, adopts a lower base level, and lowers the highest ADV threshold, so Members can qualify for rebates, is reasonable as it will encourage Members to increase the amount of Priority Customer complex orders that they send to the Exchange instead of sending this order flow to a competing exchange. The Exchange believes that with the proposed amended tiers, which provides for additional volume thresholds, more Members are now likely to qualify for higher rebates.

The complex order pricing employed by the Exchange has proven to be an effective pricing mechanism and attractive to Exchange participants and their customers. The Exchange believes that this proposed rule change will continue to attract additional complex order business in the symbols that are subject of this proposed rule change.

The Exchange believes that the proposed rebates are fair, equitable and not unfairly discriminatory because they are consistent with price differentiation and fee structures that exists today at other option exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to another exchange if they deem rebate levels at a particular exchange to be low. With this proposed rebate change, the Exchange believes it remains an attractive venue for market participants to trade complex orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[9] 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. 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–ISE–2012–72 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–ISE–2012–72. 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–ISE–2012–72 and should be submitted on or before October 11, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23178 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67862; File No. SR–NYSEMKT–2012–41]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Amending Commentary .04 to NYSE Amex Options Rule 903 To Permit the Exchange To List Additional Strike Prices Until the Close of Trading on the Second Business Day Prior to Monthly Expiration

September 14, 2012.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 6, 2012, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 Commentary .04 to NYSE Amex Options Rule 903 to permit the Exchange to list additional strike prices until the close of trading on the second business day prior to monthly expiration. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Commentary .04 to NYSE Amex Options Rule 903 to permit the Exchange to add additional strikes until the close of trading on the second business day prior to a monthly expiration.

NYSE Amex Options Rule 903 currently permits the Exchange to open additional series of individual stock options and Exchange-Traded Fund Shares until the beginning of the month in which the option expires or until five business days prior to expiration if unusual market conditions exist.[4] Options market participants generally prefer to focus their trading in strike prices that immediately surround the price of the underlying security. However, if the price of the underlying stock moves significantly, there may be a market need for additional strike prices to adequately account for market participants' risk management needs in a stock. In these situations, the Exchange has the ability to add additional series at strike prices that are better tailored to the risk management needs of market participants.[5] The Exchange may make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market.[6] If the market need occurs prior to five business days prior to expiration, then the market participants may have access to an option contract that is more tailored to the movement in the underlying stock.[7] However, if the market need to manage risk due to unusual market conditions comes to light anytime from five to two days prior to expiration, then market participants are left without a contract that is tailored to manage their risk.[8] For example:

- On October 17, 2011, a Monday of the week that monthly options expired, Crocs Inc. (CROX) closed at $26.65.
- After the close of trading the issuer published a warning regarding earnings, and on Tuesday morning the underlying opened at $17.40.
- The lowest expiring series were the $18 strike calls and puts. The Exchange was unable to add additional series to tailor the risk management needs of market participants in the stock due in a situation where the stock moves more than 35%.

In this situation, investors had no nearest term strikes to effectively manage their risk in the underlying stock, CROX. Because of the current five-days-before-expiration restriction, investors were unable to tailor their hedging activities in options and effectively manage their risk going into expiration.[9]

The Exchange proposes to permit the listing of additional strikes until the close of trading on the second business day prior to expiration in unusual market conditions. Since expiration of the monthly contract is on a Saturday, the close of trading on the second business day will typically fall on a Thursday. However, in the cases where Friday is a holiday during which the Exchange is closed, the close of trading on the second business day will occur on a Wednesday. The Exchange will continue to make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when certain price

[4] *See* Commentary .04 to NYSE Amex Options Rule 903. 'Until the fifth business day prior' generally means up through the end of the day on the Friday of the week prior to expiration week. When options were first approved for listing and trading in the United States, the generally uniform rules of the options exchanges restricted the addition of new series ''until the first calendar day of the month in which the option expires.'' At various times in 1985, exchanges were granted authority to list new equity options series until five business days prior to expiration under unusual market conditions. In 1985 there were two main concerns expressed by the Commission: (i) worry over the proliferation of strikes and possible capacity concerns, and (ii) effective and timely communication to market participants about the new strikes. At the time, though, exchanges were only allowed to list three expiration months per issue, and were expanding from listing three strikes to listing five strikes. Since then, there has been a continual expansion of the number of strikes, the number of expiration months, and alternative expiration days. Following the restructuring of OPRA in 2003, each exchange became responsible for purchasing sufficient capacity to handle its own quotes generated by the series and classes it listed. Also, when options were first listed, additional strikes were communicated via teletype and firm wires to branch offices, firm back offices, and OCC. As communications were improved, through the use of fax machines and then email, the time to send notifications decreased significantly. Now, with the adoption of Streamline Options Series Adds (''SOSA'') by OCC, notification of new strikes is in real time throughout the industry.

[5] *See* NYSE Amex Options Rule 903.

[6] *See* NYSE Amex Options Rule 903(d).

[7] *See* NYSE Amex Options Rule 903(d).

[8] While these situations are relatively rare, the Exchange represents that approximately two times a month there is a legitimate need to add additional strikes closer to expiration than the five business day limitation permits, due to it being necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market.

[9] The Exchange notes that if the proposed rule were in place, the Exchange would have added $15, $16, and $17 strikes expiring the following Saturday.

movements take place in the underlying market. The proposed change will provide an additional four days to the Exchange to gauge market impact of the underlying stock and to react to any market conditions that would render additional series prior to expiration beneficial to market participants. The Exchange believes that the impact on the market from the proposed change will be very minimal to market participants, however it will be extremely beneficial in that minority of situations where unusual market conditions dictate immediately prior to expiration. The proposal would simply allow participants to adjust their risk exposure in narrow situations when an unusual market event occurred on trading days 2, 3, 4, 5 prior to expiration.

This proposal does not raise any capacity concerns on the Exchange, because the changes have no material difference in impact from the current rules. The Exchange notes the proposed change allows for new strikes that would otherwise be permitted to add under existing rules either on the fifth day prior or immediately after expiration.[10] A strike which opens two days prior to expiration will have minimal impact on quoting, as it adds two series out of hundreds of thousands, and only for a small number of days.[11] Thus, any additional strikes that may be added under the proposed change would have no measurable effect on systems capacity.

The Exchange discussed the proposed listing and trading of series during expiration week with the OCC. The OCC represented that it is able to accommodate the proposal and would have no operational concerns with adding new series on any day except the last day of trading an expiring series.

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''),[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that providing an additional four days to the Exchange to gauge market impact and to react to any market conditions prior to expiration beneficial [sic] will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment decisions and hedging decisions prior to expiration. The Exchange also believes that the additional four days will provide the investing public and other market participants with additional opportunities to hedge their investment thus allowing these investors to better manage their risk exposure with additional in the money series. While the four additional days may generate additional quote traffic, the Exchange does not believe that this increased traffic will become unmanageable since the proposal remains limited to the narrow situations when an unusual market event occurred on trading days 2, 3, 4, 5 prior to expiration.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2012–41.

Paper Comments

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

All submissions should refer to File Number SR–NYSEMKT–2012–41. 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–NYSEMKT–2012–41 and should be submitted on or before October 11, 2012.

[10] Any new strikes added under this proposal would be added in a manner consistent with the range limitations described in NYSE Amex Options Rule 903A.

[11] In the case of a multi-stock event where multiple stocks may be subject to unusual market conditions, a strike which opens two days prior to expiration will also have minimal impact on quoting, as it adds two series per stock out of hundreds of thousands, and only for a small number of days.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23204 Filed 9–19–12; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67861; File No. SR–CBOE–2012–088]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the CBOE Stock Exchange Fees Schedule

September 14, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 7, 2012, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the CBOE Stock Exchange (''CBSX'') Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBSX proposes to amend its Fees Schedule. Starting on September 10, 2012, CBSX will begin to implement the functionality that will allow CBSX Traders to send silent orders, silent-mid orders, silent-post-mid orders, and silent-mid-seeker orders to CBSX.[3] Pursuant to such implementation, CBSX proposes to adopt Maker and Taker fees for transactions in securities priced $1 or greater relating to these new order types. For transactions in securities priced less than $1, these new order types will be subject to the same Maker and Taker fees ($0.00 fee for Makers, 0.30% of the dollar value of the transaction fee for Takers) that apply to most other orders.

The Maker fee for adding liquidity using a silent order will be $0.0018 per share, same as the regular Maker rate (though not subject to the reduced fee tiers for adding increasing amounts of liquidity in one day). The Taker rebate for removing silent order liquidity will be $0.0014 per share. The Maker fee for adding liquidity using a silent-mid or silent-post-mid order will be $0.0008 per share. The Taker rebate for removing silent-mid or silent-post-mid liquidity will be $0.0004 per share. The purpose of the new Maker fees is to incentivize passive liquidity provision using the silent, silent-mid, and silent-post-mid order types. The purpose of the new Taker rebates is to incentivize routing to the Exchange for the purpose of removing liquidity. The fees proposed for adding and rebates for removing liquidity are both intended to compliment the existing maker-taker fee structure and to improve realized prices and price discovery on the Exchange by efficiently and predictably allocating the economics specifically for each form of liquidity provision, and to incentivize participants to route orders to the Exchange in the first instance.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The amount of the proposed Maker fee for silent orders is reasonable because it is the same amount as the regular Maker fee. Not applying the reduced fee tiers for adding increasing amounts of liquidity in one day to silent Maker orders is equitable and not unfairly discriminatory because these silent orders are not displayed [sic] do not improve the Exchange's displayed prices. Further, the Maker fee for silent orders will apply to all market participants trading silent orders.

The amount of the proposed Taker rebate for removing silent order liquidity is reasonable because it will allow market participants removing silent order liquidity to receive a rebate (and not pay a fee) for doing so. The proposed Taker rebate is equitable and not unfairly discriminatory because such undisplayed orders do not transparently improve the prices available within the market, while displayed orders do. As such, the pricing is designed to promote the use of and interaction with displayed liquidity more than undisplayed liquidity. Further, the Taker rebate for silent orders will apply to all market participants trading silent orders.

The amount of the proposed Maker fee for adding liquidity using a silent-mid or silent-post-mid order is reasonable because it is lower than the amount of the fee for other Maker orders. This is equitable and not unfairly discriminatory because the liquidity is priced at the midpoint of the NBBO, and therefore the fee will be less. This offers the remover of liquidity significant price improvement. Further, the Maker [sic] proposed Maker fee for adding liquidity using a silent-mid or silent-post-mid order will apply to all market participants adding liquidity using a silent-mid or silent-post-mid order.

The amount of the proposed Taker rebate for removing silent-mid or silent-post-mid liquidity is reasonable because it will allow market participants removing silent order liquidity to receive a rebate (and not pay a fee) for doing so. The proposed Taker rebate for removing silent-mid or silent-post-mid liquidity is equitable and not unfairly discriminatory because the trade will result in an improved price over the

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67548 (July 31, 2012) 77 FR 46783 (August 6, 2012) (SR–CBOE–2012–049).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

displayed market (as the trade occurs at the midpoint of the NBBO). Further, the Taker removing silent-mid or silent-post-mid liquidity will apply to all market participants removing silent-mid or silent-post-mid liquidity.

Assessing different fees for orders priced $1 or greater than for such orders priced less than $1 is equitable and not unfairly discriminatory because since orders priced less than $1 can be entered in sub-penny increments (four-decimal increments), the Exchange believes that employing Maker-Taker pricing similar to that employed for orders priced $1 or greater would not be effective given a market participant's ability to more-transparently and finitely establish prices in the book. Further, CBSX already assesses different fees for other orders priced $1 or greater than for the same orders priced less than $1.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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)[7] of the Act and paragraph (f) of Rule 19b–4[8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2012–088 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–CBOE–2012–088. 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–CBOE–2012–088 and should be submitted on or before October 11, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23179 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

[6] *See* CBSX Fees Schedule, Section 2.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67865; File No. SR–ISE–2012–22]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Disapprove Proposed Rule Change, as Modified by Amendment No. 1, To Add an Index Option Product for Trading on the Exchange

September 14, 2012.

On March 9, 2012, the International Securities Exchange, LLC (''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on the ISE Max SPY Index. The proposed rule change was published for comment in the **Federal Register** on March 22, 2012.[3] The Commission initially received three comment letters on the proposed rule change.[4] On May 1, 2012, the Commission extended the time period for Commission action to June 20, 2012.[5] On May 4, 2012, the Exchange submitted a response to the comment letters[6] and filed Amendment No. 1 to the proposed rule change. The Commission subsequently received three additional comment letters[7] and a second response letter from the Exchange.[8] On June 20, 2012, the Commission instituted proceedings to determine whether to disapprove the proposed rule change, as modified by

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 66614 (March 16, 2012), 77 FR 16883.

[4] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Janet McGinness, EVP & Corporate Secretary, NYSE Euronext, dated April 2, 2012; Kenneth M. Vittor, Executive Vice President and General Counsel, McGraw-Hill Companies, Inc., dated April 11, 2012; and Edward T. Tilly, President and Chief Operating Officer, Chicago Board Options Exchange, Incorporated (''CBOE''), dated April 13, 2012.

[5] *See* Securities Exchange Act Release No. 66889 (May 1, 2012), 77 FR 26812 (May 7, 2012).

[6] *See* letter to Elizabeth M. Murphy, Secretary, Commission, from Michael J. Simon, Secretary and General Counsel, ISE, dated May 4, 2012.

[7] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Edward T. Tilly, President and Chief Operating Officer, CBOE, dated June 7, 2012; Kenneth M. Vittor, Executive Vice President and General Counsel, McGraw-Hill Companies, Inc., dated June 18, 2012; and Edward T. Tilly, President and Chief Operating Officer, CBOE, dated June 19, 2012.

[8] *See* letter to Elizabeth M. Murphy, Secretary, Commission, from Michael J. Simon, Secretary and General Counsel, ISE, dated June 15, 2012.

Amendment No. 1.[9] The Commission thereafter received six comment letters [10] and two response letters from the Exchange.[11]

Section 19(b)(2) of the Act [12] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on March 22, 2012. September 18, 2012 is 180 days from that date, and November 17, 2012 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change, the issues raised in the comment letters that have been submitted in response to the proposed rule change, including comment letters submitted in response to the Order Instituting Proceedings, and the Exchange's responses to such comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[13] designates November 17, 2012 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–ISE–2012–22).

[9] *See* Securities Exchange Act Release No. 67225 (June 20, 2012), 77 FR 38100 (June 26, 2012) (''Order Instituting Proceedings'').

[10] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Christopher Nagy, President, KOR Trading LLC, dated August 6, 2012; John L. Jacobs, Executive Vice President, NASDAQ OMX Global Index Group, NASDAQ OMX Group, Inc., dated August 10, 2012; Kenneth M. Vittor, Executive Vice President and General Counsel, McGraw-Hill Companies, Inc., dated August 10, 2012; Edward T. Tilly, President and Chief Operating Officer, CBOE, dated August 10, 2012; John V. O'Hanlon, Dechert LLP, on behalf of the Index Industry Association, dated August 10, 2012; and Edward T. Tilly, President and Chief Operating Officer, CBOE, dated August 27, 2012.

[11] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Michael J. Simon, Secretary, ISE, dated August 10, 2012 and August 27, 2012.

[12] 15 U.S.C. 78s(b)(2).

[13] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23180 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67863; File No. SR–NYSEARCA–2012–94]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Proposes [sic] To Amend Commentary .06 to NYSE Arca Options Rule 6.4 To Permit the Exchange To List Additional Strike Prices Until the Close of Trading on the Second Business Day Prior to Monthly Expiration.

September 14, 2012.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 6, 2012, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, 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 proposes to [sic] amend Commentary .06 to NYSE Arca Options Rule 6.4 to permit the Exchange to list additional strike prices until the close of trading on the second business day prior to monthly expiration. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Commentary .06 to NYSE Arca Options Rule 6.4 to permit the Exchange to add additional strikes until the close of trading on the second business day prior to a monthly expiration.

