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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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2012–0003]

Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations by adding portions of Worcester County, MA, and Clermont County, OH, to the list of quarantined areas and by removing a portion of Suffolk County, NY, from the list of quarantined areas. The interim rule was necessary to prevent the artificial spread of Asian longhorned beetle to noninfested areas of the United States and to relieve restrictions on certain areas that were no longer necessary.

DATES: Effective on September 21, 2012, we are adopting as a final rule the interim rule published at 77 FR 31720–31722 on May 30, 2012.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Regulatory Policy Specialist, Regulations, Permits and Manuals, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1236; (301) 851–2352.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule [1] effective and published on May 30, 2012, in the **Federal Register** (77 FR 31720–31722, Docket No. APHIS–2012–0003), we amended the Asian longhorned beetle regulations in 7 CFR part 301 by adding portions of Worcester County, MA, and Clermont County, OH, to the list of quarantined areas in § 301.51–3(c). In addition, the interim rule removed the villages of Bayshore, East Islip, and Islip Terrace in the Town of Islip, Suffolk County, NY, from the list of quarantined areas in § 301.51–3(c) based on our determination that those areas meet our criteria for release from regulation. That action relieved restrictions that were no longer necessary on the interstate movement of regulated articles from that area.

Comments on the interim rule were required to be received on or before July 30, 2012. We received no comments by that date. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 77 FR 31720–31722 on May 30, 2012.

Done in Washington, DC, this 17th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23353 Filed 9–20–12; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0003.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2011–0004]

RIN 0579–AD58

Plum Pox Compensation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the plum pox regulations to provide for the payment of compensation to eligible owners of non-fruit-bearing ornamental tree nurseries and to increase the amount of compensation that may be paid to eligible owners of commercial stone fruit orchards and fruit tree nurseries whose trees are required to be destroyed in order to prevent the spread of plum pox. The interim rule also provided updated instructions for the submission of claims for compensation. These changes were necessary to provide adequate compensation to persons who are economically affected by the plum pox quarantine and the associated State and Federal eradication efforts.

DATES: Effective on September 21, 2012, we are adopting as a final rule the interim rule published at 77 FR 5381–5385 on February 3, 2012.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Evans-Goldner, Plum Pox National Program Manager, PPQ, APHIS, 4700 River Road Unit 160, Riverdale, MD 20737–1231; (301) 851–2286.

SUPPLEMENTARY INFORMATION:

Background

The regulations in Subpart—Plum Pox (7 CFR 301.74 through 301.74–5), referred to below as the regulations, quarantine areas of the United States where plum pox has been detected and restrict the interstate movement of regulated articles (e.g., trees, seedlings, root stock, budwood, branches, twigs, and leaves of susceptible *Prunus* spp.) from quarantined areas to prevent the spread of plum pox virus (PPV) into uninfected areas of the United States.

In addition to the quarantine and interstate movement restrictions in the regulations, § 310.74–5 also provides for

the payment of compensation to eligible owners of commercial stone fruit orchards, including direct marketers, and fruit tree nurseries. In an interim rule [1] effective and published in the **Federal Register** on February 3, 2012 (77 FR 5381–5385, Docket No. APHIS–2011–0004), we amended the plum pox regulations to provide for the payment of compensation to eligible owners of non-fruit-bearing ornamental tree nurseries and to increase the amount of compensation that may be paid to eligible owners of commercial stone fruit orchards and fruit tree nurseries whose trees are required to be destroyed in order to prevent the spread of plum pox. We also provided updated instructions for the submission of claims for compensation.

Comments on the interim rule were required to be received on or before April 3, 2012. We received three comments by that date. The comments were from a State agricultural agency, a fruit grower, and an organization of State plant regulatory agencies. Two commenters fully supported the action, with one of these commenters encouraging the expanded use of compensation for producers who sustain losses due to quarantine plant pests and regulatory actions associated with these pests.

The third commenter said that the interim rule makes reference to ''commercial stone fruit orchards and fruit tree nurseries'' without defining fruit tree nursery. The commenter also expressed concern that his fruit tree nursery does not qualify for compensation.

In § 301.74–5, paragraph (a)(2) describes the eligibility criteria for compensation for owners of fruit tree nurseries. Those eligibility criteria and the considerations in paragraph (b) that determine payment amounts specify that the plants affected by an emergency action notification are plants that have been produced for commercial sale, which is not the case in the situation described by the commenter.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, this action has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 77 FR 5381–5385 on February 3, 2012.

Done in Washington, DC, this 17th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23356 Filed 9–20–12; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0004.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2009–0100]

RIN 0579–AD35

Irradiation Treatment; Location of Facilities in the Southern United States; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule that was published in the **Federal Register** on July 20, 2012, and effective on August 20, 2012, we amended the phytosanitary treatment regulations to, among other things, allow for irradiation treatment of mangoes from India upon arrival in the mainland United States rather than just at the point of origin. In the final rule, we neglected to amend the inspection requirements to address shipments that are treated upon arrival in the United States and not at the point of origin. This document corrects that error.

DATES: *Effective Date:* September 21, 2012.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P. S. Gadh, Senior Risk Manager–Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2018.

SUPPLEMENTARY INFORMATION: The phytosanitary treatment regulations contained in 7 CFR part 305 (referred to below as the regulations) set out the general requirements for performing treatments and certifying or approving treatment facilities for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or through the United States. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture administers these regulations.

In a final rule [1] published in the **Federal Register** on July 20, 2012 (77 FR 4261–4265, Docket No. APHIS–2009–0100), with an effective date of August 20, 2012, we amended the regulations in § 319.56–46 to allow for irradiation treatment of mangoes from India upon arrival in the mainland United States rather than just at the point of origin.

Paragraph (c) of § 319.56–46 indicates that each consignment of mangoes must be inspected jointly by APHIS and the national plant protection organization (NPPO) of India as part of the required preclearance inspection activities. Paragraph (e) of § 319.56–46 also indicates that joint inspection by APHIS and the NPPO of India is required. While joint inspection and preclearance are practical when irradiation treatment is applied in the country of origin, it is more useful and cost effective for the NPPO of India to inspect the fruit in India and for APHIS to inspect the fruit upon arrival in the United States when irradiation treatment is applied in the United States. This also ensures compliance with the standard [2] of the International Plant Protection Convention, of which the United States is a contracting party, of applying the least restrictive measures resulting in the minimal impact to trade while effectively managing plant pest risks. We are therefore removing the words ''jointly'' and ''preclearance'' from § 319.56–46(c) and the word ''jointly'' from § 319.56–46(e) to allow inspections to occur separately in India and the United States when appropriate.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

[1] To view the final rule and related documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0100.*

[2] International Standard for Phytosanitary Measures (ISPM) Number 1. To view this and other ISPMS on the Internet, go to *http://www.ippc.int/IPP/En/default.jsp* and click on the ''Adopted Standards'' link under the ''Core Activities'' heading.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

§ 319.56–46 [Amended]

■ 2. Section § 319.56–46 is amended as follows:

■ a. In paragraph (c), by removing the words ''jointly'' and ''preclearance''.

■ b. In paragraph (e), by removing the word ''jointly''.

Done in Washington, DC, this 17th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23346 Filed 9–20–12; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1017; Directorate Identifier 2012–NE–30–AD; Amendment 39–17203; AD 2012–19–08]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for General Electric Company GEnx-1B54, GEnx-1B58, GEnx-1B64, GEnx-1B67, GEnx-1B70, GEnx-1B54/P1, GEnx-1B58/P1, GEnx-1B64/P1, GEnx-1B67/P1, GEnx-1B70/P1, GEnx-1B70/72/P1, GEnx-1B70/75/P1, GEnx-1B74/75/P1, GEnx-1B75/P1, GEnx-2B67, and GEnx-2B67B turbofan engines. This AD requires initial and repetitive ultrasonic inspections (UI) of certain part number (P/N) fan mid shafts (FMS) for cracks. This AD was prompted by a report of an FMS failure and a report of a crack found in another FMS. We are issuing this AD to prevent failure of the FMS resulting in one or more engine failure(s) and possible loss of the airplane.

DATES: This AD is effective September 21, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 21, 2012.

We must receive comments on this AD by October 22, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: (513) 552–3272; email: *geae.aoc@ge.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The 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: James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7742; fax: 781–238–7199; email: *james.e.gray@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On July 28, 2012, we received a report of a GEnx-1B engine failure installed on a Boeing 787 (B787) airplane. Boeing was conducting routine ground testing of the B787, before aircraft delivery. During a taxi test, one engine's FMS fractured just aft of the coupling nut. The low-pressure turbine (LPT) rotor shifted axially backwards, resulting in LPT blade and vane clashing. The LPT case contained the failure and debris was released out the tailpipe. There was no engine overspeed as the LPT rotor remained coupled to the fan rotor at the FMS spline. On August 14, 2012, we received a second report concerning the GEnx engine, this time about an FMS, installed in a GEnx-1B engine, that was found cracked during an on-wing UI. This condition, if not corrected, could result in failure of the FMS resulting in one or more engine failure(s) and possible loss of the airplane.

Relevant Service Information

We reviewed GE Service Bulletin (SB) No. GEnx-1B S/B 72–0107, Revision 2, dated September 14, 2012, and SB No. GEnx-2B S/B 72–0091, Revision 1, dated September 14, 2012. The SBs describe procedures for performing UI inspections of FMS P/N 2331M20G02, P/N 2332M81G01, and P/N 2332M33G01.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the AD and the Service Information.''

Differences Between the AD and the Service Information

The SBs require an initial FMS inspection within 30 days of the SB date. This AD requires an initial FMS inspection before further flight.

Interim Action

We consider this AD interim action. Root cause is still under investigation, but the failure of the FMS is likely due to environmentally assisted cracking; a type of corrosive cracking that is time-dependent.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule based on the reported engine failure, the crack find, and that the root

cause is still somewhat unknown. We therefore determined that a repetitive inspection interval needed to be established. The repetitive inspection interval is less than the time it would take to process a proposed AD. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2012–1017 and Directorate Identifier 2012–NE–30–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD will affect 11 GE GEnx turbofan engines installed on airplanes of U.S. registry. We also estimate that it will take about 9 work-hours per engine to perform the UI of the FMS, and that the average labor rate is $85 per work-hour. The estimated cost of one set of inspection tooling is $105,000. Based on these figures, we estimate the total cost of this AD to U.S. operators to be $113,415.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2012–19–08 General Electric Company: Amendment 39–17203; Docket No. FAA–2012–1017; Directorate Identifier 2012–NE–30–AD.