NYSE Arca Options Rule 6.4 currently permits the Exchange to open additional series of individual stock options until the first calendar day of the month in which the option expires or until the fifth business day prior to expiration if unusual market conditions exist.[4] Options market participants generally prefer to focus their trading in strike prices that immediately surround the price of the underlying security. However, if the price of the underlying stock moves significantly, there may be a market need for additional strike prices to adequately account for market participants risk management needs in a stock. In these situations, the Exchange

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Commentary .06 to NYSE Arca Options Rule 6.4. 'Until the fifth business day prior' generally means up through the end of the day on the Friday of the week prior to expiration week. When options were first approved for listing and trading in the United States, the generally uniform rules of the options exchanges restricted the addition of new series ''until the first calendar day of the month in which the option expires.'' At various times in 1985, exchanges were granted authority to list new equity options series until five business days prior to expiration under unusual market conditions. In 1985 there were two main concerns expressed by the Commission: (i) Worry over the proliferation of strikes and possible capacity concerns, and (ii) effective and timely communication to market participants about the new strikes. At the time, though, exchanges were only allowed to list three expiration months per issue, and were expanding from listing three strikes to listing five strikes. Since then, there has been a continual expansion of the number of strikes, the number of expiration months, and alternative expiration days. Following the restructuring of OPRA in 2003, each exchange became responsible for purchasing sufficient capacity to handle its own quotes generated by the series and classes it listed. Also, when options were first listed, additional strikes were communicated via teletype and firm wires to branch offices, firm back offices, and OCC. As communications were improved, through the use of fax machines and then email, the time to send notifications decreased significantly. Now, with the adoption of Streamline Options Series Adds (''SOSA'') by OCC, notification of new strikes is in real time throughout the industry.

has the ability to add additional series at strike prices that are better tailored to the risk management needs of market participants.[5] The Exchange may make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market.[6] If the market need occurs prior to five business days prior to expiration, then the market participants may have access to an option contract that is more tailored to the movement in the underlying stock.[7] However, if the market need to manage risk due to unusual market conditions comes to light anytime from five to two days prior to expiration, then market participants are left without a contract that is tailored to manage their risk.[8] For example:

- On October 17, 2011, a Monday of the week that monthly options expired, Crocs Inc. (CROX) closed at $26.65.
- After the close of trading the issuer published a warning regarding earnings, and on Tuesday morning the underlying opened at $17.40.
- The lowest expiring series were the $18 strike calls and puts. The Exchange was unable to add additional series to tailor the risk management needs of market participants in the stock due in a situation where the stock moves more than 35%.

In this situation, investors had no nearest term strikes to effectively manage their risk in the underlying stock, CROX. Because of the current five-days-before-expiration restriction, investors were unable to tailor their hedging activities in options and effectively manage their risk going into expiration.[9]

The Exchange proposes to permit the listing of additional strikes until the close of trading on the second business day prior to expiration in unusual market conditions. Since expiration of the monthly contract is on a Saturday, the close of trading on the second business day will typically fall on a Thursday. However, in the cases where Friday is a holiday during which the Exchange is closed, the close of trading on the second business day will occur on a Wednesday. The Exchange will continue to make the determination to open additional series for trading when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market. The proposed change will provide an additional four days to the Exchange to gauge market impact of the underlying stock and to react to any market conditions that would render additional series prior to expiration beneficial to market participants. The Exchange believes that the impact on the market from the proposed change will be very minimal to market participants, however it will be extremely beneficial in that minority of situations where unusual market conditions dictate immediately prior to expiration. The proposal would simply allow participants to adjust their risk exposure in narrow situations when an unusual market event occurred on trading days 2, 3, 4, 5 prior to expiration.

This proposal does not raise any capacity concerns on the Exchange, because the changes have no material difference in impact from the current rules. The Exchange notes the proposed change allows for new strikes that would otherwise be permitted to add under existing rules either on the fifth day prior or immediately after expiration.[10] A strike which opens two days prior to expiration will have minimal impact on quoting, as it adds two series out of hundreds of thousands, and only for a small number of days.[11] Thus, any additional strikes that may be added under the proposed change would have no measurable effect on systems capacity.

The Exchange discussed the proposed listing and trading of series during expiration week with the OCC. The OCC represented that it is able to accommodate the proposal and would have no operational concerns with adding new series on any day except the last day of trading an expiring series.

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''),[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that providing an additional four days to the Exchange to gauge market impact and to react to any market conditions prior to expiration beneficial [sic] will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment decisions and hedging decisions prior to expiration. The Exchange also believes that the additional four days will provide the investing public and other market participants with additional opportunities to hedge their investment thus allowing these investors to better manage their risk exposure with additional in the money series. While the four additional days may generate additional quote traffic, the Exchange does not believe that this increased traffic will become unmanageable since the proposal remains limited to the narrow situations when an unusual market event occurred on trading days 2, 3, 4, 5 prior to expiration.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or

[5] *See* NYSE Arca Options Rule 6.4.

[6] *See* NYSE Arca Options Rule 6.4(a).

[7] *See* NYSE Arca Options Rule 6.4(a).

[8] While these situations are relatively rare, the Exchange represents that approximately two times a month there is a legitimate need to add additional strikes closer to expiration than the five business day limitation permits, due to it being necessary to maintain an orderly market, to meet customer demand, or when certain price movements take place in the underlying market.

[9] The Exchange notes that if the proposed rule were in place, the Exchange would have added $15, $16, and $17 strikes expiring the following Saturday.

[10] Any new strikes added under this proposal would be added in a manner consistent with the range limitations described in NYSE Arca Options Rule 6.4A.

[11] In the case of a multi-stock event where multiple stocks may be subject to unusual market conditions, a strike which opens two days prior to expiration will also have minimal impact on quoting, as it adds two series per stock out of hundreds of thousands, and only for a small number of days.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

(ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2012–94 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–2012–94. 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. The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov.* 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–2012–94 and should be submitted on or before October 11, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23237 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67866; File No. SR–Phlx–2012–113]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Electronic Firm Fee Discount

September 14, 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 September 4, 2012, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Electronic Firm Fee Discount in Section II of the Exchange's Pricing Schedule titled ''Multiply Listed Options Fees.'' [3]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXfilings,* at the principal office of the Exchange, on the Commission's Web site at *http://www.sec.gov,* and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Section II includes options overlying equities, ETFs, ETNs, indexes and HOLDRS which are Multiply Listed.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Section II of the Exchange's Pricing Schedule titled ''Multiply Listed Options Fees.'' Specifically, the Exchange is proposing to continue to incentivize Firms to transact electronic orders by providing Firms with an opportunity to pay lower electronic Options Transaction Charges in Penny Pilot and non-Penny Pilot Options fees in Section II of the Pricing Schedule. The Exchange proposes to provide an additional incentive to Firms who have volume greater than 600,000 electronically-delivered contracts in a month.

Today, Firm electronic Options Transaction Charges in Penny Pilot ($0.40 per contract) and non-Penny Pilot Options ($0.45 per contract) are reduced to $0.13 per contract for a given month provided that a Firm has volume greater than 600,000 electronically-delivered contracts in a month (''Electronic Firm Fee Discount''). Under this proposal, the Exchange would continue to assess Firms the reduced electronic Options Transaction Charges in Penny Pilot and non-Penny Pilot Options of $0.13 per contract, provided the Firm meets the volume criteria. In addition, the Exchange now proposes to reduce the Firm electronic Options Transaction Charges in Penny Pilot ($0.40 per contract) and non-Penny Pilot Options ($0.45 per contract) for Complex Orders [4] that add liquidity to no fee or

[4] A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a Complex Order can also be a stock-option order, which is an order to buy or sell a stated number

Continued

$0.00 per contract for a given month provided the Firm has volume greater than 600,000 electronically-delivered contracts in that month.[5] The Exchange believes the additional incentive will encourage Firms to transact a greater number of orders per month and increase liquidity on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(4) of the Act[7] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities.

The Exchange believes that its proposal to amend the Electronic Firm Fee Discount to assess no fee for electronic Complex Orders that add liquidity when a Firm has volume greater than 600,000 electronically-delivered contracts in a month is reasonable. The added benefit for transacting Complex Orders that add liquidity, upon reaching the requisite volume threshold, should incentivize Firms to transact a greater number of electronically-delivered orders which brings liquidity to the Exchange to the benefit of all market participants.

The Exchange believes that it is equitable and not unfairly discriminatory to amend the Electronic Firm Fee Discount to assess no fee for Complex Orders that add liquidity when a Firm has volume greater than 600,000 electronically-delivered contracts in a month. All Firms will continue to have an opportunity to qualify for this incentive as they do today, provided they achieve the requisite volume. In addition to the current Electronic Firm Fee Discount offered today, Firms will have the opportunity to not be assessed a fee for electronic Complex Orders that add liquidity provided Firms have volume greater than 600,000 electronically-delivered contracts in a month. The Exchange believes this additional Electronic Firm Fee Discount will continue to attract electronic Firm volume to the Exchange.

The Exchange operates in a highly competitive market, comprised of ten exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed by the Exchange must remain competitive with fees charged by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed fee reduction is a competitive response to pricing changes at national securities exchanges with which the Exchange compete for the execution of Complex Orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[8] 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 No. SR–Phlx–2012–113 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR–Phlx–2012–113. 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 No. SR–Phlx–2012–113 and should be submitted on or before October 11, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23181 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

of units of an underlying stock or exchange-traded fund (''ETF'') coupled with the purchase or sale of options contract(s). *See* Exchange Rule 1080, Commentary .08(a)(i).

[5] This fee applies only to Complex Orders for symbols in Section II and excludes the Section I Select Symbols. The Electronic Firm Fee Discounts noted herein for Firms that have volume greater than 600,000 electronically-delivered contracts in a month are in lieu of the standard Options Transactions Charges noted in Section II of the Pricing Schedule.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67867; File No. SR–NASD–2005–100]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Withdrawal of Proposed Rule Change and Amendments Nos. 1, 2, 3 and 4 Thereto, To Require Members To Provide Customers in TRACE-Eligible Debt Securities With Additional, Transaction-Specific Disclosures and To Notify Customers of the Availability of a Disclosure Document

September 14, 2012.

On August 19, 2005, the National Association of Securities Dealers, Inc. (''NASD''), n/k/a Financial Industry Regulatory Authority, Inc. (''FINRA''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change that would have (1) adopted NASD Rule 2231, which would have required members, subject to specified exceptions, to provide customers in transactions in debt securities that are TRACE-eligible securities, as defined in former NASD Rule 6210(a),[3] with additional, transaction-specific disclosures relating to applicable charges, credit ratings, the availability of last-sale transaction information, and certain interest, yield and call provisions; and (2) amended NASD Rule 2340 (customer account statements) to require members to notify certain customers of the availability of a disclosure document discussing debt securities authored by FINRA and deliver the document to customers upon request. NASD filed Amendment No. 1 to the proposed rule change on December 21, 2005, Amendment No. 2 to the proposed rule change on January 26, 2007, and Amendment No. 3 to the proposed rule change on July 16, 2007. FINRA filed Amendment No. 4 on August 21, 2007. The proposed rule change, as modified by Amendments 1, 2, 3 and 4, was published for comment in the **Federal Register** on October 19, 2007.[4] The Commission received four comments on the proposal.[5]

On September 14, 2012, FINRA withdrew the proposed change (SR–NASD–2005–100).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin O'Neill,

Deputy Secretary.

[FR Doc. 2012–23182 Filed 9–19–12; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NASD Rule 6210 was superceded by FINRA Rule 6710 as of Dec. 15, 2008. *See* FINRA Regulatory Notice 08–57, SEC Approves New Consolidated FINRA Rules (October 2008) *available at http://finra.complinet.com/net_file_store/new_rulebooks/f/i/finra_08–57.pdf.*

[4] *See* Securities Exchange Act Release No. 56661 (Oct. 15, 2007), 72 FR 59321 (Oct. 19, 2009).

[5] All comments are posted on the Commission's Web site, *http://www.sec.gov/comments/sr-nasd-2005–100/nasd2005100.shtml*(last visited Sept. 14, 2012). FINRA filed a response to comments. *See* letter from Sharon Zackula, FINRA, to Florence E. Harmon, SEC, dated Sept. 5, 2008 *available at http://www.sec.gov/comments/sr-nasd-2005–100/nasd2005100–5.pdf.*

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8036]

30-Day Notice of Proposed Information Collections: Two Directorate of Defense Trade Controls Information Collections: ''Request To Change End-User, End-Use, and/or Destination of Hardware'' and ''Request for Advisory Opinion''

ACTION: Notice of request for public comment and submission to OMB of proposed collections of information.

SUMMARY: The Department of State has submitted the information collections described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on these collections from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments to the Office of Management and Budget (OMB) up to October 22, 2012.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collections listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Nicholas Memos, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112, who may be reached via phone at (202) 663–2829, or via email at *memosni@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request to Change End-User, End-Use, and/or Destination of Hardware.
- *OMB Control Number:* 1405–0173.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* DS–6004.
- *Respondents:* Business and Nonprofit Organizations.
- *Estimated Number of Respondents:* 2,700.
- *Estimated Number of Responses:* 2,700.
- *Average Hours per Response:* 1 hour.
- *Total Estimated Burden:* 2,700 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain Benefits.
- *Title of Information Collection:* Request for Advisory Opinion.
- *OMB Control Number:* 1405–0174.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* DS–6001.
- *Respondents:* Business and Nonprofit Organizations.
- *Estimated Number of Respondents:* 250.
- *Estimated Number of Responses:* 250.
- *Average Hours per Response:* 1 hour.
- *Total Estimated Burden:* 250 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed collection of information is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The export, temporary import, temporary export and brokering of defense articles, defense services and related technical data are licensed by the Directorate of Defense Trade Controls in accordance with the International Traffic in Arms Regulations (22 CFR parts 120–130) and Section 38 of the Arms Export Control Act. Any person who engages in the business of manufacturing or exporting defense articles, defense services, and related technical data, or the brokering thereof, must register with the Department of State. Persons desiring to engage in brokering activities must submit an application or written request to conduct the transaction to the Department to obtain a decision whether it is in the interests of U.S. foreign policy and national security to approve the transaction.

Methodology: These forms/information collections may be sent to the Directorate of Defense Trade Controls via the following methods: Mail or personal delivery.

Dated: September 12, 2012.

Robert S. Kovac,

Managing Director of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2012–23252 Filed 9–19–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Request to Release Airport Property at the Meade Municipal Airport (MEJ), Meade, KS.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at the Meade Municipal Airport (MEJ), Meade, Kansas, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before October 22, 2012.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Dean Cordes, City Administrator, Meade Municipal Airport, City of Meade P.O. Box 338, 132 S. Fowler, Meade, KS 67864, (620) 873–2091.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov*. The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 2.75 acres of airport property at the Meade Municipal Airport (MEJ) under the provisions of 49 U.S.C. 47107(h)(2). On February 1, 2012, the City of Meade's City Administrator requested from the FAA that approximately 2.75 acres of property be released for sale to Max Papay's Water Hauling Services. On August 16, 2012, the FAA determined that the request to release property at Meade Municipal Airport (MEJ) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

Meade Municipal Airport (MEJ) is proposing the release of a parcel, totaling 2.75 acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Meade Municipal Airport (MEJ) being changed from aeronautical to nonaeronautical use and release the lands from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation facilities at the Meade Municipal Airport.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Meade Municipal Airport.

Issued in Kansas City, MO on September 12, 2012.

Jim A. Johnson,

Manager, Airports Division.

[FR Doc. 2012–23275 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2012–0077]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on June 22, 2012. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by October 22, 2012.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

All comments should include the Docket number FHWA–2012–0077.

FOR FURTHER INFORMATION CONTACT: Marlys Osterhues, 202–366–2052, Department of Transportation, Federal Highway Administration, Office of Project Development and Environmental Review, E76–312, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: FHWA Environmental Excellence Awards.

Background: In 1995 FHWA established the biennial Environmental Excellence Awards to recognize partners, projects and processes that use FHWA funding sources to go beyond environmental compliance and achieve environmental excellence. Awardees must make an outstanding contribution that goes beyond traditional transportation projects and that encourages environmental stewardship and partnerships to achieve a truly multi-faceted, environmentally sensitive transportation solution.

Award: Anyone can nominate a project, process, person or group that has used Federal Highway Administration funding sources to make an outstanding contribution to transportation and the environment. The nominator is responsible for submitting an application via the FHWA Environmental Excellence Awards Web site that gives a summary of the outstanding accomplishments of the entry. The collected information will be used by FHWA to evaluate, showcase and enhance the public's knowledge on incorporating environmental stewardship into the planning and project development process. Nominations will be reviewed by an independent panel of judges from varying backgrounds. It is anticipated that awards will be given every two years. The winners are presented plaques at an awards ceremony.

Respondents: Anyone who has used Federal Highway funding sources in the fifty states, the District of Columbia and Puerto Rico.

Frequency: The information will be collected biennially.

Estimated Average Burden per Response: 8 hours per respondent per application.

Estimated Total Annual Burden Hours: It is expected that the respondents will complete approximately 150 applications for an estimated total of 1,200 annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued On: September 17, 2012.

Steven Smith,

Chief, Information Technology Division.

[FR Doc. 2012–23242 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2012–0006–N–12]

Environmental Impact Statement for the Northeast Corridor Between Washington, DC, New York, NY and Boston, MA

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes the collection of information for which FRA intends to seek OMB approval.

DATES: Comments must be received no later than November 19, 2012.

ADDRESSES: You may submit comments identified by DOT Docket ID Number [Docket No. FRA 2012–0006–N–12] on-line at *http://www.regulations.gov* (follow the online instructions for submitting comments), by mail to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Room W12–140, Washington, DC 20590–0001, by hand delivery to West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., Washington, DC (between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays), or by facsimile to (202) 493–2251.

Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Rebecca Reyes-Alicea, U.S. Department of Transportation, Federal Railroad Administration, Office of Railroad Policy & Development, Mail Stop 20, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days' notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv).

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with this collection of information. Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, please 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 personal identifying information from public review, we cannot guarantee that we will be able to do so. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of the information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Survey of Northeast Regional and Intercity Household Travel Attitudes and Behavior.

Type of Request: New information collection requirement.

Status: Regular review.

OMB Clearance Number: None.

Form Number: F222.

Respondent Obligation: Voluntary.

Frequency of Response: On occasion.

Affected Public: Members of the general public between the ages of 18 and 74 who have Northeast intercity or regional travel experience during the 12 months prior to interview.

Estimated Number of Respondents: up to 22,500 for phase 1; up to 15,000 for phase 2.

Abstract: FRA proposes to collect information from the public to determine current intercity and regional travel behavior of Northeast residents. The information collected will include frequency of trips, origin and destination, modes of travel (and class of service if applicable), trip purpose, party size, trip costs, and other trip characteristics. It will also ask for travel preferences under alternative choice scenarios that include different and new modes, classes of service, costs, and amenities.

The proposed information collection will be conducted in two phases. The first phase (Phase 1 Survey) will be conducted by telephone, using computer-assisted telephone interviewing (CATI). A dual frame sample design will be used including both landlines and cell phones. The Phase 1 Survey will obtain basic travel information and invite just those who experienced a qualifying intercity or regional travel trip to provide more detailed travel information and choice preferences in a second phase. The Phase 1 Survey interview is estimated to take five (5) minutes to complete. The second phase (Phase 2 Survey), which will immediately follow the first, will be administered by web (except in cases when easy web access is not possible and the participant needs a mailed paper survey). The Phase 2 Survey will ask more detailed questions about one randomly selected trip that the respondent reported in the first phase of the survey. In addition, it will ask the travel preference questions. The Phase 2 Survey is estimated to take 15 minutes to complete.

The Northeast faces major congestion and capacity constraints that, if not addressed, will have the potential to curtail future mobility and economic growth in the region. Thus, FRA established the Northeast Corridor (NEC) Future Program to develop a Passenger Rail Corridor Investment Plan (PRCIP) for the Northeast region. The PRCIP will address the larger goals of improving mobility, effectively serving travel demand, supporting economic development, reducing growth in carbon emissions and dependence of foreign oil, and contributing to improved land utilization. The PRCIP requires the development and evaluation of improved transportation alternatives for the Northeast. In support of preparing the PRCIP, this data collection is needed to build a model for estimating market demand for transportation in the Northeast and to evaluate how travelers would respond to alternative transportation service options.

While there are certain publicly available data that can assist in analyzing the Northeast travel market during the early phases of the project when alternatives are evaluated using coarse screening tools, more detailed data will be needed to support development of the detailed PRCIP. Currently available data include airline ticket data, Amtrak ticket data, and commuter rail ticket data. But these data sources do not contain information on the characteristics of the traveler (such as age, income, or vehicle ownership), trip purpose, detail on party size, or actual origins and destinations. Importantly, there is no current information on the number of intercity trips taken by automobile in the Northeast. Further, there is not currently a sufficient information source for traveler preferences regarding new transportation services that might be developed as part of the PRCIP.

Reporting Burden: The target sample size for the Phase 2 Survey is up to 15,000 responses. To achieve this target sample size, we estimate needing to contact up to 22,500 households in the Phase 1 Survey. This larger number for Phase 1 respondents accounts for the fact that (i) not all households will have taken a qualifying trip during the previous 12 months and (ii) not all respondents will want to participate. All interviewing will occur during a two to three month phase in winter/spring 2012–2013.

Phase	Minutes	Respondents	Burden hours
Phase 1	5	22,500	1,875
Phase 2	15	15,000	3,750
Total			5,625

Total Annual Estimated Responses: 37,500.

Total Estimated Annual Burden: 5,625 hours.

Status: Regular Review.

Requested Expiration: 3 years from date of approval.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on September 14, 2012.

Rebecca Pennington,

Chief Financial Officer, Federal Railroad Administration.

[FR Doc. 2012–23232 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2012–0063]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 17,

2012, the Savage Industrial Rail Services Operation (Savage) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 229.23 (which requires a periodic inspection every 92 days) and 49 CFR 229.25 (requiring specific tests to be done at every periodic inspection).

Savage is asking for this duration to be extended to 184 days. Savage conducts rail switching operations for customers in the area of Henderson and Elko, NV. At this operation they run two locomotives for fewer hours than normal Class I railroads. This relief will help Savage to lower costs and thereby be able to pass those savings on to its customers. FRA assigned the petition Docket Number FRA–2012–0063.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 5, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC, on September 17, 2012.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2012–23271 Filed 9–19–12; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 17, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 22, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden to the (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and the (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Financial Management Service (FMS)

OMB Number: 1510–0008.

Type of Review: Extension without change of a currently approved collection.

Title: Pools and Associations—Annual Letter.

Abstract: Information collected determines acceptable percent for each pool and association Treasury Certified companies are given credit for on Treasury Schedule F for authorized ceded reinsurance in determining the companies' underwriting limitations.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 126.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–23261 Filed 9–19–12; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 17, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 22, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to the (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and to the (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0131.

Type of Review: Revision of a currently approved collection.

Title: Certificate of Taxpaid Alcohol.

Form: TTB F 5100.4.

Abstract: TTB F 5100.4 consolidates taxes paid on distilled spirits used in the manufacture of non-beverage products for exportation. The form is completed by TTB industry members to receive back $1 for each proof gallon of

non-beverage products exported. The form is certified by TTB as proof that the taxes have been paid and not previously received back. The completed form is sent to the Director of Customs and Border Patrol who processes it and returns the $1 per proof gallon.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Burden Hours: 500.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–23262 Filed 9–19–12; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the Supportive Services for Veteran Families Program; Amendment

AGENCY: Department of Veterans Affairs.

ACTION: Amendment to notices.

SUMMARY: The Department of Veterans Affairs (VA) is announcing an amendment to the Notices of Fund Availability issued in fiscal years 2011 and 2012 for supportive services grants under the Supportive Services for Veteran Families (SSVF) Program.

VA published two Notices in the **Federal Register** on December 17, 2010 (75 FR 79087), and on December 1, 2011 (76 FR 74849), titled, ''Fund Availability Under the Supportive Services for Veteran Families Program.'' Under ''Requirements for the Use of Supportive Services Grant Funds'' section of the Notices, grantees were permitted to ''utilize a maximum of 30 percent of supportive services grant funds to provide the supportive service of temporary financial assistance paid directly to a third party on behalf of a participant for child care, transportation, rental assistance, utility-fee payment assistance, security deposits, utility deposits, moving costs, and emergency supplies in accordance with 38 CFR 62.33 and 62.34 of the final rule.''

VA has received comments from a variety of stakeholders that the 30 percent maximum for financial assistance is inadequate to meet the needs of Veteran families served in SSVF. For instance, the Department of Housing and Urban Development offers similar financial assistance through its Homeless Prevention and Rapid Re-housing and Emergency Solutions Grant programs without such caps and also allows longer time limits for financial assistance. Grantees have stated that they are turning away eligible Veteran families for services as they are unable to successfully intervene to meet the needs of these families within the program's limits on financial assistance. As this limit may interfere with the mission of the SSVF program to prevent and end homelessness, VA announces that grantees are permitted to utilize a maximum of 50 percent of supportive services grant funds for these purposes.

Technical Assistance: Information regarding how to obtain technical assistance with the preparation of this request should be directed to a grantee's regional coordinator. Additional information can also be found at *http://www.va.gov/HOMELESS/SSVF.asp.*

FOR FURTHER INFORMATION CONTACT: John Kuhn, Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov.*

SUPPLEMENTARY INFORMATION:

I. Eligibility Information

Eligible Applicants: In order to be eligible, an applicant must be a current SSVF grantee.

II. Application and Submission Information

Content and Form of Application: Current SSVF grantees interested in increasing the funds they can make available for temporary financial assistance should submit a program change request along with a revised budget through their regional coordinator. No change in the total program award will be made in conjunction with such a request.

Approved: September 13, 2012.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

[FR Doc. 2012–23210 Filed 9–19–12; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 77 Thursday,

No. 183 September 20, 2012

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–R9–MB–2012–0005; FF09M21200–123–FXMB1231099BPP0L2]

RIN 1018–AX97

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service or we) prescribes final late-season frameworks from which States may select season dates, limits, and other options for the 2012–13 migratory bird hunting seasons. These late seasons include most waterfowl seasons, the earliest of which commences on September 22, 2012. The effect of this final rule is to facilitate the States' selection of hunting seasons and to further the annual establishment of the late-season migratory bird hunting regulations.

DATES: This rule takes effect on September 20, 2012.

ADDRESSES: States should send their season selections to: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, ms MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240. You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, VA. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's Web site at *http://www.fws.gov/migratorybirds/,* or at *http://www.regulations.gov* at Docket No. FWS–R9–MB–2012–0005.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240; (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2012

On April 17, 2012, we published in the **Federal Register** (77 FR 23094) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2012–13 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 17 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings.

On May 17, 2012, we published in the **Federal Register** (77 FR 29516) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The May 17 supplement also provided detailed information on the 2012–13 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings. On June 12, 2012, we published in the **Federal Register** (77 FR 34931) a third document revising our previously announced dates of the June 2012 SRC meetings.

On June 19 and 20, 2012, we held open meetings with the Flyway Council Consultants where the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2012–13 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, special September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2012–13 regular waterfowl seasons.

On July 20, 2012, we published in the **Federal Register** (77 FR 42920) a fourth document specifically dealing with the proposed frameworks for early-season regulations. On August 30, 2012, we published in the **Federal Register** (77 FR 53118) a final rule which contained final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits. Subsequently, on August 31, 2012, we published a final rule in the **Federal Register** (77 FR 53752) amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons.

On July 25–26, 2012, we held open meetings with the Flyway Council Consultants, at which the participants reviewed the status of waterfowl and discussed proposed 2012–13 hunting regulations for these species. On August 17, 2012, we published in the **Federal Register** (77 FR 49868) the proposed frameworks for the 2012–13 late-season migratory bird hunting regulations. This document establishes final frameworks for late-season migratory bird hunting regulations for the 2012–13 season. There are no substantive changes from the August 17 proposed rule. We will publish State selections in the **Federal Register** as amendments to §§ 20.101 through 20.107, and 20.109 of title 50 CFR part 20.

Population Status and Harvest

The following paragraphs provide preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds excerpted from various reports. For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/migratorybirds.*

Review of Public Comments and Flyway Council Recommendations

The preliminary proposed rulemaking, which appeared in the April 17, 2012, **Federal Register**, opened the public comment period for migratory game bird hunting regulations. The supplemental proposed rule, which appeared in the May 17, 2012, **Federal Register**, discussed the regulatory alternatives for the 2012–13 duck hunting season. Late-season comments are summarized below and numbered in the order used in the April 17 and May 17 **Federal Register** documents. We have included only the numbered items pertaining to late-season issues for which we received written comments. Consequently, the issues do not follow in successive numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 17 and May 17, 2012, **Federal Register** documents.

General

Written Comments: An individual commenter provided several comments protesting the entire migratory bird hunting regulations process and the killing of all migratory birds.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. While there are problems inherent with any type of representative management of public-trust resources, we believe that the Flyway-Council system of migratory bird management has been a longstanding example of State-Federal cooperative management since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) Harvest Strategy Considerations, (B) Regulatory Alternatives, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussion, and only those containing substantial recommendations are discussed below.

A. Harvest Strategy Considerations

Council Recommendations: The Atlantic, Central, and Pacific Flyway Councils and the Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended the adoption of the ''liberal'' regulatory alternative.

Service Response: We continue to use adaptive harvest management (AHM) protocols that allow hunting regulations to vary among Flyways in a manner that recognizes each Flyway's unique breeding-ground derivation of mallards. In 2008, we described and adopted a protocol for regulatory decision-making for the newly defined stock of western mallards (73 FR 43290; July 24, 2008). For the 2012 hunting season, we continue to believe that the prescribed regulatory choice for the Pacific Flyway should be based on the status of this western mallard breeding stock, while the regulatory choice for the Mississippi and Central Flyways should depend on the status of the recently redefined mid-continent mallard stock. We also recommend that the regulatory choice for the Atlantic Flyway continue to depend on the status of eastern mallards.

For the 2012 hunting season, we are continuing to consider the same regulatory alternatives as those used last year. The nature of the ''restrictive,'' ''moderate,'' and ''liberal'' alternatives has remained essentially unchanged since 1997, except that extended framework dates have been offered in the ''moderate'' and ''liberal'' regulatory alternatives since 2002. Also, in 2003, we agreed to place a constraint on closed seasons in the Mississippi and Central Flyways whenever the mid-continent mallard breeding-population size (as defined prior to 2008; traditional survey area plus Minnesota, Michigan, and Wisconsin) was ≥5.5 million.

Optimal AHM strategies for the 2012–13 hunting season were calculated using: (1) Harvest-management objectives specific to each mallard stock; (2) the 2012 regulatory alternatives; and (3) current population models and associated weights for midcontinent, western, and eastern mallards. Based on this year's survey results of 10.96 million mid-continent mallards (traditional survey area minus Alaska plus Minnesota, Wisconsin, and Michigan), 3.89 million ponds in Prairie Canada, 983,842 western mallards (478,259 and 505,583 respectively in California-Oregon and Alaska) and 837,642 eastern mallards (strata 51—54, 56 and the northeastern United States), the prescribed regulatory choice for all four Flyways is the ''liberal'' alternative. Therefore, we concur with the recommendations of the Atlantic, Mississippi, Central, and Pacific Flyway Councils regarding selection of the ''liberal'' regulatory alternative and will adopt the ''liberal'' regulatory alternative, as described in the May 17, 2012, **Federal Register**.

D. Special Seasons/Species Management

i. Special Teal Seasons

Council Recommendations: The Mississippi Flyway Council recommends that if the teal harvest assessment concludes that teal populations can sustain harvests beyond the harvest incurred during regular duck seasons and the Service offers States special teal harvest opportunities outside the regular duck seasons, then Iowa, Michigan, Minnesota, and Wisconsin should be offered the same special teal harvest opportunities that are offered to other States in the Mississippi Flyway.

Service Response: We recognize the long-standing interest by production States for additional teal harvest opportunities. In 2009, the Service and Flyway Councils formed a working group to assess the harvest potential of each of the three teal species. A report from that working group is scheduled for completion in January 2013. We have previously decided not to entertain any changes to special September teal seasons and special September duck seasons until this assessment is completed (74 FR 43009; August 25, 2009). If the results of the working group analyses indicate additional harvest opportunity is warranted, we are willing to work with the Flyways to explore how that opportunity may be provided. However, we believe that substantial work will still need to be completed by the Flyways and the Service before such opportunities can be offered. Further, without the benefit of having the results of the teal assessment in hand, it is difficult at this time to determine what form additional harvest opportunity may take. We also note that any potential changes to special September teal seasons would undoubtedly require further technical evaluations beyond the working group's assessment currently underway. Foremost among such evaluations is how the issue of take of nontarget species is addressed. Because of the historical differences between northern and southern States regarding how teal harvest regulations have been provided, we expect that reaching broad-based agreement on issues such as management objectives, appropriate regulatory alternatives, and models to be used to predict the effects of the regulatory alternatives on the status of the impacted teal species will take a substantial amount of time and effort by both the Flyways and the Service. We have serious reservations whether this additional technical work can be completed in time for us to consider changes to September teal seasons in 2013. Regardless, upon completion and acceptance of the final report of the Working Group, we are willing to work with the Flyways Councils to collaboratively develop the evaluation framework.

iii. Black Ducks

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that the Service adopt the International Black Duck AHM Strategy for implementation in 2013.