(a) Effective Date

This AD is effective September 21, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to:

(1) General Electric Company (GE) GEnx-1B54, GEnx-1B58, GEnx-1B64, GEnx-1B67, GEnx-1B70, GEnx-1B54/P1, GEnx-1B58/P1, GEnx-1B64/P1, GEnx-1B67/P1, GEnx-1B70/P1, GEnx-1B70/72/P1, GEnx-1B70/75/P1, GEnx-1B74/75/P1, and GEnx-1B75/P1 turbofan engines with fan mid shaft (FMS) part number (P/N) 2331M20G02 or P/N 2332M81G01, installed; and

(2) GE GEnx-2B67 and GEnx-2B67B turbofan engines with FMS P/N 2332M33G01, installed.

(d) Unsafe Condition

This AD was prompted by a report of an FMS failure and a report of a crack found in another FMS. We are issuing this AD to prevent failure of the FMS resulting in one or more engine failure(s) and possible loss of the airplane.

(e) Compliance

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

(f) Ultrasonic Inspections (UIs)

(1) Perform an initial UI for cracks in the FMS before further flight.

(2) Thereafter, perform repetitive UIs for cracks in the FMS within every 90 days since-last-inspection.

(3) Remove any cracked FMS from service before further flight.

(4) For engines listed in paragraph (c)(1) of this AD, use paragraphs 3.A and 3.B.(1) through 3.B.(9) of the Accomplishment Instructions of GE Service Bulletin (SB) No. GEnx-1B S/B 72–0107, Revision 2, dated September 14, 2012, to do the inspections.

(5) For engines listed in paragraph (c)(2) of this AD, use paragraphs 3.A and 3.B.(1) through 3.B.(9) of the Accomplishment Instructions of GEnx-2B S/B 72–0091, Revision 1, dated September 14, 2012, to do the inspections.

(g) Alternative Methods of Compliance (AMOCs)

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

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

(1) For engines listed in paragraph (c)(1) of this AD, if you performed the initial inspection before the effective date of this AD using GE SB No. GEnx-1B S/B 72–0107, dated August 17, 2012, or Revision 1, dated August 24, 2012, you met the requirement of paragraph (f)(1) of this AD.

(2) For engines listed in paragraph (c)(2) of this AD, if you performed the initial inspection before the effective date of this AD using GE SB No. GEnx-2B S/B 72–0091, dated August 22, 2012, you met the requirement of paragraph (f)(1) of this AD.

(3) For engines listed in paragraphs (c)(1) or (c)(2) of this AD, if an initial inspection was performed before the effective date of this AD using GE Field Engineering Instruction (FEI) GEnx-1B No. 2012–014 Fan Mid Shaft Inspection, or FEI GEnx-2B No. 2012–017 Fan Mid Shaft Inspection, you met the requirement of paragraph (f)(1) of this AD.

(i) Related Information

For more information about this AD, contact James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7742; fax: 781–238–7199; email: *james.e.gray@faa.gov*.

(j) Material Incorporated by Reference

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

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

(i) General Electric Company Service Bulletin No. GEnx-1B S/B 72–0107, Revision 2, dated September 14, 2012.

(ii) General Electric Company Service Bulletin No. GEnx-2B S/B 72–0091, Revision 1, dated September 14, 2012.

(3) For General Electric Company service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: (513) 552–3272; email: *geae.aoc@ge.com*.

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Burlington, Massachusetts, on September 17, 2012.

Diane M. Cook,

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

[FR Doc. 2012–23443 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 547

RIN 3141–AA27

Minimum Technical Standards for Class II Gaming Systems and Equipment

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Final rule.

SUMMARY: The National Indian Gaming Commission (NIGC) is amending its technical standards to change the order of the first five sections; add definitions and amend existing definitions; amend requirements and time restrictions for grandfathered Class II gaming systems; amend the requirements concerning minimum odds for Class II games; amend standards for test labs; remove references to the Federal Communications Commission and Underwriters Laboratory; require a player interface to display a serial number and date of manufacture; amend requirements concerning approval of downloads to a Class II gaming system; and clarify the term ''alternate standard.''

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005. Telephone: 202–632–7003; email: *michael_hoenig@nigc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Indian Gaming Regulatory Act (IGRA or Act), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* was signed into law on October 17, 1988. The Act establishes the NIGC and sets out a comprehensive framework for the regulation of gaming on Indian lands. On October 8, 2008, the NIGC published a final rule in the **Federal Register** called *Technical Standards for Electronic, Computer, or Other Technologic Aids Used in the Play of Class II Games.* 73 FR 60508. The rule added a new part to the Commission's regulations establishing a process for ensuring the integrity of electronic Class II games and aids. The standards were designed to assist tribal gaming regulatory authorities and operators with ensuring the integrity and security of Class II gaming, the accountability of Class II gaming revenue, and provide guidance to equipment manufacturers and distributors of Class II gaming systems. The standards do not classify which games are Class II and which games are Class III.

On November 18, 2010, the NIGC issued a Notice of Inquiry and Notice of Consultation advising the public that the NIGC endeavored to conduct a comprehensive review of its regulations and requesting public comment on which were most in need of revision, in what order the Commission should review its regulations, and the process NIGC should utilize to make revisions. 75 FR 70680. On April 4, 2011, after consulting with tribes and reviewing all comments, the NIGC published a Notice of Regulatory Review Schedule (NRR) setting out a consultation schedule and process for review. 76 FR 18457. Part 547 was included in the third regulatory group reviewed pursuant to the NRR.

II. Previous Rulemaking Activity

On July 8, 2011, the Commission began a series of tribal consultations on part 547. Based in part on the recommendations to the Commission during consultations, on August 10, 2011, the Commission requested tribes nominate tribal representatives to serve on a Tribal Advisory Committee (TAC) to assist the Commission in drafting changes to part 543 and these technical standards. Beginning on October 20, 2011, the TAC held four meetings in which the Commission participated. All of the meetings were open to the public and three of the four were transcribed. On January 12, 2011, as a result of those meetings, the TAC submitted a proposed part 547 regulation to the Commission.

Upon reviewing the TAC's recommendation, and taking into consideration comments received through tribal consultations, the Commission published a discussion draft of the amended technical standards on its Web site. The discussion draft adopted a number of the TAC's recommendations, such as moving requirements that more appropriately belong to the Minimum Internal Control Standards found at 25 CFR part 543.

After publishing the discussion draft, the Commission conducted consultations in Mayetta, KS and San Diego, CA. In addition to tribal consultations, the Commission requested public comment on the discussion draft. Considering the comments received in response to the discussion draft, the Commission published a Notice of Proposed Rulemaking (''NPRM'') on June 1, 2012. 77 FR 32465. The NPRM invited interested parties to participate in the rulemaking process by submitting comments and any supporting data to the NIGC by July 31, 2012. After receiving several requests to extend the comment period, the Commission published notification in the **Federal Register** that it would do so by two weeks, establishing a new comment deadline of August 15, 2012. 77 FR 43196.

In addition to soliciting public comment in the **Federal Register**, the Commission also conducted an additional five tribal consultations to discuss the proposed rule with interested tribes and industry representatives. As with the discussion draft, the consultations and written comments have proven invaluable to the Commission in making needed amendments to the Class II technical standards.

III. Review of Public Comments

In response to our Notice of Proposed Rulemaking, published June 1, 2012, 77 FR 32465, we received the following comments.

General Comments

Comment: A number of commenters made miscellaneous editorial suggestions not intended to change the substance of the technical standards but to improve sentence structure, correct grammar, and preserve consistency of usage throughout the document.

Response: The Commission accepted all such changes where they improve clarity and editorial consistency, and these are reflected throughout the final rule. Substantive changes are addressed in the responses to comments below.

Comment: A number of commenters recommended the Commission accept, without alteration, the draft of the Technical Standards provided to it by its tribal advisory committee. Other commenters recommended the Commission adopt a draft of the regulation prepared and submitted by the Tribal Gaming Working Group (''TGWG'').

Response: The Commission greatly appreciates the assistance and advice of the TAC in developing these amendments to the technical standards. The Commission is also aware of the hours the TGWG put into its recommended part 547 and appreciates its participation in the process. After carefully reviewing those recommendations, and in several cases incorporating them into the NPRM and this final rule, the Commission declines to adopt either proposal whole-cloth.

Comment: A few commenters suggested that the NIGC lacks authority to implement or enforce these standards.

Response: The Commission, pursuant to IGRA, possesses the authority to adopt these technical standards. Congress expressed the concern that gaming under IGRA be ''conducted fairly and honestly by both the operator and players'' and ''to ensure that the Indian tribe is the primary beneficiary of the gaming operation.'' 25 U.S.C. 2702(2). The technical standards are designed to ensure these concerns are addressed. These standards implement the authority granted the Commission to monitor, inspect, and examine Class II gaming, 25 U.S.C. 2706(b)(1)–(4), and to promulgate such regulations as it deems appropriate to implement the provisions of IGRA. 25 U.S.C. 2706(b)(10).

Regulation Title

Comment: One commenter suggested simplifying the title of part 547 from *Minimum Technical Standards for Gaming Equipment Used With the Play of Class II Games* to the simpler title of *Minimum Technical Standards for the Play of Class II Gaming Systems.*

Response: The Commission agrees the title for this part should be simplified. It declines to adopt the recommended title, though, because this part applies not only to Class II gaming systems, but to all equipment, including computer, electronic, or other technologic aids used with Class II games. The Commission instead has amended the part's title to *Minimum Technical Standards for Class II gaming systems and equipment.*

547.2 Definitions

Comment: Several commenters recommended amending the definition of *Agent* to permit the use of computer applications to perform the function(s) of an agent.

Response: The Commission declines to accept this recommendation. The term ''computer applications'' is undefined and potentially broad. Any hardware under the control of an agent is exempt from the testing requirements of this part, and thus amending the definition of *Agent* in this manner potentially would exempt hardware that is subject to testing requirements such as financial instrument acceptors, financial instrument dispensers, etc.

Comment: One commenter asked the Commission to clarify that the definition of *Reflexive software* means that the Class II gaming system can never look at the historical activity or status of the game or player to deprive a player of an award or to declare a player a winner. The commenter distinguishes the awarding of a prize as a result of a reflexive decision by software from ''good neighbor'' awards that are not part of the pay-table which, according to the commenter, are ''promotions.''

Response: The commenter is correct that the definition of *Reflexive software* is not intended to encompass ''promotional awards'' made based on the player's accumulated ''player points'' or the player's membership in a casino player's club. Such awards are not based on the outcome of the game, but another set of factors separate and apart from the game results. Rather, the definition of *Reflexive software* is intended to encompass any decisions made by software that would change the outcome of the game. For example, a random ball draw produces a sequence of numbers that would entitle a player to the top advertised prize; then the system discards this sequence and replaces it with a new ball draw sequence whereby the patron wins a lower prize.

Comment: Several commenters supported the removal of the definition of *Proprietary Class II gaming component* and the word ''proprietary'' from the definitions of *Cashless system* and *Voucher system.* The changes were first made in the discussion draft of part 547 published by the Commission, but removed from the NPRM. Commenters recommend, however, that the Commission reiterate and further clarify the reasons for including the new and changed definitions in the discussion draft in the first place, as well as the reason for removing it from the NPRM.

Response: The Commission appreciates the comments in support of the change. The intended purpose of the new and amended definitions was to distinguish the common back of the house component systems that communicate with all Class II gaming systems, regardless of the manufacturer, from those components that work exclusively with one manufacturer's Class II system. An example of such a system is a Class II gaming system with a voucher functionality that only allows a patron to use a *dispensed voucher* on other electronic player interfaces on the same Class II gaming system, and not on electronic player interfaces from a different Class II gaming system at the same tribal gaming facility. Conversely, voucher systems that are part of a common back of the house system allow a dispensed voucher to be used on any electronic player interface at the same tribal gaming facility.

Upon review of the standards, the Commission concluded that this definition is not necessary and has led to confusion. Therefore, it was removed from the proposed rule and not reinserted into this final rule.

547.3 Who is responsible for implementing these standards?

Comment: Several commenters supported the NPRM's removal of language asserting that ''TGRAs also regulate Class II gaming,'' but advocate changing § 547.3(a) to reflect that TGRAs are the primary regulators of Indian Gaming. Other commenters suggested that the Commission use this preamble to reiterate its position that tribes are the primary regulators of tribal gaming.

Response: The Commission declines to insert the requested language into the regulation. The Commission agrees that tribes are the primary regulators of Indian gaming, but has never understood that to mean that the regulatory authority of a TGRA is superior to that of the NIGC. Rather, the

Commission recognizes TGRAs are the day-to-day regulators of Indian gaming and the first line of oversight at every facility. Although the findings section of IGRA states that tribes have the exclusive right to regulate gaming activity on Indian lands, IGRA also establishes a regulatory scheme that includes the NIGC as well as tribes.

547.4 What are the rules of general application for this part?

Comment: Rather than require a game to meet a minimum odds requirement, these technical standards require that a player be informed if the odds of winning a top prize exceed 100 million to one. This change was made at the discussion draft stage, and comments were overwhelmingly supportive. One commenter, however, submitted comments in opposition to the change. The comment asserts that the NPRM's removal of a minimum odds requirement is not fair to the public. According to the comment, players have the right to expect that an advertised jackpot is winnable and the regulatory community has an obligation to protect that player's rights of expectation by establishing some minimum, guaranteed threshold. The commenter recommends reinserting a minimum odds requirement.

Response: The Commission respectfully disagrees and declines to accept the commenter's suggestion. This amendment allows operations to increase advertised top prizes, but also gives the player the ability to make an informed decision regarding whether to play a game that may have a higher pay-out, but decreased odds of winning.

547.5 How does a tribal government, TGRA, or tribal gaming operation comply with this part?

When implemented in 2008, the part 547 technical standards introduced several new requirements for Class II gaming systems designed to protect the security and integrity of Class II gaming systems and tribal operations. The Commission understood, however, that some existing Class II gaming systems might not meet all of the requirements of the technical standards. Therefore, to avoid any potentially significant economic and practical consequences of requiring immediate compliance, the Commission implemented a five-year ''grandfather period'' for eligible gaming systems. The Commission believed that a five year period was sufficient for market forces to move equipment toward compliance with the standards.

To qualify as a grandfathered game pursuant to the current regulations, a gaming system must have been submitted to a testing laboratory within 120 days of November 10, 2008. The testing laboratory must have then reviewed the gaming system for compliance with a specific, minimum set of requirements, and have issued a report to the applicable TGRA, which must have then approved the gaming system for grandfather status. At the end of the five year period—November 10, 2013—the grandfathered systems must be brought into compliance with the requirements of part 547 or removed from play.

Comment: The Commission received several comments on the grandfathering provisions, the majority of which focused on the five year duration. Commenters unanimously opposed maintaining the sunset provision in the grandfather clause, citing serious negative financial impact of requiring the grandfathered systems to be brought into full compliance or removed from play. In response to questions posed by the NIGC in the NPRM, commenters submitted that withdrawing and replacing grandfathered systems could cost in the range of $46 million to $65.5 million. One commenter asserts that twenty Oklahoma gaming tribes estimate that they will lose in excess of $82 million. One commenter also pointed out that, not only will a sunset provision have a significant economic impact in the future, many tribes have already spent millions of dollars developing and defending the legal status of the grandfathered games.

Other commenters noted that grandfathered games are valid, legal games, which have never presented, nor do they now present a risk of any kind to either the tribes or patrons. Commenters stated that they do not understand how a game can be safe and reliable one day, but not the very next. According to these commenters, no evidence has been provided that grandfathered games present some hidden danger. If there is something wrong with a particular game, though, the TGRA will act to correct it.

Other commenters point out that tribes obtained court decisions determining that certain grandfathered games are lawful Class II games. Some commenters request the NIGC include a provision explicitly stating that nothing in this part is intended to prohibit the continued use of any gaming system or component ruled to be Class II by any judicial rulings.

In lieu of mandating grandfathered systems by removed by a specific date, other commenters suggested that a more reasoned regulatory approach would be one in which grandfathered Class II gaming systems are eliminated from operation through attrition and/or market forces. One commenter noted the Commission's calculation that such removal through attrition or market forces would have occurred within the five year sunset provision was clearly wrong.

Response: The Commission appreciates all of the articulate, well reasoned comments it received on this issue. This, more than any other topic, has been the subject of long deliberation and analysis within the Commission. The Commission acknowledges that grandfathered machines have, for the most part, continued to operate with relatively few problems to the patron or the gaming operations. Nevertheless, lack of a major incident in the past does not mean that the grandfathered Class II gaming systems pose no risk to patrons and the gaming operation. For example, § 547.15 of this Rule sets minimum requirements for security of sensitive data and wireless and wired communications. Because a grandfathered system does not need to meet this standard, there may be a risk of data being intercepted or tampered with, when that data is constantly being transmitted to/from equipment on the floor.

The Commission agrees with commenters, however, that the prior Commission's analysis regarding the continued economic viability of the grandfathered systems has proven to be mistaken. The Commission established the five year sunset provision in the midst of a much stronger economy. In the time that has followed the economic downturn, though, many tribal gaming operations have set new priorities that may require keeping a grandfathered system on the gaming floor for a longer period of time.

Balancing those economic needs against a risk that increases as technology advances and grandfathered machines remain static, the Commission extended the grandfathered system by an additional five years. Under this final rule, a grandfathered system may continue in operation until November 10, 2018.

The Commission declines, however, to insert language conveying that nothing in this part is intended to prohibit the continued use of any gaming system or component ruled to be Class II by any judicial rulings. Including such a provision may lead to the false impression that this part is intended to address classification. It is not. Nothing in part 547 bears on the classification of a game as Class II or Class III. The provision requires only that, for any Class II game to be available for play, the game must have

been certified as a grandfathered Class II gaming system or comply with the standards in part 547, and that systems must comply with all standards in part 547 by November 10, 2018.

Comment: Several commenters recommended removing the limitation in part 547 that only those systems manufactured before November 10, 2008 may be submitted for certification for grandfathering. The commenters recommend that, instead, the Commission amend § 547.5(b) to include as grandfathered games, all Class II gaming systems certified as grandfathered prior to the effective date of this final rule.

Response: The Commission declines to adopt the commenters' suggestion to allow Class II gaming systems manufactured after November 10, 2008 to be certified as grandfathered systems. When the current regulation was published in 2008, it was clear that any Class II gaming system manufactured from that date forward had to meet the minimum technical standards contained in part 547. As a result, there should not be any Class II gaming systems manufactured after November 10, 2008 that do not meet those standards.

The Commission understands, however, there are several Class II gaming systems manufactured before November 10, 2008 that may not have been submitted for grandfathering certification within 120 days of November 10, 2008, as the current rule requires. The Commission heard myriad reasons as to why a manufacturer or gaming operation may not have submitted systems for grandfathering certification. For example, Class II systems that, at the time, seemed unmarketable have once again become in demand for economic reasons. The Commission agrees that games that would otherwise be usable as grandfathered Class II system should be eligible for certification. For this reason, the Commission is reopening the time period to certify a Class II gaming system manufactured before November 10, 2008, as a grandfathered system.

Comment: Several commenters raised a concern that, as written, § 547.7(a) may require any Class II game system manufactured before November 10, 2008, regardless of whether the game is otherwise fully compliant with part 547, to be submitted for grandfather certification.

Response: The Commission amended the language found in the NPRM to make clear that, if a game is fully compliant, it does not need to be submitted for certification pursuant to § 547.5(a). The section now states, ''[a]ny Class II gaming system manufactured before November 10, 2008, that is not already certified pursuant to this sub-section or compliant with paragraph (c) of this section may be made available for use at any tribal gaming operation if * * *''

The Commission also amended the language of § 547.5(b) to clarify that, if a grandfather system is brought into full compliance with this part, it is no longer considered a grandfathered system and the strictures of §§ 547.5(a) and (b) no longer apply.

Comment: Commenters requested adding a provision that ''nothing in this section is intended to prevent a TGRA from approving a grandfathered component to be added to a fully compliant Class II gaming system, or affect the certification of a fully compliant Class II gaming system.''

Response: The Commission declines to adopt this suggestion. In the NPRM, the Commission asked for comments regarding repairs and modifications to Class II game systems. Specifically, the Commission wanted feedback on the effect of requiring all repairs, replacements, and modifications of grandfathered Class II gaming systems to be fully compliant with the regulations. Responses unanimously opposed any requirement that repairs or modifications be fully compliant. Upon considering those comments and deliberating, the Commission has left the repair, replacement, and modification sections as they are in the current rule. However, the goal of this part is to bring all Class II gaming systems further into compliance. Even the current regulation requires a modification, at a minimum, to maintain or advance the system's compliance with this part. To allow a grandfathered component to be added to a fully compliant system would work against that goal by allowing a system to be regressively modified, bringing it further out of, rather than into, compliance with these regulations. If a grandfathered component is added to an otherwise fully compliant Class II gaming system, that system ceases to be fully compliant.

Comment: Section 547.5(a)(7) of the NPRM requires a supplier of any player interface to designate each player interface with a permanently affixed label containing an identifying number and the date of manufacture. Commenters assert that this language may limit technology by eliminating the potential use of a consumer handheld device that is not distributed by the Class II game manufacturer or supplier. Commenters recommend that the proposed rule be modified to clarify that such a label is not required in the case of consumer devices such as mobile devices and tablets.

Response: The Commission appreciates the commenters' concern, but stresses the importance of the requirement that every player interface contain this information. Ensuring that this information is displayed somewhere on the player interface protects both the player and the gaming operation. This is especially true when the player interface is as easily interchangeable as a handheld device or tablet. However, to lessen the potential burden on these devices, the Commission has changed the provision, now found in § 547.5(b), to require that the player interface ''exhibit information consistent with § 547.7(d) of this part and any other information required by the TGRA.'' The provision no longer requires a ''permanently affixed label'' thereby giving the manufacturer or supplier additional options for ensuring that the information is displayed.