Service Response: In 2008, U.S. and Canadian waterfowl managers developed an interim harvest strategy to be employed by both countries until a formal strategy based on the principles of AHM is completed. We detailed this interim strategy in the July 24, 2008, **Federal Register** (73 FR 43290). The interim harvest strategy is prescriptive, in that it calls for no substantive changes in hunting regulations unless the black duck breeding population, averaged over the most recent 3 years, exceeds or falls below the long-term average breeding population by 15 percent or more. The strategy is designed to share the black duck harvest equally between the two countries; however, recognizing incomplete control of harvest through regulations, it will allow realized harvest in either country to vary between 40 and 60 percent.

Each year in November, Canada publishes its proposed migratory bird hunting regulations for the upcoming hunting season. Thus, last fall the Canadian Wildlife Service (CWS) used the interim strategy to establish its proposed black duck regulations for the 2012–13 season, based on the most current data available at that time: breeding population estimates for 2009, 2010, and 2011, and an assessment of parity based on harvest estimates for the 2006–10 hunting seasons. Although updates of both breeding population estimates and harvest estimates are now available, the United States will base its 2012–13 black duck regulations on the same data the CWS used, to ensure comparable application of the strategy. The long-term (1998–2007) breeding population mean estimate is 932,146, and the 2009–11, 3-year running mean estimate is 851,667, only 9 percent less than the 1998–2007 average. From 2006–10, 44 percent of the black duck harvest occurred in Canada and 56 percent in the United States; this falls within the accepted parity bounds of 40 and 60 percent. Based on these estimates, no restriction or liberalization of black duck harvest is warranted this year.

As for the Councils' recommendations that we adopt the International Black Duck AHM Strategy for implementation in 2013, we concur. The formal strategy is the result of 14 years of technical and policy decisions developed and agreed upon by both Canadian and U. S. agencies and waterfowl managers. The strategy will clarify what harvest levels each country will manage for and will reduce conflicts over country-specific regulatory policies. Further, the strategy will allow for attainment of fundamental objectives of black duck management: resource conservation, perpetuating hunting traditions, and equitable access to the black duck resource between Canada and the United States while accommodating the fundamental sources of uncertainty, partial controllability and observability, structural uncertainty, and environmental variation. The underlying model performance will be assessed annually, with a comprehensive evaluation of the entire strategy (objectives and model set) in 6 years. A copy of the strategy is available at the address indicated under **FOR FURTHER INFORMATION CONTACT**, or on *http://www.regulations.gov,* or from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#BlackDucks*.

iv. Canvasbacks

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for canvasbacks with a 1-bird daily bag limit. Season lengths would be 60 days in the Atlantic and Mississippi Flyways, 74 days in the Central Flyway, and 107 days in the Pacific Flyway.

Service Response: Since 1994, we have followed a canvasback harvest strategy that if canvasback population status and production are sufficient to permit a harvest of one canvasback per day nationwide for the entire length of the regular duck season, while still attaining a projected spring population objective of 500,000 birds, the season on canvasbacks should be opened. A partial season would be permitted if the estimated allowable harvest was within the projected harvest for a shortened season. If neither of these conditions can be met, the harvest strategy calls for a closed season on canvasbacks nationwide. In 2008 (73 FR 43290; July 24, 2008), we announced our decision to modify the canvasback harvest strategy to incorporate the option for a 2-bird daily bag limit for canvasbacks when the predicted breeding population the subsequent year exceeds 725,000 birds.

This year's spring survey resulted in an estimate of 760,000 canvasbacks. This was 10 percent above the 2011 estimate of 692,000 canvasbacks and 33 percent above the 1955–2011 average. The estimate of ponds in Prairie Canada was 3.89 million, which was 21 percent below last year and 13 percent above the long-term average. Based on updated harvest predictions using data from recent hunting seasons, the canvasback harvest strategy predicts a 2013 canvasback population of 771,033 birds under a liberal duck season with a 1-bird daily bag limit and 711,428 with a 2-bird daily bag limit. Because the predicted 2013 population under the 1-bird daily bag limit is greater than 500,000, while the prediction under the 2-bird daily bag limit is less than 725,000, the canvasback harvest strategy stipulates a full canvasback season with a 1-bird daily bag limit for the upcoming season.

v. Pintails

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended a full season for pintails, consisting of a 2-bird daily bag limit and a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and a 107-day season in the Pacific Flyway.

Service Response: The current derived pintail harvest strategy was adopted by the Service and Flyway Councils in 2010 (75 FR 44856; July 29, 2010). For this year, optimal regulatory strategies were calculated with: (1) An objective of maximizing long-term cumulative harvest, including a closed-season constraint of 1.75 million birds; (2) the regulatory alternatives and associated predicted harvest; and (3) current population models and their relative weights. Based on this year's survey results of 3.47 million pintails observed, a mean latitude of 54.0 degrees N, and a latitude adjusted breeding population (BPOP) of 4.14 million birds, the optimal regulatory choice for all four Flyways is the ''liberal'' alternative with a 2-bird daily bag limit.

vi. Scaup

Council Recommendations: The Atlantic, Mississippi, Central, and Pacific Flyway Councils recommended use of the ''liberal'' regulation package, consisting of a 60-day season with a 4-bird daily bag in the Atlantic and Mississippi Flyways, a 74-day season with a 6-bird daily bag limit in the Central Flyway, and an 107-day season with a 7-bird daily bag limit in the Pacific Flyway.

Service Response: In 2008, we adopted and implemented a new scaup harvest strategy (73 FR 43290 on July 24, 2008, and 73 FR 51124 on August 29, 2008) with initial ''restrictive,'' ''moderate,'' and ''liberal'' regulatory packages adopted for each Flyway.

Further opportunity to revise these packages was afforded prior to the 2009–10 season and modifications by the Mississippi and Central Flyway Councils were endorsed by the Service in July 2009 (74 FR 36870; July 24, 2009).

The 2012 breeding population estimate for scaup is 5.24 million, up 21 percent from the 2011 estimate of 4.32 million. Total estimated scaup harvest for the 2011–12 season was 287,000 birds. Based on updated model parameter estimates, the optimal regulatory choice for scaup is the ''liberal'' package in all four Flyways.

xii. Other

Council Recommendations: The Central and Mississippi Flyway Councils recommended that the daily and possession bag limits for redheads during the 2012–13 duck hunting season be 3 and 6, respectively.

Service Response: While we recognize the desire to provide additional hunting opportunity for redheads, at this time we do not support the Councils' recommendations to increase the daily bag limit of redheads from 2 to 3 birds. As we indicated last year (76 FR 58682; September 21, 2011), we believe that as we have done with other species (such as canvasbacks, pintails, etc.), changes to redhead daily bag limits should only be considered with guidance from an agreed-upon harvest strategy that is supported by all four Flyway Councils and the Service. Thus, the Flyways should work collaboratively to develop a redhead harvest strategy, which would include: (1) Clearly defined and agreed-upon management objectives; (2) clearly defined regulatory alternatives; and (3) a model that can be used to predict population responses to harvest mortality. We note that if the Flyway Councils wish to implement a redhead harvest strategy for the 2013–14 season, a draft strategy must be available for review and discussion by the February 2013 SRC meeting, finalized by the Flyways Councils at their March 2013 meetings, and forwarded as a recommendation for SRC consideration at the early season SRC meeting (June 2013).

4. Canada Geese

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council recommended several changes to Canada goose season frameworks. More specifically, they recommended:

1. A 78-day season in Pennsylvania's Southern James Bay Population (SJBP) Canada goose zone between the first Saturday in October and February 15, with a daily bag limit of 3 geese, and two season segments;

2. Increasing the season length in all Atlantic Population (AP) Canada goose harvest zones from 45 days to 50 days;

3. An earlier framework opening date of October 10 (from October 20) in the Lake Champlain Zone and other AP harvest zones in New England (Massachusetts, Vermont and Connecticut);

4. A later framework closing date of February 5 (from January 31) in all AP harvest areas;

5. Framework opening and closing dates for the regular Canada goose hunting seasons in Florida, Georgia, South Carolina, and West Virginia of October 1 and March 10, respectively, with up to three season segments; and

6. Modifications to the criteria for delineation and subsequent monitoring of Atlantic Flyway Resident Population (AFRP) Canada goose hunting zones for the 2012–15 hunting seasons.

The Mississippi Flyway Council developed new framework regulations to replace most of the State-specific regulations used in the past. These new framework regulations were developed as part of the Flyway's efforts to move toward a more holistic and uniform approach to Canada goose harvest management across the Flyway and are consistent with the Flyway's harvest strategies for Mississippi Valley Population (MVP), SJBP, Eastern Prairie Population (EPP), and Giant Canada geese. The resulting recommendations are based on a comprehensive review of Canada goose population status that the Flyway conducted during February 2012. In general, the recommended new frameworks allow States to select Canada goose seasons of up to 92 days with a 2-bird daily bag limit, or up to 78 days with a 3-bird daily bag limit between the Saturday nearest September 24 and January 31 with some exceptions. More specifically, Alabama, Illinois, Kentucky, Louisiana, Mississippi, and Ohio propose to adopt the new Flyway-wide frameworks for Canada geese this year. Michigan, Minnesota, and Wisconsin have proposed exceptions to the generalized Flyway-wide framework, and these exceptions represent minor changes from last year. Arkansas, Iowa, Missouri, and Tennessee are considered exceptions to the proposed generalized Flyway-wide framework, but do not represent a change from last year.

The Central Flyway Council recommended increasing the Canada goose daily bag limit from 3 to 5 geese in the east-tier States.

The Pacific Flyway Council recommended several changes to dark goose season frameworks. More specifically, they recommended:

1. Allowing the season to be split into 3 segments in Washington's Area 4 and Oregon's Northwest Zone;

2. Extending the framework closing date to March 10 for dark geese in Oregon's Northwest General Zone; and

3. Increasing the daily bag limit for dark geese to 6 per day in Oregon's South Coast Zone after the last Sunday in January.

Written Comments: The Central Flyway Council expressed frustration with our decision to not support their recommendation to increase the daily bag limit from 3 to 5 geese in the east-tier States. The Council stated that populations of large Canada geese in the Central Flyway are overabundant and growing at extremely high rates and that established and agreed upon management objectives have been in place since 1985, as part of the Tall Grass Prairie (TGP) population management plan. The Council believes that any future change in this population objective would certainly not change the need for, or the appropriateness of, the requested bag limit increase. Further, TGP geese have exceeded population objectives every year since 1995 and have shown consistent long-term growth since 1970. The Council states that TGP geese are now 72 percent over the stated population objective (based solely on Central Flyway counts) and are causing depredation issues in wintering States.

Service Response: We agree with the Atlantic Flyway Council's recommendation concerning changes to the frameworks for Pennsylvania's SJBP zone. The Council's proposed change is consistent with the SJBP Canada Goose Management Plan and consistent with the current Mississippi Flyway Council's proposal to modify Canada goose frameworks (including former SJBP harvest zones). We also agree with the Council's recommendations concerning changes to AP goose frameworks. The Council notes that the 3-year mean (2010–12) AP breeding pair index of 190,500 is well above the threshold for ''moderate'' regulations (i.e., 150,000 pairs), which are intended not to exceed a mean harvest rate of 10 percent on adult AP geese. Since 2005, the estimated adult harvest rate for AP geese in the Atlantic Flyway (including Canada) with 45-day seasons in the United States has ranged from 5 to 9 percent and averaged 6.7 percent. Although 5 additional days of hunting provides a modest increase in harvest opportunity under ''moderate''

regulations, the Council predicts that the 5-day increase should result in a mean adult harvest rate of less than 8 percent, still below the AP harvest strategy allowance of a mean 10 percent adult harvest rate. Further, the change is consistent with the Council's newly revised AP goose harvest strategy. Regarding the earlier framework opening dates for AP geese in New England, AP goose harvest in these areas only account for a very small percentage of the total AP goose harvest rate. The Council notes that the recommended later closing date of February 5 may allow some major AP harvest States to time hunting season closing dates later, when migrant harvest is likely to be buffered by overabundant AFRP Canada geese that have been pushed out of Canada and northern States by extensive ice and snow cover.

We also support the Atlantic Flyway Council's proposed framework date changes in Florida, Georgia, South Carolina, and West Virginia. Current Canada goose frameworks for these States do not provide opportunity for goose harvest or goose control activities during the month of October (except in West Virginia). In most southern States, agricultural operations (including planting) still occur in October, and providing October hunting opportunities could help reduce resident Canada goose impacts. The Council's proposed framework closing date of March 10 is the same for other regular resident Canada goose seasons in Atlantic Flyway States and would aid in simplifying Flyway harvest regulations. Lastly, we support modification of the AFRP delineation criteria. The Council's proposed modification is based on evaluations of AFRP seasons since 2002, and as band return data continue to accumulate, adjustments to existing AFRP zones and establishment of new zones will utilize these data to better address any migrant harvest concerns.

We support the Mississippi Flyway Council recommendations to move from State-specific frameworks to Flyway-wide Canada goose frameworks in the Flyway. In the past, the Mississippi Flyway has utilized State-specific frameworks to promulgate Canada goose hunting regulations. The Council's proposed Flyway-wide general framework is intended to allow the maximum allowable number of Canada goose hunting days for any Mississippi Flyway State utilizing standard 15-day or longer early Canada goose seasons. In addition, several exceptions to the basic 92-day framework are recognized and serve to accommodate special State- and population-specific management needs. For example, States and Provinces that share the harvest of EPP Canada geese recently revised regular season frameworks consistent with their management plan, and the Council's recommendation is intended to accommodate these regulations without imposing changes.

Management of Canada geese in the Mississippi Flyway is complicated by the need to balance potentially conflicting objectives for arctic, subarctic, and temperate (resident) breeding populations. Increased abundance of temperate-breeding Canada geese has caused conflicts with people and human activities, and regulations have been gradually liberalized to increase harvest of such birds to reduce those conflicts. Long-established management plans have been adopted for arctic and subarctic populations of Canada geese in the Mississippi Flyway to ensure that such populations remain within management goals. We believe that any increased harvest resulting from the proposed Flyway-wide frameworks (as well as exceptions to those frameworks) are compatible with those population management plans and the need to address increasing populations of temperate nesting Canada geese.

We do not support the Central Flyway Council's recommendation to increase the dark goose daily bag limit in the east-tier States from 3 to 5 geese. As we stated last year (76 FR 58682; September 21, 2011) and in 2010 (75 FR 58250; September 23, 2010), while we agree that the Flyway's proposed bag limit increase would likely result in an increased harvest of resident Canada geese, there are other Canada goose populations that would also be subjected to additional harvest pressure, in particular the Tall Grass Prairie (TGP) population. We recognize the continuing problems posed by increasing numbers of resident Canada geese and that migrant populations of Canada geese in the Central Flyway are above objective levels. We also understand the Flyway's desire to provide as much hunting opportunity on these geese as possible, and we share the philosophy that hunting, not control permits, should be the primary tool used to manage populations of game birds. Thus, last year, we provided guidance on the progress that the Central and Mississippi Flyways needed to accomplish for us to consider allowing the proposed increase from 3 to 5 Canada geese during the regular goose seasons in Central Flyway east-tier States. Specifically, we stated that progress needed to be made regarding revising the TGP management plan for this shared goose resource; at a minimum agreement between the two Flyways on management objectives must be reached. Based on the discussions at the recent July 25–26, 2012, SRC meetings, it is apparent that this dialogue just began, and progress on developing agreed-upon objectives and the plan revision is limited.

The issues raised in the Central Flyway Council's subsequent comments are not different than those discussed during the recent SRC meeting. We continue to believe that management of migrant geese, particularly the TGP, should be a collaborative effort between the Mississippi and Central Flyway. Given the changes in both landscapes and numbers of Canada geese since the last version of the management plan was approved in 1985, we believe the objectives should be revisited and agreed to by both Flyways before any potential changes to bag limits. Further, despite implications from the Council that the proposed bag limit increase would help solve the problems States currently face regarding overabundant resident Canada geese, we believe such a change would do very little to resolve those issues. Therefore, at this time, we do not support the Central Flyway's request to increase the bag limit. For our future support of this effort, the two Flyways must agree on objectives of the plan, including the desired size of the TGP population. We further note that the TGP management plan must be updated in the near future to deal with contemporary Canada goose issues. As the management plan is revised, we expect that other issues identified in the last 2 years will be addressed, including how plan actions might interact with measures to reduce conflicts with resident Canada geese and progress on monitoring migrant Canada goose populations in east-tier States.