Comment: Section 547.5(c)(4) of the NPRM requires the test lab to confirm that ''the operation of each player interface has been certified that it will not be compromised or affected by'' certain events. Commenters point out, however, that testing labs do not test *each* player interface that is added to the gaming floor, but rather models of the player interface. Commenters request that the Commission amend this section to clarify that it does not require every player interface to undergo testing.

Response: The Commission agrees with the commenters and has changed the section to specify that the testing laboratory's written report confirms that ''the operation of a player interface prototype has been certified.''

547.7 What are the minimum technical hardware standards applicable to Class II gaming systems?

Comment: One commenter suggested that the words ''designed to be'' should be inserted into the beginning of § 547.7(f) of the NPRM so that the section reads as follows: ''Any class II gaming system components that store financial instruments and that are not *designed to be* operated * * *.''

Response: The Commission declines to adopt this recommendation, but acknowledges that the section is confusing as drafted in the NPRM. To clarify that this is a technical standard capable of being tested, rather than a control standard that belongs in part 543, the Commission has changed the section to read:

''Any financial instrument storage components managed by Class II gaming system software must be located within

a secure and locked area, cabinet, or housing that is of a robust construction designed to resist determined illegal entry and to protect internal components.''

547.8 What are the minimum technical software standards applicable to Class II gaming systems?

Comment: Several commenters expressed concern that the section's prohibition of any automatic changes to game rules may operate to limit the use of certain technologies that may otherwise provide for full and clear disclosure of all rules and any changes thereof.

Response: The Commission changed § 547.8(b)(1) of the NPRM to state: ''Each game played on the Class II gaming system must follow and not deviate from a constant set of rules for each game provided to players pursuant to § 547.16. There must be no undisclosed changes of rules.'' Although the Commission still believes that there should be no automatic rule changes, it believes that the first sentence of the section adequately addresses its concern. By requiring each game to ''follow and not deviate from a constant set of rules for each game,'' it clearly prohibits the game from changing the rules given to the player pursuant to § 547.16.

Comment: When the Commission published the discussion draft of these standards, it carried over the current regulation's requirement found in § 547.8(k)(3) that the validity of affected data stored in critical memory must be checked after certain events. The current regulation and discussion draft included both ''each attendant paid win'' and ''each attendant paid progressive win'' in that list of events. In response to the discussion draft, the Commission received a comment suggesting that it delete the reference to attendant paid progressive wins, as each attendant paid progressive win is just a subset of ''each attendant paid win,'' which is already noted in subparagraph (ii). The Commission initially agreed with the commenter, striking the requirement from the NPRM as redundant. Upon further review, however, and as the result of internal discussions, the Commission is reinstating the requirement.

''Attendant paid win'' does not encompass ''attendant paid progressive wins.'' They are industry terms that have separate and distinct meanings. For example, Arizona Class III gaming compacts require that an attendant paid jackpot meter ''shall not accumulate progressive amounts,'' because attendant paid progressive payouts are recorded separately. As a result, if the Commission leaves ''each attendant paid progressive win'' off of the list of events that trigger a check of the affected data, it would be leaving a gap in the testing standards for critical memory. Therefore, the Commission has reinserted the requirement in this final rule.

Comment: Section 547.8 of the current technical standards contains certain requirements regarding entertaining displays. Section 547.8(a)(2)(ii) requires that, between plays of any game, or until a new game option is selected, the player interface must display the final results for the last game, including the entertaining display. Section 547.8(d)(2), meanwhile, requires that the entertaining display be included in the last game recall.

The NPRM removed references to entertaining displays from both of these sections. Nearly all of the comments expressed support for the change. Comments focused on the fact that the entertaining display has no significance to the outcome of the game. One commenter, however, opposed this change. The commenter suggested that the revision to § 547.8(a)(2)(ii) would require the game display to ''go blank'' between games.

The commenter also objected to the discussion draft no longer requiring last game recall to include the entertaining display. The commenter noted that when a pay-table on a player interface indicates that certain combinations of symbols will result in certain prizes, a player has a reasonable right to expect a prize if that combination of symbols appears on the pay line of the ''entertainment only'' display. The commenter asserts that if a game posts a prize schedule corresponding to the entertaining display instead of, or in addition to, the bingo card, and a prize paying combination of symbols appears in the entertaining display but no prizes are awarded, the integrity of the gaming system and reputation of the tribe may be called into question.

Response: The Commission respectfully disagrees. The standard, as proposed, does not require a blank screen. It requires the player interface to display the wager amount and all prizes and total credits won during the last game played, the final results of the last game played, and any default purchase or wager amount for the next play.

The Commission agrees that the reputation of an operation is of utmost importance and can reach beyond a particular facility to bolster or harm the reputation of Indian gaming. However, the game of bingo is dictated by the ball draw and the bingo card, not the entertaining display. This is made clear by the disclaimer required by § 547.16, clarifying that actual prizes are determined by bingo play not the entertaining display. For the technical standards to require last game recall to include the entertaining display would incorrectly emphasize an aspect of the game that has no bearing on its outcome.

The Commission also disagrees with the commenter's assessment that, if the entertaining display indicates a win, the patron should be paid regardless of the bingo results. Prizes should only be awarded on Class II electronic bingo games if the patron has won according to the bingo card.

547.12 What are the minimum technical standards for downloading on a Class II gaming system?

Comment: The proposed rule removed the requirement from § 547.12 that the TGRA authorize all downloads by a Class II gaming system. This change was first made in the discussion draft and many commenters requested clarification that nothing prohibits the TGRA from maintaining the download approval requirement. In the NPRM, the Commission reiterated that, as stated in § 547.3(a), the Commission recognizes that the TGRA regulates technical standards and, accordingly, may implement stricter standards. One commenter to the NPRM, however, stated that although they understand that the TGRA has the authority to require restrictions to control software downloads, the purpose of including this requirement in the technical standard is to ensure that manufacturers implement processes in the design of their products. According to the commenter, these standards should incorporate controls over digital content as part of the design of Class II systems rather than implement awkward or ineffective controls after the fact. According to the commenter, the original intent of the standard was to ensure control over downloadable content until the TGRA has performed an independent software authentication.

Response: The Commission agrees with the commenter that controls must be incorporated to ensure control over downloadable content until the TGRA has performed an independent software authentication. But the Commission also believes that § 547.12, as included in the NPRM, establishes those controls. The NPRM removed the requirement that downloads be conducted only as authorized by the TGRA. The Commission continues to believe that the download authorization requirement is an internal control that belongs in

part 543, where it has been relocated. The remaining requirements in § 547.12 ensure control over the downloaded information in multiple ways. The standard requires each system to use secure methodologies in delivering the downloaded data, and provide information that the TGRA will need when making its decision to approve or disapprove use of downloaded information. The standard also requires that any downloaded game software be capable of being verified by the Class II gaming system. All of these requirements provide the TGRA with the information necessary to exercise its authority, as required by the part 543 Minimum Internal Control Standards, to approve downloads.

547.14 What are the minimum technical standards for electronic random number generation?

Comment: Several commenters noted that changes made to § 547.14(b)(2) regarding random number generation (''RNG'') could negatively impact Class II gaming. According to the commenters, the current rule permits the use of various discretionary RNG tests. The proposed rule, however, mandated three specific tests. Although in many instances a Class II gaming system that has already been certified as compliant may have performed these now mandatory tests, other systems may not have been certified because the tests were not previously required. Thus, this new requirement may necessitate recertification of a fully compliant system at a substantial cost and inconvenience to tribal gaming operations. The commenters recommended either restoring the wording of the current rule or including language to clarify that these new requirements are not applicable to previously certified Class II gaming systems.

Response: The Commission agrees with the commenters and has restored the wording of § 547.14(b)(2) to that of the current rule. The change to three mandatory RNG tests was made after discussions with the TAC, and was based on the fact that the Commission was informed that these three tests were nearly always performed as a matter of course and should be made mandatory. However, the Commission acknowledges that this change would create an additional testing requirement and run the risk of decertifying several machines. Rather than making the mandatory testing requirement prospective, thereby creating a third category of certified games (those certified as grandfathered, those certified as fully compliant prior to the effective date without the mandatory RNG tests, and those certified as fully compliant after the effective date with the mandatory RNG test), the Commission restored the language of the current rule, and all tests are discretionary. The Commission reminds TGRAs, however, that these are minimum standards—a TGRA may require that any of the tests be performed as part of the certification process.

Comment: Several commenters expressed concern about § 547.14(f) of the NPRM, which requires an RNG that provides output scaled to given ranges to use an unbiased algorithm. The current regulation specifies that a scaling algorithm is considered to be unbiased if the measured bias is no greater than 1 in 100 million. This ratio was later updated by NIGC bulletin to 1 in 50 million. The NPRM, however, changed the standard to require that the RNG use an unbiased algorithm and any bias be reported to the TGRA. Commenters assert that this is an unrealistic or untestable standard. In support, commenters point out that requiring *any* bias is a maximum standard, not minimum. Commenters also note that, because there will always be some—often insignificant—measure of bias, the standard will require near constant reporting to the TGRA.

Response: The Commission agrees with the commenters and has restored the current regulation's standard. The rule still requires the RNG to use an unbiased algorithm, but specifies that a scaling algorithm is unbiased if the measured bias is no greater than 1 in 50 million. As the Commission previously explained in Bulletin 2008–4, this bias standard adequately protects the statistical randomness of the number generator.

Comment: Commenters suggest that the § 547.16(b) requirement that player interfaces continually display disclaimers is burdensome and unfeasible in smaller devices such as hand held devices. A suggested option is to include alternate language requiring the disclaimer to be displayed only until acknowledged by the player.

Response: The Commission declines to adopt this recommendation. The disclaimers are of critical importance, and, therefore, the Commission believes that it is necessary that they be displayed somewhere on the player interface at all times.

547.17 How does a TGRA apply to implement an alternate minimum standard to those required by this part?

Comment: Section 547.17 permits a TGRA to approve an alternate standard to those set out in this part. That alternate standard, however, is subject to the review and approval of the NIGC Chair. To facilitate that review, the TGRA must submit (1) a detailed report to the NIGC, which must include an explanation of how the alternate standard achieves a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace, and (2) the alternate standard, as approved, and the record upon which it is based. Some commenters stated that these two requirements are redundant and the ''record upon which [the alternate standard] is based'' will necessarily include the detailed statement.

Response: The Commission disagrees. The first requirement is a statement from the TGRA to the Commission about the standard as approved, while the second requirement is the standard itself and all of the documents and information the TGRA used in deciding whether to grant the alternate standard.

Comment: A few commenters asked for the standard be changed to clarify that the TGRA can implement the alternate standard as soon as it is approved by the TGRA.

Response: The Commission has amended § 547.17(a) to include the statement that a gaming operation may implement an alternate standard upon TGRA approval subject to the Chair's decision pursuant to sub-section (b). The Commission believes that this language makes clear that an alternate standard may be implemented upon TGRA approval. To further alleviate any potential confusion regarding the alternate standard process, the Commission has also added language specifying that, if the Chair approves an alternate standard, the gaming operation may continue to operate accordingly. The rule now also specifies, however, that, if the Chair objects to the alternate standard, the gaming operation must cease using the alternate standard and must follow the applicable minimum technical standard.

Finally, this final rule clarifies that the TGRA may appeal the Chair's decision to approve or object to an alternate standard pursuant to 25 CFR subchapter H. The Commission believes that, because the rule requires the TGRA to approve and submit the alternate standard for NIGC review, the TGRA should be the entity to appeal a Chair decision it disagrees with.

IV. Regulatory Matters

Regulatory Flexibility Act

The rule will not have a significant impact on a substantial number of small

entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Moreover, Indian tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule does not have an effect on the economy of $100 million or more. The rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies or geographic regions. Nor will the rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the enterprises, to compete with foreign based enterprises.

Unfunded Mandate Reform Act

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

Takings

In accordance with Executive Order 12630, the Commission has determined that the rule does not have significant takings implications. A takings implication assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act

The Commission has determined that the rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

Paperwork Reduction Act

The information collection requirements contained in this rule were previously approved by the Office of Management and Budget (OMB) as required by 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 3141–0014 which expired. The NIGC is in the process of reinstating that Control Number. The final rule does not require any significant changes in information collection under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

List of Subjects in 25 CFR Part 547

Gambling, Indian—Indian lands, Indian—tribal government.

■ For the reasons set forth in the preamble, the NIGC revises 25 CFR part 547 as follows:

PART 547—MINIMUM TECHNICAL STANDARDS FOR CLASS II GAMING SYSTEMS AND EQUIPMENT

Sec.

547.1 What is the purpose of this part?
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547.16 What are the minimum standards for game artwork, glass, and rules?
547.17 How does a TGRA apply to implement an alternate minimum standard to those required by this part?

Authority: 25 U.S.C. 2706(b).

§ 547.1 What is the purpose of this part?

The Indian Gaming Regulatory Act, 25 U.S.C. 2703(7)(A)(i), permits the use of electronic, computer, or other technologic aids in connection with the play of Class II games. This part establishes the minimum technical standards governing the use of such aids.

§ 547.2 What are the definitions for this part?

For the purposes of this part, the following definitions apply:

Account access component. A component within a Class II gaming system that reads or recognizes account access media and gives a patron the ability to interact with an account.

Account access medium. A magnetic stripe card or any other medium inserted into, or otherwise made to interact with, an account access component in order to give a patron the ability to interact with an account.

Advertised top prize. The highest single prize available based on information contained in the prize schedule and help screens.

Agent. A person authorized by the tribal gaming operation, as approved by the TGRA, to make decisions or to perform tasks or actions on behalf of the tribal gaming operation.

Audit mode. The mode in which it is possible to view Class II gaming system accounting functions and statistics and perform non-player-related functions.

Cancel credit. An action initiated by the Class II gaming system by which some or all of a player's credits are removed by an attendant and paid to the player.

Cashless system. A system that performs cashless transactions and maintains records of those cashless transactions.

Cashless transaction. A movement of funds electronically from one component to another.

CD–ROM. Compact Disc—Read Only Memory.

Chair. The Chair of the National Indian Gaming Commission.

Class II gaming. Class II gaming has the same meaning as defined in 25 U.S.C. 2703(7)(A).

Class II gaming system. All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II games, including accounting functions mandated by these regulations.

Commission. The National Indian Gaming Commission established by the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*

Coupon. A financial instrument of fixed wagering value that can only be used to acquire non-cashable credits through interaction with a voucher system. This does not include instruments such as printed advertising material that cannot be validated directly by a voucher system.

Critical memory. Memory locations storing data essential to the functionality of the Class II gaming system.

DLL. A Dynamic-Link Library file.

Download package. Approved data sent to a component of a Class II gaming

system for such purposes as changing the component software.

DVD. Digital Video Disk or Digital Versatile Disk.

Electromagnetic interference. The disruption of operation of an electronic device when it is in the vicinity of an electromagnetic field in the radio frequency spectrum that is caused by another electronic device.

Electrostatic discharge. A single event, rapid transfer of electrostatic charge between two objects, usually resulting when two objects at different potentials come into direct contact with each other.

Enroll. The process by which a Class II gaming system identifies and establishes communications with an additional system component to allow for live gaming activity to take place on that component.

EPROM. Erasable Programmable Read Only Memory—a non-volatile storage chip or device that may be filled with data and information, that, once written, is not modifiable, and that is retained even if there is no power applied to the system.

Fault. An event that, when detected by a Class II gaming system, causes a discontinuance of game play or other component functions.

Financial instrument. Any tangible item of value tendered in Class II game play, including, but not limited to, bills, coins, vouchers and coupons.

Financial instrument acceptor. Any component that accepts financial instruments, such as a bill validator.

Financial instrument dispenser. Any component that dispenses financial instruments, such as a ticket printer.

Financial instrument storage component. Any component that stores financial instruments, such as a drop box.

Flash memory. Non-volatile memory that retains its data when the power is turned off and that can be electronically erased and reprogrammed without being removed from the circuit board.

Game software. The operational program or programs that govern the play, display of results, and/or awarding of prizes or credits for Class II games.

Gaming equipment. All electronic, electro-mechanical, mechanical, or other physical components utilized in the play of Class II games.

Hardware. Gaming equipment.

Interruption. Any form of mis-operation, component failure, or interference to the Class II gaming equipment.

Modification. A revision to any hardware or software used in a Class II gaming system.

Non-cashable credit. Credits given by an operator to a patron; placed on a Class II gaming system through a coupon, cashless transaction or other approved means; and capable of activating play but not being converted to cash.

Patron. A person who is a customer or guest of the tribal gaming operation and may interact with a Class II game. Also may be referred to as a ''player''.

Patron deposit account. An account maintained on behalf of a patron, for the purpose of depositing and withdrawing cashable funds for the primary purpose of interacting with a gaming activity.

Player interface. Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds, fixed units, etc.), that directly enables player interaction in a Class II game.

Prize schedule. The set of prizes available to players for achieving pre-designated patterns in a Class II game.

Program storage media. An electronic data storage component, such as a CD–ROM, EPROM, hard disk, or flash memory on which software is stored and from which software is read.

Progressive prize. A prize that increases by a selectable or predefined amount based on play of a Class II game.

Random number generator (RNG). A software module, hardware component or combination of these designed to produce outputs that are effectively random.

Reflexive software. Any software that has the ability to manipulate and/or replace a randomly generated outcome for the purpose of changing the results of a Class II game.

Removable/rewritable storage media. Program or data storage components that can be removed from gaming equipment and be written to, or rewritten by, the gaming equipment or by other equipment designed for that purpose.

Server. A computer that controls one or more applications or environments within a Class II gaming system.

Test/diagnostics mode. A mode on a component that allows various tests to be performed on the Class II gaming system hardware and software.

Testing laboratory. An organization recognized by a TGRA pursuant to § 547.5(f).

TGRA. Tribal gaming regulatory authority, which is the entity authorized by tribal law to regulate gaming conducted pursuant to the Indian Gaming Regulatory Act.

Unenroll. The process by which a Class II gaming system disconnects an enrolled system component, disallowing any live gaming activity to take place on that component.

Voucher. A financial instrument of fixed wagering value, usually paper, that can be used only to acquire an equivalent value of cashable credits or cash through interaction with a voucher system.

Voucher system. A component of the Class II gaming system that securely maintains records of vouchers and coupons; validates payment of vouchers; records successful or failed payments of vouchers and coupons; and controls the purging of expired vouchers and coupons.

§ 547.3 Who is responsible for implementing these standards?

(a) *Minimum standards.* These are minimum standards and a TGRA may establish and implement additional technical standards that do not conflict with the standards set out in this part.

(b) *No limitation of technology.* This part should not be interpreted to limit the use of technology or to preclude the use of technology not specifically referenced.

(c) *Only applicable standards apply.* Gaming equipment and software must meet all applicable requirements of this part. For example, if a Class II gaming system lacks the ability to print or accept vouchers, then any standards that govern vouchers do not apply. These standards do not apply to associated equipment such as voucher and kiosk systems.

(d) *State jurisdiction.* Nothing in this part should be construed to grant to a state jurisdiction over Class II gaming or to extend a state's jurisdiction over Class III gaming.

§ 547.4 What are the rules of general application for this part?

(a) *Fairness.* No Class II gaming system may cheat or mislead users. All prizes advertised must be available to win during the game. A test laboratory must calculate and/or verify the mathematical expectations of game play, where applicable, in accordance with the manufacturer stated submission. The results must be included in the test laboratory's report to the TGRA. At the request of the TGRA, the manufacturer must also submit the mathematical expectations of the game play to the TGRA.

(b) *Approved gaming equipment and software only.* All gaming equipment and software used with Class II gaming systems must be identical in all respects to a prototype reviewed and tested by a testing laboratory and approved for use by the TGRA pursuant to § 547.5(a) through (c).

(c) *Proper functioning.* All gaming equipment and software used with Class

II gaming systems must perform according to the manufacturer's design and operating specifications.

§ 547.5 How does a tribal government, TGRA, or tribal gaming operation comply with this part?

(a) *Grandfathered gaming systems:* Any Class II gaming system manufactured before November 10, 2008, that is not already certified pursuant to this sub-section or compliant with paragraph (c) of this section may be made available for use at any tribal gaming operation if:

(1) The TGRA submits the Class II gaming system software that affects the play of the Class II game, together with the signature verification required by § 547.8(f) to a testing laboratory recognized pursuant to paragraph (f) of this section within 120 days after October 22, 2012;

(2) The testing laboratory tests the submission to the standards established by § 547.8(b), § 547.8(f), § 547.14, and any additional technical standards adopted by the TGRA;

(3) The testing laboratory provides the TGRA with a formal written report setting forth and certifying to the findings and conclusions of the test;

(4) The TGRA makes a finding, in the form of a certificate provided to the supplier or manufacturer of the Class II gaming system, that the Class II gaming system qualifies for grandfather status under the provisions of this section. A TGRA may make such a finding only upon receipt of a testing laboratory's report that the Class II gaming system is compliant with § 547.8(b), § 547.8(f), § 547.14, and any other technical standards adopted by the TGRA. If the TGRA does not issue the certificate, or if the testing laboratory finds that the Class II gaming system is not compliant with § 547.8(b), § 547.8(f), § 547.14, or any other technical standards adopted by the TGRA, then the gaming system must immediately be removed from play and not be utilized.