We support all of the Pacific Flyway goose recommendations. The recommendations for 3-segment seasons in Washington and Oregon, and the recommendation to extend the framework date to March 10 in Oregon's Northwest Zone, are to simplify regulations and allow consistency throughout the areas. Additionally, the Council notes that extending the framework dates may alleviate some depredation concerns between areas and in agricultural areas close to the zones' boundaries. Decreased movement of geese between the zones may occur, which could decrease depredation concerns in some areas in northwest Oregon. Increased bag limits in Oregon's South Coast Zone are targeted at Aleutian Canada geese, which are

currently estimated at 134,708, more than twice their population objective.

C. Special Late Seasons

Council Recommendations: The Mississippi Flyway Council recommended changing Indiana's experimental late Canada goose season status to operational.

Service Response: At this time, we do not agree with the Council's recommendation to change the status of Indiana's late Canada goose season from experimental to operational. In 2007, Indiana initiated an experimental late Canada goose season in 30 counties to address increasing resident Canada goose populations. An evaluation report was submitted to the Flyway and Service in 2010. Although Statewide harvest of migrant Canada geese was within the allowed 20 percent criteria, take of migrant geese in the six-county Terre Haute region exceeded the criteria for special late Canada goose seasons. Consequently, 24 counties were granted operational status in 2010 while the six-county Terre Haute region was allowed to continue in an experimental status to allow for additional data collection on the proportion of migrant Canada geese taken there during the experimental late Canada goose season. Indiana has recently provided a report on that assessment, and we are reviewing those results in concert with our review of the appropriateness of the existing criteria that govern late Canada goose seasons. Therefore, the experimental late season will remain experimental for an additional year without any further data collection requirements.

7. Snow and Ross's (Light) Geese

Council Recommendations: The Central Flyway Council recommended allowing an unlimited daily bag limit for light geese.

The Pacific Flyway Council recommended that the Idaho Department of Fish and Game (IDFG) continue trumpeter swan monitoring efforts once every 3 years during the late winter light goose season around American Falls Reservoir.

Service Response: We are not prepared to support a regulation allowing an unlimited daily bag limit for light geese at this time. Further, we do not believe that recreational hunting will solve the problems associated with overabundant light geese, and do not want to provide the impression that further liberalizations of hunting regulations will solve these problems. Therefore, we do not support the Central Flyway Council's request to have a light goose season with no daily bag limit. Rather, we believe that technical and policy discussions should be held within appropriate forums to develop potential management options, and then make the decisions on the next steps to address issues identified in the recent Arctic Goose Joint Venture report. We believe there are existing bodies available to have these discussions.

Regarding the Pacific Flyway Council's recommendation to monitor trumpeter swans during the late winter light goose season around American Falls reservoir in Idaho, we support the continuation of monitoring efforts on a reduced basis. Since the inception of the late winter light goose hunt in 2010, Idaho has conducted annual ground surveys to evaluate the effects of light goose hunting on trumpeter swans. To date, no obvious negative trends in trumpeter swan use, distribution, or abundance have been documented. Further, Idaho has committed to continue monitoring and assessment efforts in the context of swan use of the American Falls Reservoir/Fort Hall Bottoms and the surrounding area. We note that this program was designed to identify annual changes in swan distribution and swan field-feeding during the late winter light goose hunt in order to help assess if changes in that hunt were warranted. Thus, given no compelling concerns or issues associated with trumpeter swans wintering in eastern Idaho, and no negative impacts associated with the current late winter light goose hunt, we see no reason to repeat monitoring efforts annually, but rather believe they should be conducted every 3 years (i.e., 2015, 2018, etc.).

23. Other

Council Recommendations: The Atlantic, Central, and Pacific Flyway Councils recommended that the Service increase the possession limit from 2 times to 3 times the daily bag limit for all migratory game bird species and seasons except for those species that currently have possession limits of less than 2 times the daily bag limit (e.g., rails), permit hunts (e.g., cranes and swans), and for overabundant species for which no current possession limits are assigned (e.g., light geese), beginning in the 2013–14 season.

Service Response: In the September 23, 2010, **Federal Register** (75 FR 58250), we stated that we were generally supportive of the Flyways' interest in increasing the possession limits for migratory game birds and appreciated the discussions to frame this important issue. At that time, we also stated that we believed there were many unanswered questions regarding how this interest can be fully articulated in a proposal that satisfies the harvest management community, while fostering the support of the law enforcement community and informing the general hunting public. Thus, we proposed the creation of a cross-agency Working Group, chaired by the Service, and comprised of staff from the Service's Migratory Bird Program, State Wildlife Agency representatives, and Federal and State law enforcement staff, to begin to frame a recommendation that fully articulates a potential change in possession limits. This effort would include a description of the current status and use of possession limits, which populations and/or species/species groups should not be included in any proposed modification of possession limits, potential law enforcement issues, and a reasonable timeline for the implementation of any such proposed changes. The recommendations from the three Councils are one such outgrowth of the efforts started in 2010, and we look forward to additional input from the Mississippi Flyway Council. We plan to fully discuss these recommendations with the Working Group and present preliminary recommendations at the February 2013 SRC meeting for further discussion. We would present any resulting proposal next spring, with proposed implementation during the 2013–14 hunting seasons.

NEPA Consideration

NEPA considerations are covered by the programmatic document ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published a notice of availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

In a notice published in the September 8, 2005, **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement (SEIS) for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as detailed in a March 9, 2006, **Federal Register** (71 FR 12216). We released the draft SEIS on

July 9, 2010 (75 FR 39577). The draft SEIS is available either by writing to the address indicated under **FOR FURTHER INFORMATION CONTACT** or by viewing our Web site at *http://www.fws.gov/migratorybirds*.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. * * *.'' Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is significant because it will have an annual effect of $100 million or more on the economy.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

An economic analysis was prepared for the 2008–09 season. This analysis was based on data from the 2006 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) Issue restrictive regulations allowing fewer days than those issued during the 2007–08 season, (2) Issue moderate regulations allowing more days than those in alternative 1, and (3) Issue liberal regulations identical to the regulations in the 2007–08 season. For the 2008–09 season, we chose alternative 3, with an estimated consumer surplus across all flyways of $205–$270 million. We also chose alternative 3 for the 2009–10 and the 2010–11 seasons. For the 2012–13 season, we are again selecting alternative 3. For these reasons, we have not conducted a new economic analysis, but the 2008–09 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–R9–MB–2012–0005.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, and 2008. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2008 Analysis was based on the 2006 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.2 billion at small businesses in 2008. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **ADDRESSES**) or at *http://www.regulations.gov* at Docket No. FWS–R9–MB–2012–0005.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we are not deferring the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of our Migratory Bird Surveys and assigned control number 1018–0023 (expires 4/30/2014). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Alaska Subsistence Household Survey, an associated voluntary annual household survey used to determine levels of subsistence take in Alaska, and assigned control number 1018–0124 (expires 4/30/2013). A Federal 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.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduces restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 17 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2012–13 migratory bird hunting season. The resulting proposals were contained in an August 16, 2012, proposed rule (77 FR 49680). By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, States would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select hunting season dates and other options. Upon receipt of season selections from these officials, we will publish a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 2012–13 season.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2012–13 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: September 7, 2012.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 2012–13 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposals for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 2012, and March 10, 2013. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (e.g., tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

High Plains Mallard Management Unit—roughly defined as that portion of the Central Flyway that lies west of the 100th meridian.

Definitions

For the purpose of hunting regulations listed below, the collective terms ''dark'' and ''light'' geese include the following species:

Dark geese: Canada geese, white-fronted geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: Snow (including blue) geese and Ross's geese.

Area, Zone, and Unit Descriptions: Geographic descriptions related to late-season regulations are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Virginia, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Tundra swans may only be taken by participants possessing applicable tundra swan permits.

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (2 hens), 1 black duck, 2 pintails, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 4 scaup, 1 canvasback, and 4 scoters.

Closures: The season on harlequin ducks is closed.

Sea Ducks: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Merganser Limits: The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Lake Champlain Zone of Vermont.

Connecticut River Zone, Vermont: The waterfowl seasons, limits, and shooting hours should be the same as those selected for the Inland Zone of New Hampshire.

Zoning and Split Seasons: Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

Canada Geese

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons also include white-fronted geese. Unless specified otherwise, seasons may be split into two segments. In areas within States where the framework closing date for Atlantic Population (AP) goose seasons overlaps with special late-season frameworks for resident geese, the framework closing date for AP goose seasons is January 14.

Connecticut:

North Atlantic Population (NAP) Zone: Between October 1 and January 31, a 60-day season may be held with a 2-bird daily bag limit.

Atlantic Population (AP) Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

South Zone: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit.

Resident Population (RP) Zone: An 80-day season may be held between October 1 and February 15, with a 5-bird daily bag limit. The season may be split into 3 segments.

Delaware: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Florida: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Georgia: In specific areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Maine: A 60-day season may be held Statewide between October 1 and January 31, with a 2-bird daily bag limit.

Maryland:

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

Massachusetts:

NAP Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit. Additionally, a special season may be held from January 15 to February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between October 10 and February 5, with a 3-bird daily bag limit.

New Hampshire: A 60-day season may be held Statewide between October 1 and January 31, with a 2-bird daily bag limit.

New Jersey:

Statewide: A 50-day season may be held between the fourth Saturday in October (October 27) and February 5, with a 3-bird daily bag limit.

Special Late Goose Season Area: A special season may be held in designated areas of North and South New Jersey from January 15 to February 15, with a 5-bird daily bag limit.

New York:

NAP Zone: Between October 1 and January 31, a 60-day season may be held, with a 2-bird daily bag limit in the High Harvest areas; and between October 1 and February 15, a 70-day season may be held, with a 3-bird daily bag limit in the Low Harvest areas.

Special Late Goose Season Area: A special season may be held between January 15 and February 15, with a 5-bird daily bag limit in designated areas of Suffolk County.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 27), except in the Lake Champlain Area where the opening date is October 10, and February 5, with a 3-bird daily bag limit.

Western Long Island RP Zone: A 107-day season may be held between the Saturday nearest September 24 (September 22) and March 10, with an 8-bird daily bag limit. The season may be split into 3 segments.

Rest of State RP Zone: An 80-day season may be held between the fourth Saturday in October (October 22) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

North Carolina:

SJBP Zone: A 70-day season may be held between October 1 and December 31, with a 5-bird daily bag limit.

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 7-day season may be held between the Saturday prior to December 25 (December 22) and January 31, with a 1-bird daily bag limit.

Pennsylvania:

SJBP Zone: A 78-day season may be held between the first Saturday in October (October 6) and February 15, with a 3-bird daily bag limit.

RP Zone: An 80-day season may be held between the fourth Saturday in October (October 27) and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

AP Zone: A 50-day season may be held between the fourth Saturday in October (October 27) and February 5, with a 3-bird daily bag limit.

Rhode Island: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit. A special late season may be held in designated areas from January 15 to February 15, with a 5-bird daily bag limit.

South Carolina: In designated areas, an 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Vermont:

Lake Champlain Zone and Interior Zone: A 50-day season may be held between October 10 and February 5 with a 3-bird daily bag limit.

Connecticut River Zone: A 60-day season may be held between October 1 and January 31, with a 2-bird daily bag limit.

Virginia:

SJBP Zone: A 40-day season may be held between November 15 and January 14, with a 3-bird daily bag limit. Additionally, a special late season may be held between January 15 and February 15, with a 5-bird daily bag limit.

AP Zone: A 50-day season may be held between November 15 and February 5, with a 2-bird daily bag limit.

RP Zone: An 80-day season may be held between November 15 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

West Virginia: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments in each zone.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 50-day season between the Saturday nearest September 24 (September 22) and January 31, with a 2-bird daily bag limit. States may split their seasons into two segments.

Mississippi Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons and Duck Limits: The season may not exceed 60 days, with a daily bag limit of 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 1 black duck, 2 pintails, 3 wood ducks, 1 canvasback, 4 scaup, and 2 redheads.

Merganser Limits: The daily bag limit is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Alabama, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Arkansas and Mississippi, the season may be split into three segments.

Geese

Split Seasons: Seasons for geese may be split into three segments.

Season Lengths, Outside Dates, and Limits: States may select seasons for light geese not to exceed 107 days, with 20 geese daily between the Saturday nearest September 24 (September 22) and March 10; for white-fronted geese not to exceed 74 days with 2 geese daily or 88 days with 1 goose daily between the Saturday nearest September 24 (September 22) and the Sunday nearest February 15 (February 17); and for brant not to exceed 70 days, with 2 brant daily or 107 days with 1 brant daily between the Saturday nearest September 24 (September 22) and January 31. There is no possession limit for light geese.

States may select seasons for Canada geese not to exceed 92 days with 2 geese daily or 78 days with 3 geese daily between the Saturday nearest September 24 (September 22) and January 31 with the following exceptions listed by State:

Arkansas: The season may extend to February 15.

Indiana:

Late Canada Goose Season Areas:

(a) A special Canada goose season of up to 15 days may be held during February 1–15 in the Late Canada Goose Season Zone. During this special season, the daily bag limit cannot exceed 5 Canada geese.

(b) An experimental special Canada goose season of up to 15 days may be held during February 1–15 in the Experimental Late Canada Goose Zone. During this special season, the daily bag limit cannot exceed 5 Canada geese.

Iowa: The season for Canada geese may extend for 107 days. The daily bag limit is 3 Canada geese.

Michigan:

The framework opening date for all geese is September 16.

Southern Michigan Late Canada Goose Season Zone: A 30-day special Canada goose season may be held between December 31 and February 15. The daily bag limit is 5 Canada geese.

Minnesota: The season for Canada geese may extend for 107 days. The daily bag limit is 3 Canada geese.

Missouri: The season for Canada geese may extend for 85 days. The daily bag limit is 3 Canada geese.

Tennessee: Northwest Zone—The season for Canada geese may extend to February 15.

Wisconsin:

(a) Horicon Zone—The framework opening date for all geese is September 16. The season may not exceed 92 days. All Canada geese harvested must be tagged. The season limit will be 6 Canada geese per permittee.

(b) Exterior Zone—The framework opening date for all geese is September 16. The season may not exceed 92 days. The daily bag limit is 2 Canada geese.

Additional Limits: In addition to the harvest limits stated for the respective zones above, an additional 4,500 Canada geese may be taken in the Horicon Zone under special agricultural permits.

Central Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Hunting Seasons

(1) High Plains Mallard Management Unit (roughly defined as that portion of the Central Flyway which lies west of the 100th meridian): 97 days. The last 23 days must run consecutively and may start no earlier than the Saturday nearest December 10 (December 8).

(2) Remainder of the Central Flyway: 74 days.

Bag Limits: The daily bag limit is 6 ducks, with species and sex restrictions as follows: 5 mallards (no more than 2 of which may be females), 2 redheads, 3 wood ducks, 2 pintails, and 1 canvasback. In Texas, the daily bag limit on mottled ducks is 1, except that no mottled ducks may be taken during the first 5 days of the season.

Merganser Limits: The daily bag limit is 5 mergansers, only 2 of which may be hooded mergansers. In States that include mergansers in the duck daily bag limit, the daily limit may be the same as the duck bag limit, only two of which may be hooded mergansers.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Colorado, Kansas (Low Plains portion), Montana, Nebraska, New Mexico, Oklahoma (Low Plains portion), South Dakota (Low Plains portion), Texas (Low Plains portion), and Wyoming may select hunting seasons by zones.

In Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, the regular season may be split into two segments.

Geese

Split Seasons: Seasons for geese may be split into three segments. Three-way split seasons for Canada geese require Central Flyway Council and U.S. Fish and Wildlife Service approval, and a 3-year evaluation by each participating State.

Outside Dates: For dark geese, seasons may be selected between the outside dates of the Saturday nearest September 24 (September 22) and the Sunday nearest February 15 (February 17). For light geese, outside dates for seasons may be selected between the Saturday nearest September 24 (September 22) and March 10. In the Rainwater Basin Light Goose Area (East and West) of Nebraska, temporal and spatial restrictions that are consistent with the late-winter snow goose hunting strategy cooperatively developed by the Central Flyway Council and the Service are required.

Season Lengths and Limits

Light Geese: States may select a light goose season not to exceed 107 days. The daily bag limit for light geese is 20 with no possession limit.

Dark Geese: In Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and the Eastern Goose Zone of Texas, States may select a season for Canada geese (or any other dark goose species except white-fronted geese) not to exceed 107 days with a daily bag limit of 3. Additionally, in the Eastern Goose Zone of Texas, an alternative season of 107 days with a daily bag limit of 1 Canada goose may be selected. For white-fronted geese, these States may select either a season of 74 days with a bag limit of 2 or an 88-day season with a bag limit of 1.

In Colorado, Montana, New Mexico and Wyoming, States may select seasons not to exceed 107 days. The daily bag limit for dark geese is 5 in the aggregate.