(5) The TGRA retains a copy of any testing laboratory's report so long as the Class II gaming system that is the subject of the report remains available to the public for play; and

(6) The TGRA retains a copy of any certificate of grandfather status so long as the Class II gaming system that is the subject of the certificate remains available to the public for play.

(b) *Grandfather provisions.* All Class II gaming systems manufactured on or before November 10, 2008, that have been certified pursuant to paragraph (a) of this section, are grandfathered Class II gaming systems for which the following provisions apply:

(1) Grandfathered Class II gaming systems may continue in operation for a period of ten years from November 10, 2008.

(2) Grandfathered Class II gaming systems may only be used as approved by the TGRA. The TGRA must transmit its notice of that approval, identifying the grandfathered Class II gaming system and its components, to the Commission.

(3) Remote communications may only be allowed if authorized by the TGRA.

(4) As permitted by the TGRA, individual hardware or software components of a grandfathered Class II gaming system may be repaired or replaced to ensure proper functioning, security, or integrity of the grandfathered Class II gaming system.

(5) All modifications that affect the play of a grandfathered Class II gaming system must be approved pursuant to paragraph (c) of this section, except for the following:

(i) Any software modifications that the TGRA finds will maintain or advance the Class II gaming system's overall compliance with this part or any applicable provisions of part 543 of this chapter, after receiving a new testing laboratory report that the modifications are compliant with the standards established by § 547.4(a), § 547.8(b), § 547.14, and any other standards adopted by the TGRA;

(ii) Any hardware modifications that the TGRA finds will maintain or advance the Class II gaming system's overall compliance with this part or any applicable provisions of part 543 of this chapter; and

(iii) Any other modification to the software of a grandfathered Class II gaming system that the TGRA finds will not detract from, compromise or prejudice:

(A) The proper functioning, security, or integrity of the Class II gaming system, and

(B) The gaming system's overall compliance with the requirements of this part or any applicable provisions of part 543 of this chapter.

(iv) No such modification may be implemented without the approval of the TGRA. The TGRA must maintain a record of the modification so long as the Class II gaming system that is the subject of the modification remains available to the public for play and must make the record available to the Commission upon request. The Commission will only make available for public review records or portions of records subject to release under the Freedom of Information Act, 5 U.S.C. 552; the Privacy Act of 1974, 5 U.S.C. 552a; or the Indian Gaming Regulatory Act, 25 U.S.C. 2716(a).

(6) The player interface must exhibit information consistent with § 547.7(d) and any other information required by the TGRA.

(7) If a grandfathered Class II gaming system is approved pursuant to paragraph (c) of this section, it ceases to be a grandfathered system and the restrictions of paragraph (a) and (b) of this section no longer apply.

(c) *Submission, testing, and approval—generally.* Except as provided in paragraphs (b) and (d) of this section, a TGRA may not permit the use of any Class II gaming system, or any associated cashless system or voucher system or any modification thereto, in a tribal gaming operation unless:

(1) The Class II gaming system, cashless system, voucher system, or modification thereto has been submitted to a testing laboratory;

(2) The testing laboratory tests the submission to the standards established by:

(i) This part;

(ii) Any applicable provisions of part 543 of this chapter that are testable by the testing laboratory; and

(iii) The TGRA;

(3) The testing laboratory provides a formal written report to the party making the submission, setting forth and certifying its findings and conclusions, and noting compliance with any standard established by the TGRA pursuant to paragraph (c)(2)(iii) of this section;

(4) The testing laboratory's written report confirms that the operation of a player interface prototype has been certified that it will not be compromised or affected by electrostatic discharge, liquid spills, electromagnetic interference, radio frequency interference, or any other tests required by the TGRA;

(5) Following receipt of the testing laboratory's report, the TGRA makes a finding that the Class II gaming system, cashless system, or voucher system conforms to the standards established by:

(i) This part;

(ii) Any applicable provisions of part 543 of this chapter that are testable by the testing laboratory; and

(iii) The TGRA.

(6) The TGRA retains a copy of the testing laboratory's report required by paragraph (c) of this section for as long as the Class II gaming system, cashless system, voucher system, or modification thereto that is the subject of the report remains available to the public for play in its tribal gaming operation.

(d) *Emergency hardware and software modifications.* (1) A TGRA, in its

discretion, may permit the modification of previously approved hardware or software to be made available for play without prior laboratory testing or review if the modified hardware or software is:

(i) Necessary to correct a problem affecting the fairness, security, or integrity of a game or accounting system or any cashless system, or voucher system; or

(ii) Unrelated to game play, an accounting system, a cashless system, or a voucher system.

(2) If a TGRA authorizes modified software or hardware to be made available for play or use without prior testing laboratory review, the TGRA must thereafter require the hardware or software manufacturer to:

(i) Immediately advise other users of the same hardware or software of the importance and availability of the update;

(ii) Immediately submit the new or modified hardware or software to a testing laboratory for testing and verification of compliance with this part and any applicable provisions of part 543 of this chapter that are testable by the testing laboratory; and

(iii) Immediately provide the TGRA with a software signature verification tool meeting the requirements of § 547.8(f) for any new or modified software.

(3) If a TGRA authorizes a software or hardware modification under this paragraph, it must maintain a record of the modification and a copy of the testing laboratory report so long as the Class II gaming system that is the subject of the modification remains available to the public for play and must make the record available to the Commission upon request. The Commission will only make available for public review records or portions of records subject to release under the Freedom of Information Act, 5 U.S.C. 552; the Privacy Act of 1974, 5 U.S.C. 552a; or the Indian Gaming Regulatory Act, 25 U.S.C. 2716(a).

(e) *Compliance by charitable gaming operations.* This part does not apply to charitable gaming operations, provided that:

(1) The tribal government determines that the organization sponsoring the gaming operation is a charitable organization;

(2) All proceeds of the charitable gaming operation are for the benefit of the charitable organization;

(3) The TGRA permits the charitable organization to be exempt from this part;

(4) The charitable gaming operation is operated wholly by the charitable organization's employees or volunteers; and

(5) The annual gross gaming revenue of the charitable gaming operation does not exceed $1,000,000.

(f) *Testing laboratories.* (1) A testing laboratory may provide the examination, testing, evaluating and reporting functions required by this section provided that:

(i) It demonstrates its integrity, independence and financial stability to the TGRA.

(ii) It demonstrates its technical skill and capability to the TGRA.

(iii) If the testing laboratory is owned or operated by, or affiliated with, a tribe, it must be independent from the manufacturer and gaming operator for whom it is providing the testing, evaluating, and reporting functions required by this section.

(iv) The TGRA:

(A) Makes a suitability determination of the testing laboratory based upon standards no less stringent than those set out in § 533.6(b)(1)(ii) through (v) of this chapter and based upon no less information than that required by § 537.1 of this chapter, or

(B) Accepts, in its discretion, a determination of suitability for the testing laboratory made by any other gaming regulatory authority in the United States.

(v) After reviewing the suitability determination and the information provided by the testing laboratory, the TGRA determines that the testing laboratory is qualified to test and evaluate Class II gaming systems.

(2) The TGRA must:

(i) Maintain a record of all determinations made pursuant to paragraphs (f)(1)(iii) and (f)(1)(iv) of this section for a minimum of three years and must make the records available to the Commission upon request. The Commission will only make available for public review records or portions of records subject to release under the Freedom of Information Act, 5 U.S.C. 552; the Privacy Act of 1974, 5 U.S.C. 552a; or the Indian Gaming Regulatory Act, 25 U.S.C. 2716(a).

(ii) Place the testing laboratory under a continuing obligation to notify it of any adverse regulatory action in any jurisdiction where the testing laboratory conducts business.

(iii) Require the testing laboratory to provide notice of any material changes to the information provided to the TGRA.

§ 547.6 What are the minimum technical standards for enrolling and enabling Class II gaming system components?

(a) *General requirements.* Class II gaming systems must provide a method to:

(1) Enroll and unenroll Class II gaming system components;

(2) Enable and disable specific Class II gaming system components.

(b) *Specific requirements.* Class II gaming systems must:

(1) Ensure that only enrolled and enabled Class II gaming system components participate in gaming; and

(2) Ensure that the default condition for components must be unenrolled and disabled.

§ 547.7 What are the minimum technical hardware standards applicable to Class II gaming systems?

(a) *Printed circuit boards.* (1) Printed circuit boards that have the potential to affect the outcome or integrity of the game, and are specially manufactured or proprietary and not off-the-shelf, must display a unique identifier such as a part number and/or revision number, which must be updated to reflect new revisions or modifications of the board.

(2) Switches or jumpers on all circuit boards that have the potential to affect the outcome or integrity of any game, progressive award, financial instrument, cashless transaction, voucher transaction, or accounting records must be capable of being sealed.

(b) *Electrostatic discharge.* Class II gaming system components accessible to the public must be constructed so that they exhibit immunity to human body electrostatic discharges on areas exposed to contact. Static discharges of ±15 kV for air discharges and ±7.5 kV for contact discharges must not cause damage or inhibit operation or integrity of the Class II gaming system.

(c) *Physical enclosures.* Physical enclosures must be of a robust construction designed to resist determined illegal entry. All protuberances and attachments such as buttons, identification plates, and labels must be sufficiently robust to avoid unauthorized removal.

(d) *Player interface.* The player interface must exhibit a serial number and date of manufacture and include a method or means to:

(1) Display information to a player; and

(2) Allow the player to interact with the Class II gaming system.

(e) *Account access components.* A Class II gaming system component that reads account access media must be located within a secure and locked area, cabinet, or housing that is of a robust

construction designed to resist determined illegal entry and to protect internal components. In addition, the account access component:

(1) Must be constructed so that physical tampering leaves evidence of such tampering; and

(2) Must provide a method to enable the Class II gaming system to interpret and act upon valid or invalid input or error condition.

(f) *Financial instrument storage components.* Any financial instrument storage components managed by Class II gaming system software must be located within a secure and locked area, cabinet, or housing that is of a robust construction designed to resist determined illegal entry and to protect internal components.

(g) *Financial instrument acceptors.* (1) Any Class II gaming system components that handle financial instruments and that are not operated under the direct control of an agent must:

(i) Be located within a secure and locked area, cabinet, or housing that is of a robust construction designed to resist determined illegal entry and to protect internal components;

(ii) Be able to detect the entry of valid or invalid financial instruments and to provide a method to enable the Class II gaming system to interpret and act upon valid or invalid input or error condition; and

(iii) Be constructed to permit communication with the Class II gaming system of the accounting information required by § 547.9(a) and by applicable provisions of any Commission and TGRA regulations governing minimum internal control standards.