In the Western Goose Zone of Texas, the season may not exceed 95 days. The daily bag limit for Canada geese (or any other dark goose species except white-fronted geese) is 5. The daily bag limit for white-fronted geese is 1.

Pacific Flyway

Ducks, Mergansers, Coots, Common Moorhens, and Purple Gallinules

Hunting Seasons and Duck Limits: Concurrent 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 2 pintails, 1 canvasback, and 2 redheads.

The season on coots and common moorhens may be between the outside dates for the season on ducks, but not to exceed 107 days.

Coot, Common Moorhen, and Purple Gallinule Limits: The daily bag and possession limits of coots, common moorhens, and purple gallinules are 25, singly or in the aggregate.

Outside Dates: Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

Zoning and Split Seasons: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones. Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may split their seasons into two segments.

Colorado, Montana, and New Mexico may split their seasons into three segments.

Colorado River Zone, California: Seasons and limits should be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Season Lengths, Outside Dates, and Limits:

California, Oregon, and Washington

Dark geese: Except as subsequently noted, 100-day seasons may be selected, with outside dates between the Saturday nearest October 1 (September 29), and the last Sunday in January (January 27). The basic daily bag limit is 4 dark geese, except the dark goose bag limit does not include brant.

Light geese: Except as subsequently noted, 107-day seasons may be selected, with outside dates between the Saturday nearest October 1 (September 29) and March 10. The daily bag limit is 6 light geese.

Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming

Dark geese: Except as subsequently noted, 107-day seasons may be selected, with outside dates between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27). The basic daily bag limit is 4 dark geese.

Light geese: Except as subsequently noted, 107-day seasons may be selected, with outside dates between the Saturday nearest September 24 (September 22) and March 10. The basic daily bag limit is 10 light geese.

Split Seasons: Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

Brant Season

Oregon may select a 16-day season, Washington a 16-day season, and California a 30-day season. Days must be consecutive. Washington and California may select hunting seasons by up to two zones. The daily bag limit is 2 brant and is in addition to dark goose limits. In Oregon and California, the brant season must end no later than December 15.

Arizona: The daily bag limit for dark geese is 3.

California:

Northeastern Zone: The daily bag limit is 6 dark geese.

Balance-of-State Zone: A 107-day season may be selected with outside dates between the Saturday nearest October 1 (September 29) and March 10. Limits may not include more than 6 dark geese per day. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit should contain no more than 2 white-fronted geese. In the North Coast Special Management Area, a 107-day season may be selected, with outside dates between the Saturday nearest October 1 (September 29) and March 10. Hunting days that occur after the last Sunday in January should be concurrent with Oregon's South Coast Zone.

Idaho:

Zone 2: Hunting days that occur after the last Sunday in January should be concurrent with Oregon's Malheur County Zone. Idaho will continue to monitor the snow goose hunt that occurs after the last Sunday in January in the American Falls Reservoir/Fort Hall Bottoms and surrounding areas at 3-year intervals.

Nevada: The daily bag limit for dark geese is 3.

New Mexico: The daily bag limit for dark geese is 3.

Oregon:

Harney and Lake County Zone: For Lake County only, the daily dark goose bag limit may not include more than 1 white-fronted goose.

Klamath County Zone: A 107-day season may be selected, with outside dates between the Saturday nearest October 1 (September 29), and March 10. A 3-way split season may be selected. For hunting days after the last Sunday in January, the daily bag limit may not include Canada geese.

Malheur County Zone: The daily bag limit of light geese is 10. Hunting days that occur after the last Sunday in January should be concurrent with Idaho's Zone 2.

Northwest Zone: Outside dates are between the Saturday nearest October 1 (September 29) and March 10. A 3-way split season may be selected. The daily bag limit may not include more than 3 cackling or Aleutian geese.

Northwest Special Permit Zone: Outside dates are between the Saturday nearest October 1 (September 29) and March 10. The daily bag limit may not include more than 3 cackling or Aleutian geese and daily bag limit of light geese is 4.

South Coast Zone: A 107-day season may be selected, with outside dates between the Saturday nearest October 1 (September 29) and March 10. Hunting days that occur after the last Sunday in January should be concurrent with California's North Coast Special Management Area. A 3-way split season may be selected. The daily bag limit of dark geese can increase to 6 geese after the last Sunday in January (January 27).

Utah: The daily bag limit for dark geese is 3.

Washington: The daily bag limit is 4 geese.

Area 1: Outside dates are between the Saturday nearest October 1 (September 29), and the last Sunday in January (January 27).

Areas 2A and 2B (Southwest Quota Zone): Except for designated areas, there will be no open season on Canada geese. See section on quota zones. In this area, the daily bag limit may include 3 cackling geese. In Southwest Quota Zone Area 2B (Pacific County), the daily bag limit may include 1 Aleutian goose.

Areas 4 and 5: A 107-day season may be selected for dark geese. A 3-way split season may be selected in Area 4.

Wyoming: The daily bag limit for dark geese is 3.

Quota Zones

Seasons on geese must end upon attainment of individual quotas of dusky geese allotted to the designated areas of Oregon (90) and Washington (45). The September Canada goose season, the regular goose season, any special late dark goose season, and any extended falconry season, combined, must not exceed 107 days, and the established quota of dusky geese must not be exceeded. Hunting of geese in those designated areas will be only by hunters possessing a State-issued permit authorizing them to do so. In a Service-approved investigation, the State must obtain quantitative information on hunter compliance with those regulations aimed at reducing the take of dusky geese. If the monitoring program cannot be conducted, for any reason, the season must immediately close. In the designated areas of the Washington Southwest Quota Zone, a special late goose season may be held between the Saturday following the close of the general goose season and March 10. In the Northwest Special Permit Zone of Oregon, the framework closing date is March 10. Regular goose seasons may be split into 3 segments within the Oregon and Washington quota zones.

Swans

In portions of the Pacific Flyway (Montana, Nevada, and Utah), an open season for taking a limited number of swans may be selected. Permits will be issued by the State and will authorize each permittee to take no more than 1 swan per season with each permit. Nevada may issue up to 2 permits per hunter. Montana and Utah may only issue 1 permit per hunter. Each State's season may open no earlier than the Saturday nearest October 1 (September 29). These seasons are also subject to the following conditions:

Montana: No more than 500 permits may be issued. The season must end no

later than December 1. The State must implement a harvest-monitoring program to measure the species composition of the swan harvest and should use appropriate measures to maximize hunter compliance in reporting bill measurement and color information.

Utah: No more than 2,000 permits may be issued. During the swan season, no more than 10 trumpeter swans may be taken. The season must end no later than the second Sunday in December (December 9) or upon attainment of 10 trumpeter swans in the harvest, whichever occurs earliest. The Utah season remains subject to the terms of the Memorandum of Agreement entered into with the Service in August 2001, regarding harvest monitoring, season closure procedures, and education requirements to minimize the take of trumpeter swans during the swan season.

Nevada: No more than 650 permits may be issued. During the swan season, no more than 5 trumpeter swans may be taken. The season must end no later than the Sunday following January 1 (January 6) or upon attainment of 5 trumpeter swans in the harvest, whichever occurs earliest.

In addition, the States of Utah and Nevada must implement a harvest-monitoring program to measure the species composition of the swan harvest. The harvest-monitoring program must require that all harvested swans or their species-determinant parts be examined by either State or Federal biologists for the purpose of species classification. The States should use appropriate measures to maximize hunter compliance in providing bagged swans for examination. Further, the States of Montana, Nevada, and Utah must achieve at least an 80-percent compliance rate, or subsequent permits will be reduced by 10 percent. All three States must provide to the Service by June 30, 2013, a report detailing harvest, hunter participation, reporting compliance, and monitoring of swan populations in the designated hunt areas.

Tundra Swans

In portions of the Atlantic Flyway (North Carolina and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

In the Atlantic Flyway:

—The season may be 90 days, between October 1 and January 31.

—In North Carolina, no more than 5,000 permits may be issued.

—In Virginia, no more than 600 permits may be issued.

In the Central Flyway:

—The season may be 107 days, between the Saturday nearest October 1 (September 29) and January 31.

—In the Central Flyway portion of Montana, no more than 500 permits may be issued.

—In North Dakota, no more than 2,200 permits may be issued.

—In South Dakota, no more than 1,300 permits may be issued.

Area, Unit, and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: Remainder of the State.

Maine

North Zone: That portion north of the line extending east along Maine State Highway 110 from the New Hampshire-Maine State line to the intersection of Maine State Highway 11 in Newfield; then north and east along Route 11 to the intersection of U.S. Route 202 in Auburn; then north and east on Route 202 to the intersection of I–95 in Augusta; then north and east along I–95 to Route 15 in Bangor; then east along Route 15 to Route 9; then east along Route 9 to Stony Brook in Baileyville; then east along Stony Brook to the United States border.

Coastal Zone: That portion south of a line extending east from the Maine-New Brunswick border in Calais at the Route 1 Bridge; then south along Route 1 to the Maine-New Hampshire border in Kittery.

South Zone: Remainder of the State.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont State line on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut State line.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire State line on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island State line; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Northern Zone: That portion of the State east and north of the Inland Zone beginning at the Jct. of Rte. 10 and Rte. 25A in Orford, east on Rte. 25A to Rte. 25 in Wentworth, southeast on Rte. 25 to Exit 26 of Rte. I–93 in Plymouth, south on Rte. I–93 to Rte. 3 at Exit 24 of Rte. I–93 in Ashland, northeast on Rte. 3 to Rte. 113 in Holderness, north on Rte. 113 to Rte. 113–A in Sandwich, north on Rte. 113–A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the Maine-New Hampshire border.

Inland Zone: That portion of the State south and west of the Northern Zone, west of the Coastal Zone, and includes the area of Vermont and New Hampshire as described for hunting reciprocity. A person holding a New Hampshire hunting license which allows the taking of migratory waterfowl or a person holding a Vermont resident hunting license which allows the taking of migratory waterfowl may take migratory waterfowl and coots from the following designated area of the Inland Zone: the State of Vermont east of Rte. I–91 at the Massachusetts border, north on Rte. I–91 to Rte. 2, north on Rte. 2 to Rte. 102, north on Rte. 102 to Rte. 253, and north on Rte. 253 to the border with Canada and the area of NH west of Rte. 63 at the MA border, north on Rte. 63 to Rte. 12, north on Rte. 12 to Rte. 12–A, north on Rte. 12A to Rte 10, north on Rte. 10 to Rte. 135, north on Rte. 135 to Rte. 3, north on Rte. 3 to the intersection with the Connecticut River.

Coastal Zone: That portion of the State east of a line beginning at the Maine-New Hampshire border in Rollinsford, then extending to Rte. 4 west to the city of Dover, south to the intersection of Rte. 108, south along Rte. 108 through Madbury, Durham, and Newmarket to the junction of Rte. 85 in Newfields, south to Rte. 101 in Exeter, east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts border.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York State line in Raritan Bay and extending west along the New York State line to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware State line in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania State line in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: That area east and north of a continuous line extending along U.S. 11 from the New York-Canada International boundary south to NY 9B, south along NY 9B to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont State line.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania State line.

Northeastern Zone: That area north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 31, east along NY 31 to NY 13, north along NY 13 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to NY 22, north along NY 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone: That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to US 2; east along US 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Alabama

South Zone: Mobile and Baldwin Counties.

North Zone: The remainder of Alabama.

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Peotone–Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington–Peotone Road, west along Wilmington–Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff–Lorenzo Road, west along Pine Bluff–Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Duck Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's Road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road, south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central Zone: The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Indiana

North Zone—That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone—That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone—That part of Indiana south of a line extending east from the Illinois border along U.S. 40; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone—That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone—That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone—The remainder of Iowa.

Kentucky

West Zone: All counties west of and including Butler, Daviess, Ohio, Simpson, and Warren Counties.

East Zone: The remainder of Kentucky.

Louisiana

West: That portion of the State west and north of a line beginning at the Arkansas-Louisiana border on LA 3; south on LA 3 to Bossier City; then east along I–20 to Minden; then south along LA 7 to Ringgold; then east along LA 4 to Jonesboro; then south along U.S. Hwy 167 to its junction with LA 106; west on LA 106 to Oakdale; then south on U.S. Hwy 165 to junction with U.S. Hwy 190 at Kinder; then west on U.S. Hwy 190/LA 12 to the Texas State border.

East: That portion of the State east and north of a line beginning at the Arkansas-Louisiana border on LA 3; south on LA 3 to Bossier City; then east along I–20 to Minden; then south along LA 7 to Ringgold; then east along LA 4 to Jonesboro; then south along U.S. Hwy 167 to Lafayette; then southeast along U.S. Hwy 90 to the Mississippi State line.

Coastal: Remainder of the State.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Minnesota

North Duck Zone: That portion of the State north of a line extending east from the North Dakota State line along State Highway 210 to State Highway 23 and east to State Highway 39 and east to the Wisconsin State line at the Oliver Bridge.

South Duck Zone: The portion of the State south of a line extending east from the South Dakota State line along U.S. Highway 212 to Interstate 494 and east to Interstate 94 and east to the Wisconsin State line.

Central Duck Zone: The remainder of the State.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to I–70; west on I–70 to the Kansas border.

Middle Zone: The remainder of Missouri not included in other zones.

South Zone: That portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 74 to Mo. Hwy. 25; south on Mo. Hwy 25 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to U.S. Hwy. 71; south on U.S. Hwy. 71 to Jasper County Hwy. M; west on Jasper County Hwy. M to the Kansas border.

Ohio

Lake Erie Marsh Zone: Includes all land and water within the boundaries of the area bordered by Interstate 75 from the Ohio–Michigan line to Interstate 280 to Interstate 80 to the Erie–Lorain County line extending to a line measuring two hundred (200) yards from the shoreline into the waters of Lake Erie and including the waters of Sandusky Bay and Maumee Bay.

North Zone: That portion of the State north of a line beginning at the Ohio–Indiana border and extending east along Interstate 70 to the Ohio–West Virginia border.

South Zone: The remainder of Ohio.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

State Zone: The remainder of Tennessee.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado (Central Flyway Portion)

Northeast Zone: All areas east of Interstate 25 and north of Interstate 70.

Southeast Zone: All areas east of Interstate 25 and south of Interstate 70, and all of El Paso, Pueblo, Huerfano, and Las Animas Counties.

Mountain/Foothills Zone: All areas west of Interstate 25 and east of the Continental Divide, except El Paso, Pueblo, Huerfano, and Las Animas Counties.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Early Zone: That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd,

then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then north on U.S.–283 to its junction with the Nebraska-Kansas State line, then east along the Nebraska-Kansas State line to its junction with K–128.

Late Zone: That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then south on U.S.–283 to its junction with the Oklahoma-Kansas State line, then east along the Oklahoma-Kansas State line to its junction with U.S.–77, then north on U.S.–77 to its junction with Butler County, NE 150th Street, then east on Butler County, NE 150th Street to its junction with U.S.–35, then northeast on U.S.–35 to its junction with K–68, then east on K–68 to the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with the Nebraska State line, then west along the Kansas-Nebraska State line to its junction with K–128.

Southeast Zone: That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with U.S.–35, then southwest on U.S.–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street until its junction with K–77, then south on K–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Missouri State line, then north along the Kansas-Missouri State line to its junction with K–68.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carbon, Carter, Daniels, Dawson, Fallon, Ferus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Powder River, Richland, Roosevelt, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, and Yellowstone.

Zone 2: The remainder of Montana.

Nebraska

High Plains—That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas-Nebraska border.

Zone 1—Area bounded by designated Federal and State highways and political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2—The area south of Zone 1 and north of Zone 3.