(2) Prior to completion of a valid financial instrument transaction by the Class II gaming system, no monetary amount related to that instrument may be available for play. For example, credits may not be available for play until a financial instrument inserted into an acceptor is secured in the storage component.

(3) The monetary amount related to all valid financial instrument transactions by the Class II gaming system must be recorded as required by § 547.9(a) and the applicable provisions of any Commission and TGRA regulations governing minimum internal control standards.

(h) *Financial instrument dispensers.* (1) Any Class II gaming system components that dispense financial instruments and that are not operated under the direct control of a tribal gaming operation agent must:

(i) Be located within a secure, locked and tamper-evident area or in a locked cabinet or housing that is of a robust construction designed to resist determined illegal entry and to protect internal components;

(ii) Provide a method to enable the Class II gaming system to interpret and act upon valid or invalid input or error condition; and

(iii) Be constructed to permit communication with the Class II gaming system of the accounting information required by § 547.9(a) and by applicable provisions of any Commission and TGRA regulations governing minimum internal control standards.

(2) The monetary amount related to all valid financial instrument transactions by the Class II gaming system must be recorded as required by § 547.9(a), the applicable provisions of part 543 of this chapter, and any TGRA regulations governing minimum internal control standards.

(i) *Game Outcome Determination Components.* Any Class II gaming system logic components that affect the game outcome and that are not operated under the direct control of a tribal gaming operation agent must be located within a secure, locked and tamper-evident area or in a locked cabinet or housing that is of a robust construction designed to resist determined illegal entry and to protect internal components. DIP switches or jumpers that can affect the integrity of the Class II gaming system must be capable of being sealed by the TGRA.

(j) *Door access detection.* All components of the Class II gaming system that are locked in order to meet the requirements of this part must include a sensor or other methods to monitor an open door. A door open sensor, and its components or cables, must be secure against attempts to disable them or interfere with their normal mode of operation.

(k) *Separation of functions/no limitations on technology.* Nothing herein prohibits the account access component, financial instrument storage component, financial instrument acceptor, and financial instrument dispenser from being included within the same component or being separated into individual components.

§ 547.8 What are the minimum technical software standards applicable to Class II gaming systems?

(a) *Player interface displays.* (1) If not otherwise provided to the player, the player interface must display the following:

(i) The purchase or wager amount;

(ii) Game results; and

(iii) Any player credit balance.

(2) Between plays of any game and until the start of the next play, or until the player selects a new game option such as purchase or wager amount or card selection, whichever is earlier, if not otherwise provided to the player, the player interface must display:

(i) The total purchase or wager amount and all prizes and total credits won for the last game played;

(ii) The final results for the last game played; and

(iii) Any default purchase or wager amount for the next play.

(b) *Game initiation and play.* (1) Each game played on the Class II gaming system must follow and not deviate from a constant set of rules for each game provided to players pursuant to § 547.16. There must be no undisclosed changes of rules.

(2) The Class II gaming system may not alter or allow to be altered the card permutations used for play of a Class II game unless specifically chosen by the player prior to commitment to participate in the game. No duplicate cards may be sold for any common draw.

(3) No game play may commence, and no financial instrument or credit may be accepted on the affected player interface, in the presence of any fault condition that affects the outcome of the game, or while in test, audit, or lock-up mode.

(4) Each player must initiate his or her participation in the play of a game.

(c) *Audit mode.* (1) If an audit mode is provided, the Class II gaming system must, for those components actively involved in the audit:

(i) Provide all accounting functions required by § 547.9, by applicable provisions of any Commission regulations governing minimum internal control standards, and by any internal controls adopted by the tribe or TGRA;

(ii) Display player interface identification; and

(iii) Display software version or game identification.

(2) Audit mode must be accessible by a secure method such as an agent PIN, key, or other auditable access control.

(3) Accounting function data must be accessible by an agent at any time, except during a payout, during a handpay, or during play.

(4) The Class II gaming system must disable financial instrument acceptance on the affected player interface while in audit mode, except during financial instrument acceptance testing.

(d) *Last game recall.* The last game recall function must:

(1) Be retrievable at all times, other than when the recall component is involved in the play of a game, upon the operation of an external key-switch, entry of an audit card, or a similar method;

(2) Display the results of recalled games as originally displayed or in text representation so as to enable the TGRA or operator to clearly identify the sequences and results that occurred;

(3) Allow the Class II gaming system component providing game recall, upon return to normal game play mode, to restore any affected display to the positions, forms and values displayed before access to the game recall information; and

(4) Provide the following information for the current and previous four games played and must display:

(i) Play start time, end time, and date;

(ii) The total number of credits at the start of play;

(iii) The purchase or wager amount;

(iv) The total number of credits at the end of play;

(v) The total number of credits won as a result of the game recalled, and the value in dollars and cents for progressive prizes, if different;

(vi) For bingo games and games similar to bingo, also display:

(A) The card(s) used by the player;

(B) The identifier of the bingo game played;

(C) The numbers or other designations drawn, in the order that they were drawn;

(D) The numbers or other designations and prize patterns covered on each card;

(E) All prizes won by the player, including winning patterns, if any; and

(F) The unique identifier of the card on which prizes were won;

(vii) For pull-tab games only, also display:

(A) The result(s) of each pull-tab, displayed in the same pattern as on the tangible pull-tab;

(B) All prizes won by the player;

(C) The unique identifier of each pull tab; and

(D) Any other information necessary to fully reconstruct the current and four previous plays.

(e) *Voucher and credit transfer recall.* Notwithstanding the requirements of any other section in this part, a Class II gaming system must have the capacity to:

(1) Display the information specified in § 547.11(b)(5)(ii) through (vi) for the last five vouchers or coupons printed and the last five vouchers or coupons accepted; and

(2) Display a complete transaction history for the last five cashless transactions made and the last five cashless transactions accepted.

(f) *Software signature verification.* The manufacturer or developer of the Class II gaming system must provide to the testing laboratory and to the TGRA an industry-standard methodology, acceptable to the TGRA, for verifying the Class II gaming system game software. For example, for game software stored on rewritable media, such methodologies include signature algorithms and hashing formulas such as SHA–1.

(g) *Test, diagnostic, and demonstration modes.* If test, diagnostic, and/or demonstration modes are provided, the Class II gaming system must, for those components actively involved in the test, diagnostic, or demonstration mode:

(1) Clearly indicate when that component is in the test, diagnostic, or demonstration mode;

(2) Not alter financial data on that component other than temporary data;

(3) Only be available after entering a specific mode;

(4) Disable credit acceptance and payment unless credit acceptance or payment is being tested; and

(5) Terminate all mode-specific functions upon exiting a mode.

(h) *Multigame.* If multiple games are offered for player selection at the player interface, the player interface must:

(1) Provide a display of available games;

(2) Provide the means of selecting among them;

(3) Display the full amount of the player's credit balance;

(4) Identify the game selected or being played; and

(5) Not force the play of a game after its selection.

(i) *Program interruption and resumption.* The Class II gaming system software must be designed so that upon resumption following any interruption, the system:

(1) Is able to return to a known state;

(2) Must check for any fault condition;

(3) Must verify the integrity of data stored in critical memory;

(4) Must return the purchase or wager amount to the player in accordance with the rules of the game; and

(5) Must detect any change or corruption in the Class II gaming system software.

(j) *Class II gaming system components acting as progressive controllers.* This paragraph applies to progressive controllers and components acting as progressive controllers in Class II gaming systems.

(1) Modification of progressive parameters must be conducted in a secure manner approved by the TGRA. Such parameters may include:

(i) Increment value;

(ii) Secondary pool increment(s);

(iii) Reset amount(s);

(iv) Maximum value(s); and

(v) Identity of participating player interfaces.

(2) The Class II gaming system component or other progressive controller must provide a means of creating a progressive balancing report for each progressive link it controls. At a minimum, that report must provide balancing of the changes of the progressive amount, including progressive prizes won, for all participating player interfaces versus current progressive amount(s), plus progressive prizes. In addition, the report must account for, and not be made inaccurate by, unusual events such as:

(i) Class II gaming system critical memory clears;

(ii) Modification, alteration, or deletion of progressive prizes;

(iii) Offline equipment; or

(iv) Multiple site progressive prizes.

(k) *Critical memory.* (1) Critical memory may be located anywhere within the Class II gaming system. Critical memory is any memory that maintains any of the following data:

(i) Accounting data;

(ii) Current credits;

(iii) Configuration data;

(iv) Last game play recall information required by paragraph (d) of this section;

(v) Game play recall information for the current game play, if incomplete;

(vi) Software state (the last normal state software was in before interruption);

(vii) RNG seed(s), if necessary for maintaining integrity;

(viii) Encryption keys, if necessary for maintaining integrity;

(ix) Progressive prize parameters and current values;

(x) The five most recent financial instruments accepted by type, excluding coins and tokens;

(xi) The five most recent financial instruments dispensed by type, excluding coins and tokens; and

(xii) The five most recent cashless transactions paid and the five most recent cashless transactions accepted.

(2) Critical memory must be maintained using a methodology that enables errors to be identified and acted upon. All accounting and recall functions must be verified as necessary to ensure their ongoing integrity.

(3) The validity of affected data stored in critical memory must be checked after each of the following events:

(i) Every restart;

(ii) Each attendant paid win;

(iii) Each attendant paid progressive win;

(iv) Each sensored door closure; and

(v) Every reconfiguration, download, or change of prize schedule or denomination requiring operator intervention or action.

(l) *Secured access.* Class II gaming systems that use a logon or other means of secured access must include a user account lockout after a predetermined number of consecutive failed attempts to access the Class II gaming system.

§ 547.9 What are the minimum technical standards for Class II gaming system accounting functions?

(a) *Required accounting data.* The following minimum accounting data, however named, must be maintained by the Class II gaming system:

(1) Amount In: The total value of all financial instruments and cashless transactions accepted by the Class II gaming system. Each type of financial instrument accepted by the Class II gaming system must be tracked independently per financial instrument acceptor, and as required by applicable requirements of TGRA regulations that meet or exceed the minimum internal control standards at 25 CFR part 543.

(2) Amount Out: The total value of all financial instruments and cashless transactions paid by the Class II gaming system, plus the total value of attendant pay. Each type of financial instrument paid by the Class II Gaming System must be tracked independently per financial instrument dispenser, and as required by applicable requirements of TGRA regulations that meet or exceed the minimum internal control standards at 25 CFR part 543.

(b) *Accounting data storage.* If the Class II gaming system electronically maintains accounting data:

(1) Accounting data must be stored with at least eight decimal digits.

(2) Credit balances must have sufficient digits to accommodate the design of the game.

(3) Accounting data displayed to the player may be incremented or decremented using visual effects, but the internal storage of this data must be immediately updated in full.

(4) Accounting data must be updated upon the occurrence of the relevant accounting event.