Zone 3—Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to Country Rd 167; south to U.S. Hwy. 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy. 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy. 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy. 14; north to NE Hwy. 52; west and north to NE Hwy. 91; west to U.S. Hwy. 281; south to NE Hwy. 22; west to NE Hwy. 11; northwest to NE Hwy. 91; west to U.S. Hwy. 183; south to Round Valley Rd; west to Sargent River Rd; west to Sargent Rd; west to Milburn Rd; north to Blaine County Line; east to Loup County Line; north to NE Hwy. 91; west to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown county line; east along northern boundaries of Loup and Garfield Counties to Cedar River Road; south to NE Hwy. 70; east to U.S. Hwy. 281; north to NE Hwy. 70; east to NE Hwy. 14; south to NE Hwy. 39; southeast to NE Hwy. 22; east to U.S. Hwy. 81; southeast to U.S. Hwy. 30; east to U.S. Hwy. 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the

Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4—Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy. 8 and U.S. Hwy. 75; north to U.S. Hwy. 136; east to the intersection of U.S. Hwy. 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy. 2; west to U.S. Hwy. 75; north to NE Hwy. 2; west to NE Hwy. 43; north to U.S. Hwy. 34; east to NE Hwy. 63; north to NE Hwy. 66; north and west to U.S. Hwy. 77; north to NE Hwy. 92; west to NE Hwy. Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy. 15; north to County Rd 34; west to County Rd J; south to NE Hwy. 92; west to U.S. Hwy. 81; south to NE Hwy. 66; west to Polk County Rd C; north to NE Hwy. 92; west to U.S. Hwy. 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy. 66; west to NE Hwy. 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy. 34; west to NE Hwy. 2; south to U.S. Hwy. I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy. 281; south to U.S. Hwy. 34; west to NE Hwy. 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy. 283; south to U.S. Hwy 34; east to U.S. Hwy. 136; east to U.S. Hwy. 183; north to NE Hwy. 4; east to NE Hwy. 10; south to U.S. Hwy. 136; east to NE Hwy. 14; south to NE Hwy. 8; east to U.S. Hwy. 81; north to NE Hwy. 4; east to NE Hwy. 15; south to U.S. Hwy. 136; east to NE Hwy. 103; south to NE Hwy. 8; east to U.S. Hwy. 75.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

North Dakota

High Plains Unit: That portion of the State south and west of a line from the South Dakota State line along U.S. 83 and I–94 to ND 41, north to U.S. 2, west to the Williams/Divide County line, then north along the County line to the Canadian border.

Low Plains Unit: The remainder of North Dakota.

Oklahoma

High Plains Zone: The Counties of Beaver, Cimarron, and Texas.

Low Plains Zone 1: That portion of the State east of the High Plains Zone and north of a line extending east from the Texas State line along OK 33 to OK 47, east along OK 47 to U.S. 183, south along U.S. 183 to I–40, east along I–40 to U.S. 177, north along U.S. 177 to OK 33, east along OK 33 to OK 18, north along OK 18 to OK 51, west along OK 51 to I–35, north along I–35 to U.S. 412, west along U.S. 412 to OK 132, then north along OK 132 to the Kansas State line.

Low Plains Zone 2: The remainder of Oklahoma.

South Dakota

High Plains Zone: That portion of the State west of a line beginning at the North Dakota State line and extending south along U.S. 83 to U.S. 14, east on U.S. 14 to Blunt, south on the Blunt–Canning Rd to SD 34, east and south on SD 34 to SD 50 at Lee's Corner, south on SD 50 to I–90, east on I–90 to SD 50, south on SD 50 to SD 44, west on SD 44 across the Platte–Winner bridge to SD 47, south on SD 47 to U.S. 18, east on U.S. 18 to SD 47, south on SD 47 to the Nebraska State line.

North Zone: That portion of northeastern South Dakota east of the High Plains Unit and north of a line extending east along U.S. 212 to the Minnesota State line.

South Zone: That portion of Gregory County east of SD 47 and south of SD 44; Charles Mix County south of SD 44 to the Douglas County line; south on SD 50 to Geddes; east on the Geddes Highway to U.S. 281; south on U.S. 281 and U.S. 18 to SD 50; south and east on SD 50 to the Bon Homme County line; the Counties of Bon Homme, Yankton, and Clay south of SD 50; and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of South Dakota.

Texas

High Plains Zone: That portion of the State west of a line extending south from the Oklahoma State line along U.S. 183 to Vernon, south along U.S. 283 to Albany, south along TX 6 to TX 351 to Abilene, south along U.S. 277 to Del Rio, then south along the Del Rio International Toll Bridge access road to the Mexico border.

Low Plains North Zone: That portion of northeastern Texas east of the High Plains Zone and north of a line beginning at the International Toll Bridge south of Del Rio, then extending east on U.S. 90 to San Antonio, then continuing east on I–10 to the Louisiana State line at Orange, Texas.

Low Plains South Zone: The remainder of Texas.

Wyoming (Central Flyway Portion)

Zone C1: Big Horn, Converse, Goshen, Hot Springs, Natrona, Park, Platte, and Washakie Counties; and Fremont County excluding the portions west or south of the Continental Divide.

Zone C2: Campbell, Crook, Johnson, Niobrara, Sheridan, and Weston Counties.

Zone C3: Albany and Laramie Counties; and that portion of Carbon County east of the Continental Divide.

Pacific Flyway

Arizona

Game Management Units (GMU) as follows:

South Zone: Those portions of GMUs 6 and 8 in Yavapai County, and GMUs 10 and 12B–45.

North Zone: GMUs 1–5, those portions of GMUs 6 and 8 within Coconino County, and GMUs 7, 9, 12A.

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines; west along

the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada State line south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army–Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe–Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade–Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada State line.

Southern San Joaquin Valley Temporary Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Idaho

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Bingham County within the Blackfoot Reservoir drainage; Caribou County, except the Fort Hall Indian Reservation; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Nevada

Northeast Zone: All of Elko and White Pine Counties.

Northwest Zone: All of Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: All of Clark and Lincoln County.

Oregon

Zone 1: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, Curry, Josephine, Jackson, Linn, Benton, Polk, Marion, Yamhill, Washington, Columbia, Multnomah, Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow and Umatilla Counties.

Columbia Basin Mallard Management Unit: Gilliam, Morrow, and Umatilla Counties.

Zone 2: The remainder of the State.

Utah

Zone 1: All of Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Unitah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I–80.

Zone 2: The remainder of Utah.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Columbia Basin Mallard Management Unit: Same as East Zone.

West Zone: All areas to the west of the East Zone.

Wyoming

Snake River Zone: Beginning at the south boundary of Yellowstone National Park and the Continental Divide; south along the Continental Divide to Union Pass and the Union Pass Road (U.S.F.S. Road 600); west and south along the Union Pass Road to U.S.F.S. Road 605; south along U.S.F.S. Road 605 to the Bridger–Teton National Forest boundary; along the national forest boundary to the Idaho State line; north along the Idaho State line to the south boundary of Yellowstone National Park; east along the Yellowstone National Park boundary to the Continental Divide.

Balance of State Zone: Balance of the Pacific Flyway in Wyoming outside the Snake River Zone.

Geese

Atlantic Flyway

Connecticut

AP Unit: Litchfield County and the portion of Hartford County west of a line beginning at the Massachusetts border in Suffield and extending south along Route 159 to its intersection with Route 91 in Hartford, and then extending south along Route 91 to its intersection with the Hartford/Middlesex County line.

AFRP Unit: Starting at the intersection of I–95 and the Quinnipiac River, north on the Quinnipiac River to its intersection with I–91, north on I–91 to I–691, west on I–691 to the Hartford County line, and encompassing the rest of New Haven County and Fairfield County in its entirety.

NAP H–Unit: All of the rest of the State not included in the AP or AFRP descriptions above.

South Zone: Same as for ducks.

North Zone: Same as for ducks.

Maine

Same zones as for ducks.

Maryland

Resident Population (RP) Zone: Garrett, Allegany, Washington, Frederick, and Montgomery Counties; that portion of Prince George's County west of Route 3 and Route 301; that portion of Charles County west of Route 301 to the Virginia State line; and that portion of Carroll County west of Route 31 to the intersection of Route 97, and west of Route 97 to the Pennsylvania line.

AP Zone: Remainder of the State.

Massachusetts

NAP Zone: Central and Coastal Zones (see duck zones).

AP Zone: The Western Zone (see duck zones).

Special Late Season Area: The Central Zone and that portion of the Coastal Zone (see duck zones) that lies north of the Cape Cod Canal, north to the New Hampshire line.

New Hampshire

Same zones as for ducks.

New Jersey

North: That portion of the State within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with Route 287; then west along Route 287 to its intersection with Route 206 in Bedminster (Exit 18); then

north along Route 206 to its intersection with Route 94: then west along Route 94 to the tollbridge in Columbia; then north along the Pennsylvania State boundary in the Delaware River to the beginning point.

South: That portion of the State within a continuous line that runs west from the Atlantic Ocean at Ship Bottom along Route 72 to Route 70; then west along Route 70 to Route 206; then south along Route 206 to Route 536; then west along Route 536 to Route 322; then west along Route 322 to Route 55; then south along Route 55 to Route 553 (Buck Road); then south along Route 553 to Route 40; then east along Route 40 to route 55; then south along Route 55 to Route 552 (Sherman Avenue); then west along Route 552 to Carmel Road; then south along Carmel Road to Route 49; then east along Route 49 to Route 555; then south along Route 555 to Route 553; then east along Route 553 to Route 649; then north along Route 649 to Route 670; then east along Route 670 to Route 47; then north along Route 47 to Route 548; then east along Route 548 to Route 49; then east along Route 49 to Route 50; then south along Route 50 to Route 9; then south along Route 9 to Route 625 (Sea Isle City Boulevard); then east along Route 625 to the Atlantic Ocean; then north to the beginning point.

New York

Lake Champlain Goose Area: The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York-Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York-Vermont boundary.

Northeast Goose Area: The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate Route 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York-Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area: That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area: That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara–Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden–Murrays Corners Road, south on Crittenden–Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the International boundary with Canada, south and west along the International boundary to the point of beginning.

Hudson Valley Goose Area: That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to

Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area): That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area): That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area): That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area: The remainder of New York State, excluding New York City.

Special Late Canada Goose Area: That area of the Central Long Island Goose Area lying north of State Route 25A and west of a continuous line extending northward from State Route 25A along Randall Road (near Shoreham) to North Country Road, then east to Sound Road and then north to Long Island Sound and then due north to the New York-Connecticut boundary.

North Carolina

SJBP Hunt Zone: Includes the following Counties or portions of Counties: Anson, Cabarrus, Chatham, Davidson, Durham, Halifax (that portion east of NC 903), Montgomery (that portion west of NC 109), Northampton, Richmond (that portion south of NC 73 and west of U.S. 220 and north of U.S. 74), Rowan, Stanly, Union, and Wake.

RP Hunt Zone: Includes the following Counties or portions of Counties: Alamance, Alleghany, Alexander, Ashe, Avery, Beaufort, Bertie (that portion south and west of a line formed by NC 45 at the Washington Co. line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Bladen, Brunswick, Buncombe, Burke, Caldwell, Carteret, Caswell, Catawba, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Davie, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax (that portion west of NC 903), Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mecklenburg, Mitchell, Montgomery (that portion that is east of NC 109), Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Polk, Randolph, Richmond (all of the county with exception of that portion that is south of NC 73 and west of U.S. 220 and north of U.S. 74), Robeson, Rockingham, Rutherford, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey.

Northeast Hunt Unit: Includes the following Counties or portions of Counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor, U.S. 13 in Windsor to the Hertford Co. line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

Pennsylvania

Resident Canada Goose Zone: All of Pennsylvania except for SJBP Zone and the area east of route SR 97 from the Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, and south of I–80 to the New Jersey State line.

SJBP Zone: The area north of I–80 and west of I–79 including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

AP Zone: The area east of route SR 97 from Maryland State Line to the intersection of SR 194, east of SR 194 to intersection of U.S. Route 30, south of U.S. Route 30 to SR 441, east of SR 441 to SR 743, east of SR 743 to intersection of I–81, east of I–81 to intersection of I–80, south of I–80 to New Jersey State line.

Rhode Island

Special Area for Canada Geese: Kent and Providence Counties and portions of the towns of Exeter and North Kingston within Washington County (see State regulations for detailed descriptions).

South Carolina

Canada Goose Area: Statewide except for Clarendon County, that portion of Orangeburg County north of SC Highway 6, and that portion of Berkeley County north of SC Highway 45 from the Orangeburg County line to the junction of SC Highway 45 and State Road S–8–31 and that portion west of the Santee Dam.

Vermont

Same zones as for ducks.

Virginia

AP Zone: The area east and south of the following line C the Stafford County line from the Potomac River west to Interstate 95 at Fredericksburg, then south along Interstate 95 to Petersburg, then Route 460 (SE) to City of Suffolk, then south along Route 32 to the North Carolina line.

SJBP Zone: The area to the west of the AP Zone boundary and east of the following line: the ''Blue Ridge'' (mountain spine) at the West Virginia–Virginia Border (Loudoun County–Clarke County line) south to Interstate 64 (the Blue Ridge line follows county borders along the western edge of Loudoun–Fauquier–Rappahannock–Madison–Greene–Albemarle and into Nelson Counties), then east along Interstate Rt. 64 to Route 15, then south along Rt. 15 to the North Carolina line.

RP Zone: The remainder of the State west of the SJBP Zone.

Mississippi Flyway

Alabama

Same zones as for ducks, but in addition:

SJBP Zone: That portion of Morgan County east of U.S. Highway 31, north of State Highway 36, and west of U.S. 231; that portion of Limestone County south of U.S. 72; and that portion of Madison County south of Swancott Road and west of Triana Road.

Arkansas

Northwest Zone: Baxter, Benton, Boone, Carroll, Conway, Crawford, Faulkner, Franklin, Johnson, Logan, Madison, Marion, Newton, Perry, Pope, Pulaski, Searcy, Sebastian, Scott, Van Buren, Washington, and Yell Counties.

Illinois

North Zone: That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State south of the North Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South Zone: Same zones as for ducks.

South Central Zone: Same zones as for ducks.

Indiana

Same zones as for ducks but in addition:

Special Canada Goose Seasons

Late Canada Goose Season Zone: That part of the State encompassed by the following Counties: Steuben, Lagrange, Elkhart, St. Joseph, La Porte, Starke, Marshall, Kosciusko, Noble, De Kalb, Allen, Whitley, Huntington, Wells, Adams, Boone, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby.

Experimental Late Canada Goose Season Zone: That part of the State encompassed by the following Counties: Vermillion, Parke, Vigo, Clay, Sullivan, and Greene.

Iowa

Same zones as for ducks.

Kentucky

Western Zone: That portion of the State west of a line beginning at the Tennessee State line at Fulton and extending north along the Purchase Parkway to Interstate Highway 24, east along I–24 to U.S. Highway 641, north along U.S. 641 to U.S. 60, northeast along U.S. 60 to the Henderson County line, then south, east, and northerly along the Henderson County line to the Indiana State line.

Pennyroyal/Coalfield Zone: Butler, Daviess, Ohio, Simpson, and Warren Counties and all counties lying west to the boundary of the Western Goose Zone.

Louisiana

Same zones as for ducks.

Michigan

(a) North Zone—Same as North duck zone.

(b) Middle Zone—Same as Middle duck zone.

(c) South Zone—Same as South duck zone.

Tuscola/Huron Goose Management Unit (GMU): Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bay Port Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU: That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Special Canada Goose Seasons:

Southern Michigan Late Season Canada Goose Zone: Same as the South Duck Zone excluding Tuscola/Huron Goose Management Unit (GMU), Allegan County GMU, Saginaw County GMU, and Muskegon Wastewater GMU.

Minnesota

Same zones as for ducks but in addition:

Rochester Goose Zone: That part of the State within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 247 and County State Aid Highway (CSAH) 4, Wabasha County; thence along CSAH 4 to CSAH

10, Olmsted County; thence along CSAH 10 to CSAH 9, Olmsted County; thence along CSAH 9 to CSAH 22, Winona County; thence along CSAH 22 to STH 74; thence along STH 74 to STH 30; thence along STH 30 to CSAH 13, Dodge County; thence along CSAH 13 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 24, Dodge County; thence along CSAH 24 to CSAH 13, Olmsted County; thence along CSAH 13 to U.S. Highway 52; thence along U.S. Highway 52 to CSAH 12, Olmsted County; thence along CSAH 12 to STH 247; thence along STH 247 to the point of beginning.

Missouri

Same zones as for ducks.

Ohio

Lake Erie Goose Zone: That portion of Ohio north of a line beginning at the Michigan border and extending south along Interstate 75 to Interstate 280, south on Interstate 280 to Interstate 80, and east on Interstate 80 to the Pennsylvania border.

North Zone: That portion of Ohio north of a line beginning at the Indiana border and extending east along Interstate 70 to the West Virginia border excluding the portion of Ohio within the Lake Erie Goose Zone.

South Zone: The remainder of Ohio.

Tennessee

Southwest Zone: That portion of the State south of State Highways 20 and 104, and west of U.S. Highways 45 and 45W.

Northwest Zone: Lake, Obion, and Weakley Counties and those portions of Gibson and Dyer Counties not included in the Southwest Tennessee Zone.

Kentucky/Barkley Lakes Zone: That portion of the State bounded on the west by the eastern boundaries of the Northwest and Southwest Zones and on the east by State Highway 13 from the Alabama State line to Clarksville and U.S. Highway 79 from Clarksville to the Kentucky State line.

Wisconsin

Same zones as for ducks but in addition:

Horicon Zone: That area encompassed by a line beginning at the intersection of State Highway 21 and the Fox River in Winnebago County and extending westerly along State 21 to the west boundary of Winnebago County, southerly along the west boundary of Winnebago County to the north boundary of Green Lake County, westerly along the north boundaries of Green Lake and Marquette Counties to State 22, southerly along State 22 to State 33, westerly along State 33 to Interstate Highway 39, southerly along Interstate Highway 39 to Interstate Highway 90/94, southerly along I–90/94 to State 60, easterly along State 60 to State 83, northerly along State 83 to State 175, northerly along State 175 to State 33, easterly along State 33 to U.S. Highway 45, northerly along U.S. 45 to the east shore of the Fond Du Lac River, northerly along the east shore of the Fond Du Lac River to Lake Winnebago, northerly along the western shoreline of Lake Winnebago to the Fox River, then westerly along the Fox River to State 21.

Exterior Zone: That portion of the State not included in the Horicon Zone.

Mississippi River Subzone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

Brown County Subzone: That area encompassed by a line beginning at the intersection of the Fox River with Green Bay in Brown County and extending southerly along the Fox River to State Highway 29, northwesterly along State 29 to the Brown County line, south, east, and north along the Brown County line to Green Bay, due west to the midpoint of the Green Bay Ship Channel, then southwesterly along the Green Bay Ship Channel to the Fox River.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All areas in Boulder, Larimer and Weld Counties from the Continental Divide east along the Wyoming border to U.S. 85, south on U.S. 85 to the Adams County line, and all lands in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties.

North Park Area: Jackson County.

South Park and San Luis Valley Area: All of Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Lake, Park, Rio Grande and Teller Counties, and those portions of Saguache, Mineral and Hinsdale Counties east of the Continental Divide.

Remainder: Remainder of the Central Flyway portion of Colorado.

Eastern Colorado Late Light Goose Area: That portion of the State east of Interstate Highway 25.

Nebraska

Dark Geese

Niobrara Unit: That area contained within and bounded by the intersection of the South Dakota State line and the eastern Cherry County line, south along the Cherry County line to the Niobrara River, east to the Norden Road, south on the Norden Road to U.S. Hwy 20, east along U.S. Hwy 20 to NE Hwy 14, north along NE Hwy 14 to NE Hwy 59 and County Road 872, west along County Road 872 to the Knox County Line, north along the Knox County Line to the South Dakota State line. Where the Niobrara River forms the boundary, both banks of the river are included in the Niobrara Unit.

East Unit: That area north and east of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, east to U.S. 275, south to U.S. 77, south to NE 91, east to U.S. 30, east to Nebraska-Iowa State line.

Platte River Unit: That area north and west of U.S. 81 at the Kansas-Nebraska State line, north to NE Hwy 91, west along NE 91 to NE 11, north to the Holt County line, west along the northern border of Garfield, Loup, Blaine and Thomas Counties to the Hooker County line, south along the Thomas-Hooker County lines to the McPherson County line, east along the south border of Thomas County to the western line of Custer County, south along the Custer-Logan County line to NE 92, west to U.S. 83, north to NE 92, west to NE 61, south along NE 61 to NE 92, west along NE 92 to U.S. Hwy 26, south along U.S. Hwy 26 to Keith County Line, south along Keith County Line to the Colorado State line.

Panhandle Unit: That area north and west of Keith-Deuel County Line at the Nebraska-Colorado State line, north along the Keith County Line to U.S. Hwy 26, west to NE Hwy 92, east to NE Hwy 61, north along NE Hwy 61 to NE Hwy 2, west along NE 2 to the corner formed by Garden-Grant-Sheridan Counties, west along the north border of Garden, Morrill, and Scotts Bluff Counties to the intersection of the Interstate Canal, west to the Wyoming State line.

North-Central Unit: The remainder of the State.

Light Geese

Rainwater Basin Light Goose Area (West): The area bounded by the junction of U.S. 283 and U.S. 30 at Lexington, east on U.S. 30 to U.S. 281, south on U.S. 281 to NE 4, west on NE 4 to U.S. 34, continue west on U.S. 34 to U.S. 283, then north on U.S. 283 to the beginning.

Rainwater Basin Light Goose Area (East): The area bounded by the junction of U.S. 281 and U.S. 30 at Grand Island, north and east on U.S. 30 to NE 14, south to NE 66, east to U.S. 81, north to NE 92, east on NE 92 to NE 15, south on NE 15 to NE 4, west on NE 4 to U.S. 281, north on U.S. 281 to the beginning.

Remainder of State: The remainder portion of Nebraska.

New Mexico (Central Flyway Portion)

Dark Geese

Middle Rio Grande Valley Unit: Sierra, Socorro, and Valencia Counties.

Remainder: The remainder of the Central Flyway portion of New Mexico.

North Dakota

Missouri River Canada Goose Zone: The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; thence north on ND Hwy 6 to I–94; thence west on I–94 to ND Hwy 49; thence north on ND Hwy 49 to ND Hwy 200; thence north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–R87W); thence north on that section line to the southern shoreline to Lake Sakakawea; thence east along the southern shoreline (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; thence south on U.S. Hwy 83 to ND Hwy 200; thence east on ND Hwy 200 to ND Hwy 41; thence south on ND Hwy 41 to U.S. Hwy 83; thence south on U.S. Hwy 83 to I–94; thence east on I–94 to U.S. Hwy 83; thence south on U.S. Hwy 83 to the South Dakota border; thence west along the South Dakota border to ND Hwy 6.

Rest of State: Remainder of North Dakota.

South Dakota

Canada Geese

Unit 1: Remainder of South Dakota.

Unit 2: Gregory, Hughes, Lyman, Perkins, and Stanley Counties; that portion of Potter County west of U.S. Highway 83; that portion of Sully County west of U.S. Highway 83; that portion of Bon Homme, Brule, Buffalo, Charles Mix, and Hyde County south and west of a line beginning at the Hughes-Hyde County line on SD Highway 34, east to Lees Boulevard, southeast to SD 34, east 7 miles to 350th Avenue, south to I–90, south and east on SD Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, south on U.S. Highway 281 to SD 50, east and south on SD 50 to the Bon Homme-Yankton County boundary; that portion of Fall River County east of SD Highway 71 and U.S. Highway 385; that portion of Custer County east of SD Highway 79 and south of French Creek; that portion of Dewey County south of BIA Road 8, BIA Road 9, and the section of U.S. 212 east of BIA Road 8 junction.

Unit 3: Bennett County.

Texas

Northeast Goose Zone: That portion of Texas lying east and north of a line beginning at the Texas-Oklahoma border at U.S. 81, then continuing south to Bowie and then southeasterly along U.S. 81 and U.S. 287 to I–35W and I–35 to the juncture with I–10 in San Antonio, then east on I–10 to the Texas-Louisiana border.

Southeast Goose Zone: That portion of Texas lying east and south of a line beginning at the International Toll Bridge at Laredo, then continuing north following I–35 to the juncture with I–10 in San Antonio, then easterly along I–10 to the Texas-Louisiana border.

West Goose Zone: The remainder of the State.

Wyoming (Central Flyway Portion)

Dark Geese

Zone C1: Converse, Hot Springs, Natrona, and Washakie Counties, and the portion of Park County east of the Shoshone National Forest boundary and south of a line beginning where the Shoshone National Forest boundary crosses Park County Road 8VC, easterly along said road to Park County Road 1AB, easterly along said road to Wyoming Highway 120, northerly along said highway to Wyoming Highway 294, southeasterly along said highway to Lane 9, easterly along said lane to the town of Powel and Wyoming Highway 14A, easterly along said highway to the Park County and Big Horn County Line.

Zone C2: Albany, Campbell, Crook, Johnson, Laramie, Niobrara, Sheridan, and Weston Counties, and that portion of Carbon County east of the Continental Divide; that portion of Park County west of the Shoshone National Forest boundary, and that portion of Park County north of a line beginning where the Shoshone National Forest boundary crosses Park County Road 8VC, easterly along said road to Park County Road 1AB, easterly along said road to Wyoming Highway 120, northerly along said highway to Wyoming Highway 294, southeasterly along said highway to Lane 9, easterly along said lane to the town of Powel and Wyoming Highway 14A, easterly along said highway to the Park County and Big Horn County Line.

Pacific Flyway

Arizona

North Zone: Game Management Units 1–5, those portions of Game Management Units 6 and 8 within Coconino County, and Game Management Units 7, 9, and 12A.

South Zone: Those portions of Game Management Units 6 and 8 in Yavapai County, and Game Management Units 10 and 12B–45.

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to main street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA

166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Imperial County Special Management Area: The area bounded by a line beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Rd.; north on Weist Rd. to Flowing Wells Rd.; northeast on Flowing Wells Rd. to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Rd.; south on Frink Rd. to Highway 111; north on Highway 111 to Niland Marina Rd.; southwest on Niland Marina Rd. to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

Balance-of-State Zone: The remainder of California not included in the Northeastern, Southern, and the Colorado River Zones.

North Coast Special Management Area: The Counties of Del Norte and Humboldt.

Sacramento Valley Special Management Area: That area bounded by a line beginning at Willows south on I–5 to Hahn Road; easterly on Hahn Road and the Grimes–Arbuckle Road to Grimes; northerly on CA 45 to the junction with CA 162; northerly on CA 45/162 to Glenn; and westerly on CA 162 to the point of beginning in Willows.

Colorado (Pacific Flyway Portion)

West Central Area: Archuleta, Delta, Dolores, Gunnison, LaPlata, Montezuma, Montrose, Ouray, San Juan, and San Miguel Counties and those portions of Hinsdale, Mineral, and Saguache Counties west of the Continental Divide.

State Area: The remainder of the Pacific-Flyway Portion of Colorado.

Idaho

Dark Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Bingham County within the Blackfoot Reservoir drainage; Caribou County, except the Fort Hall Indian Reservation; and Power County west of State Highway 37 and State Highway 39.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Light Geese

Zone 1: All lands and waters within the Fort Hall Indian Reservation, including private in-holdings; Bannock County; Bingham County east of the west bank of the Snake River and the American Falls Reservoir bluff, except that portion within the Blackfoot Reservoir drainage; Caribou County within the Fort Hall Indian Reservation; and Power County east of State Highway 37 and State Highway 39.

Zone 2: Bingham County west of the west bank of the Snake River and the American Falls Reservoir bluff; Power County north of Interstate 86 and west of the west bank of the Snake River and the American Falls Reservoir bluff.

Zone 3: Ada, Boise, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington Counties.

Zone 4: Adams, Bear Lake, Benewah, Blaine, Bonner, Bonneville, Boundary, Butte, Camas, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Shoshone, Teton, and Valley Counties; Caribou County, except the Fort Hall Indian Reservation; Bingham County within the Blackfoot Reservoir drainage; and Power County south of Interstate 86, east of the west bank of the Snake River and the American Falls Reservoir bluff, and west of State Highway 37 and State Highway 39.

Montana (Pacific Flyway Portion)

East of the Divide Zone: The Pacific Flyway portion of the State located east of the Continental Divide.

West of the Divide Zone: The remainder of the Pacific Flyway portion of Montana.

Nevada

Northeast Zone: All of Elko and White Pine Counties.

Northwest Zone: All of Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey, and Washoe Counties.

South Zone: All of Clark and Lincoln County.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific Flyway portion of New Mexico located south of I–40.

Oregon

Southwest Zone: Those portions of Douglas, Coos, and Curry Counties east of Highway 101, and Josephine and Jackson Counties.

South Coast Zone: Those portions of Douglas, Coos, and Curry Counties west of Highway 101.

Northwest Special Permit Zone: That portion of western Oregon west and north of a line running south from the Columbia River in Portland along I–5 to OR 22 at Salem; then east on OR 22 to the Stayton Cutoff; then south on the Stayton Cutoff to Stayton and due south to the Santiam River; then west along the north shore of the Santiam River to I–5; then south on I–5 to OR 126 at Eugene; then west on OR 126 to Greenhill Road; then south on Greenhill Road to Crow Road; then west on Crow Road to Territorial Hwy; then west on Territorial Hwy to OR 126; then west on OR 126 to Milepost 19; then north to the intersection of the Benton and Lincoln County line; then north along the western boundary of Benton and Polk Counties to the southern boundary of Tillamook County; then west along the Tillamook County boundary to the Pacific Coast.

Lower Columbia/N. Willamette Valley Management Area: Those portions of Clatsop, Columbia, Multnomah, and Washington Counties within the Northwest Special Permit Zone.

Tillamook County Management Area: All of Tillamook County. The following portion of the Tillamook County Management Area is closed to goose hunting beginning at the point where Old Woods Rd crosses the south shores of Horn Creek, north on Old Woods Rd to Sand Lake Rd at Woods, north on Sand Lake Rd to the intersection with McPhillips Dr., due west (~200 yards) from the intersection to the Pacific coastline, south on the Pacific coastline to Neskowin Creek, east along the north shores of Neskowin Creek and then

Hawk Creek to Salem Ave, east on Salem Ave in Neskowin to Hawk Ave, east on Hawk Ave to Hwy 101, north on Hwy 101 to Resort Dr., north on Resort Dr. to a point due west of the south shores of Horn Creek at its confluence with the Nestucca River, due east (~80 yards) across the Nestucca River to the south shores of Horn Creek, east along the south shores of Horn Creek to the point of beginning.

Northwest Zone: Those portions of Clackamas, Lane, Linn, Marion, Multnomah, and Washington Counties outside of the Northwest Special Permit Zone and all of Lincoln County.

Eastern Zone: Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Deschutes, Jefferson, Crook, Wheeler, Grant, Baker, Union, and Wallowa Counties.

Harney and Lake County Zone: All of Harney and Lake Counties.

Klamath County Zone: All of Klamath County.

Malheur County Zone: All of Malheur County.

Utah

Northern Utah Zone: All of Cache and Rich Counties, and that portion of Box Elder County beginning at I–15 and the Weber-Box Elder County line; east and north along this line to the Weber-Cache County line; east along this line to the Cache-Rich County line; east and south along the Rich County line to the Utah-Wyoming State line; north along this line to the Utah-Idaho State line; west on this line to Stone, Idaho-Snowville, Utah road; southwest on this road to Locomotive Springs Wildlife Management Area; east on the county road, past Monument Point and across Salt Wells Flat, to the intersection with Promontory Road; south on Promontory Road to a point directly west of the northwest corner of the Bear River Migratory Bird Refuge boundary; east along an imaginary line to the northwest corner of the Refuge boundary; south and east along the Refuge boundary to the southeast corner of the boundary; northeast along the boundary to the Perry access road; east on the Perry access road to I–15; south on I–15 to the Weber-Box Elder County line.

Remainder-of-the-State Zone: The remainder of Utah.

Washington

Area 1: Skagit, Island, and Snohomish Counties.

Area 2A (SW Quota Zone): Clark County, except portions south of the Washougal River; Cowlitz County; and Wahkiakum County.

Area 2B (SW Quota Zone): Pacific County.

Area 3: All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5: All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Brant

Pacific Flyway

California

North Coast Zone: Del Norte, Humboldt, and Mendocino Counties.

South Coast Zone: Balance of the State.

Washington

Puget Sound Zone: Skagit County.

Coastal Zone: Pacific County.

Swans

Central Flyway

South Dakota: Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Campbell, Clark, Codington, Davison, Deuel, Day, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Kingsbury, Lake, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, and Walworth Counties.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Chouteau, Hill, Liberty, and Toole Counties and those portions of Pondera and Teton Counties lying east of U.S. 287–89.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

Utah

Open Area: Those portions of Box Elder, Weber, Davis, Salt Lake, and Toole Counties lying west of I–15, north of I–80, and south of a line beginning from the Forest Street exit to the Bear River National Wildlife Refuge boundary; then north and west along the Bear River National Wildlife Refuge boundary to the farthest west boundary of the Refuge; then west along a line to Promontory Road; then north on Promontory Road to the intersection of SR 83; then north on SR 83 to I–84; then north and west on I–84 to State Hwy 30; then west on State Hwy 30 to the Nevada–Utah State line; then south on the Nevada–Utah State line to I–80.

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H.R. 1402/P.L. 112–170

To authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government. (Aug. 16, 2012; 126 Stat. 1303)

H.R. 3670/P.L. 112–171

To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act. (Aug. 16, 2012; 126 Stat. 1306)

H.R. 4240/P.L. 112–172

Ambassador James R. Lilley and Congressman Stephen J. Solarz North Korea Human Rights Reauthorization Act of 2012 (Aug. 16, 2012; 126 Stat. 1307)

S. 3510/P.L. 112–173

To prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes. (Aug. 16, 2012; 126 Stat. 1310)

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