(5) Modifications to accounting data must be recorded, including the identity of the person(s) making the modifications, and be reportable by the Class II gaming system.

(c) *Rollover.* Accounting data that rolls over to zero must not corrupt data.

(d) *Credit balance display and function.* (1) Any credit balance maintained at the player interface must be prominently displayed at all times except:

(i) In audit, configuration, recall and test modes; or

(ii) Temporarily, during entertaining displays of game results.

(2) Progressive prizes may be added to the player's credit balance provided that:

(i) The player credit balance is maintained in dollars and cents;

(ii) The progressive accounting data is incremented in number of credits; or

(iii) The prize in dollars and cents is converted to player credits or transferred to the player's credit balance in a manner that does not mislead the player or cause accounting imbalances.

(3) If the player credit balance displays in credits, but the actual balance includes fractional credits, the Class II gaming system must display the fractional credit when the player credit balance drops below one credit.

§ 547.10 What are the minimum standards for Class II gaming system critical events?

(a) *Fault events.* (1) The following are fault events that must be capable of being recorded by the Class II gaming system:

Event	Definition and action to be taken
(i) Component fault	Reported when a fault on a component is detected. When possible, this event message should indicate what the nature of the fault is.
(ii) Financial storage component full	Reported when a financial instrument acceptor or dispenser includes storage, and it becomes full. This event message must indicate what financial storage component is full.
(iii) Financial output component empty	Reported when a financial instrument dispenser is empty. The event message must indicate which financial output component is affected, and whether it is empty.
(iv) Financial component fault	Reported when an occurrence on a financial component results in a known fault state.
(v) Critical memory error	Some critical memory error has occurred. When a non-correctable critical memory error has occurred, the data on the Class II gaming system component can no longer be considered reliable. Accordingly, any game play on the affected component must cease immediately, and an appropriate message must be displayed, if possible.
(vi) Progressive communication fault	If applicable; when communications with a progressive controller component is in a known fault state.
(vii) Program storage medium fault	The software has failed its own internal security check or the medium itself has some fault. Any game play on the affected component must cease immediately, and an appropriate message must be displayed, if possible.

(2) The occurrence of any event identified in paragraph (a)(1) of this section must be recorded.

(3) Upon clearing any event identified in paragraph (a)(1) of this section, the Class II gaming system must:

(i) Record that the fault condition has been cleared;

(ii) Ensure the integrity of all related accounting data; and

(iii) In the case of a malfunction, return a player's purchase or wager according to the rules of the game.

(b) *Door open/close events.* (1) In addition to the requirements of paragraph (a)(1) of this section, the Class II gaming system must perform the following for any component affected by any sensored door open event:

(i) Indicate that the state of a sensored door changes from closed to open or opened to closed;

(ii) Disable all financial instrument acceptance, unless a test mode is entered;

(iii) Disable game play on the affected player interface;

(iv) Disable player inputs on the affected player interface, unless test mode is entered; and

(v) Disable all financial instrument disbursement, unless a test mode is entered.

(2) The Class II gaming system may return the component to a ready to play state when all sensored doors are closed.

(c) *Non-fault events.* The following non-fault events are to be acted upon as described below, if applicable:

Event	Definition
(1) Player interface off during play	Indicates power has been lost during game play. This condition must be reported by the affected component(s).
(2) Player interface power on	Indicates the player interface has been turned on. This condition must be reported by the affected component(s).
(3) Financial instrument storage component container/stacker removed.	Indicates that a financial instrument storage container has been removed. The event message must indicate which storage container was removed.

§ 547.11 What are the minimum technical standards for money and credit handling?

(a) *Credit acceptance, generally.* (1) Upon any credit acceptance, the Class II gaming system must register the correct number of credits on the player's credit balance.

(2) The Class II gaming system must reject financial instruments deemed invalid.

(b) *Credit redemption, generally.* (1) For cashable credits on a player interface, players must be allowed to cash out and/or redeem those credits at the player interface except when that player interface is:

(i) Involved in the play of a game;

(ii) In audit mode, recall mode or any test mode;

(iii) Detecting any sensored door open condition;

(iv) Updating the player credit balance or total win accounting data; or

(v) Displaying a fault condition that would prevent cash-out or credit redemption. In this case a fault indication must be displayed.

(2) For cashable credits not on a player interface, the player must be allowed to cash out and/or redeem those credits at any time.

(3) A Class II gaming system must not automatically pay an award subject to mandatory tax reporting or withholding.

(4) Credit redemption by voucher or coupon must conform to the following:

(i) A Class II gaming system may redeem credits by issuing a voucher or coupon when it communicates with a voucher system that validates the voucher or coupon.

(ii) A Class II gaming system that redeems credits by issuing vouchers and coupons must either:

(A) Maintain an electronic record of all information required by paragraphs (b)(5)(ii) through (vi) of this section; or

(B) Generate two identical copies of each voucher or coupon issued, one to be provided to the player and the other to be retained within the electronic player interface for audit purposes.

(5) Valid vouchers and coupons from a voucher system must contain the following:

(i) Tribal gaming operation name and location;

(ii) The identification number of the Class II gaming system component or the player interface number, as applicable;

(iii) Date and time of issuance;

(iv) Alpha and numeric dollar amount;

(v) A sequence number;

(vi) A validation number that:

(A) Is produced by a means specifically designed to prevent repetition of validation numbers; and

(B) Has some form of checkcode or other form of information redundancy to prevent prediction of subsequent validation numbers without knowledge of the checkcode algorithm and parameters;

(vii) For machine-readable vouchers and coupons, a bar code or other form of machine readable representation of the validation number, which must have enough redundancy and error checking to ensure that 99.9% of all misreads are flagged as errors;

(viii) Transaction type or other method of differentiating voucher and coupon types; and

(ix) Expiration period or date.

(6) Transfers from an account may not exceed the balance of that account.

(7) For Class II gaming systems not using dollars and cents accounting and not having odd cents accounting, the Class II gaming system must reject any transfers from voucher systems or cashless systems that are not even multiples of the Class II gaming system denomination.

(8) Voucher systems must include the ability to report redemptions per redemption location or user.

§ 547.12 What are the minimum technical standards for downloading on a Class II gaming system?

(a) *Downloads.* (1) Downloads are an acceptable means of transporting approved content, including, but not limited to software, files, data, and prize schedules.

(2) Downloads must use secure methodologies that will deliver the download data without alteration or modification, in accordance with § 547.15(a).

(3) Downloads conducted during operational periods must be performed in a manner that will not affect game play.

(4) Downloads must not affect the integrity of accounting data.

(5) The Class II gaming system must be capable of providing:

(i) The time and date of the initiation of the download;

(ii) The time and date of the completion of the download;

(iii) The Class II gaming system components to which software was downloaded;

(iv) The version(s) of download package and any software downloaded. Logging of the unique software signature will satisfy this requirement;

(v) The outcome of any software verification following the download (success or failure); and

(vi) The name and identification number, or other unique identifier, of any individual(s) conducting or scheduling a download.

(b) *Verifying downloads.* Downloaded software on a Class II gaming system must be capable of being verified by the Class II gaming system using a software signature verification method that meets the requirements of § 547.8(f).

§ 547.13 What are the minimum technical standards for program storage media?

(a) *Removable program storage media.* All removable program storage media must maintain an internal checksum or signature of its contents. Verification of this checksum or signature is to be performed after every restart. If the verification fails, the affected Class II gaming system component(s) must lock up and enter a fault state.

(b) *Nonrewritable program storage media.* (1) All EPROMs and Programmable Logic Devices that have erasure windows must be fitted with covers over their erasure windows.

(2) All unused areas of EPROMs must be written with the inverse of the erased state (zero bits (00 hex) for most EPROMs), random data, or repeats of the program data.

(3) Flash memory storage components intended to have the same logical function as ROM, must be write-protected or otherwise protected from unauthorized modification.

(4) The write cycle must be closed or finished for all CD–ROMs such that it is not possible to write any further data to the CD.

(5) Write protected hard disks are permitted if the hardware means of

enabling the write protect is easily viewable and can be sealed in place. Write protected hard disks are permitted using software write protection verifiable by a testing laboratory.

(c) *Writable and rewritable program storage media.* (1) Writable and rewritable program storage, such as hard disk drives, Flash memory, writable CD–ROMs, and writable DVDs, may be used provided that the software stored thereon may be verified using the mechanism provided pursuant to § 547.8(f).

(2) Program storage must be structured so there is a verifiable separation of fixed data (such as program, fixed parameters, DLLs) and variable data.

(d) *Identification of program storage media.* All program storage media that is not rewritable in circuit, (EPROM, CD–ROM) must be uniquely identified, displaying:

(1) Manufacturer;

(2) Program identifier;

(3) Program version number(s); and

(4) Location information, if critical (socket position 3 on the printed circuit board).

§ 547.14 What are the minimum technical standards for electronic random number generation?

(a) *Properties.* All RNGs must produce output having the following properties:

(1) Statistical randomness;

(2) Unpredictability; and

(3) Non-repeatability.

(b) *Statistical randomness.* (1) Numbers or other designations produced by an RNG must be statistically random individually and in the permutations and combinations used in the application under the rules of the game. For example, if a bingo game with 75 objects with numbers or other designations has a progressive winning pattern of the five numbers or other designations on the bottom of the card, and the winning of this prize is defined to be the five numbers or other designations that are matched in the first five objects drawn, the likelihood of each of the 75C5 combinations are to be verified to be statistically equal.

(2) Numbers or other designations produced by an RNG must pass the statistical tests for randomness to a 99% confidence level, which may include:

(i) Chi-square test;

(ii) Runs test (patterns of occurrences must not be recurrent); and

(iii) Serial correlation test potency and degree of serial correlation (outcomes must be independent from the previous game).

(iv) Equi-distribution (frequency) test;

(v) Gap test;

(vi) Poker test;

(vii) Coupon collector's test;

(viii) Permutation test;

(ix) Spectral test; or

(x) Test on subsequences.

(c) *Unpredictability.* (1) It must not be feasible to predict future outputs of an RNG, even if the algorithm and the past sequence of outputs are known.

(2) Unpredictability must be ensured by reseeding or by continuously cycling the RNG, and by providing a sufficient number of RNG states for the applications supported.

(3) Re-seeding may be used where the re-seeding input is at least as statistically random as, and independent of, the output of the RNG being re-seeded.

(d) *Non-repeatability.* The RNG may not be initialized to reproduce the same output stream that it has produced before, nor may any two instances of an RNG produce the same stream as each other. This property must be ensured by initial seeding that comes from:

(1) A source of ''true'' randomness, such as a hardware random noise generator; or

(2) A combination of timestamps, parameters unique to a Class II gaming system, previous RNG outputs, or other, similar method.

(e) *General requirements.* (1) Software that calls an RNG to derive game outcome events must immediately use the output returned in accordance with the game rules.

(2) The use of multiple RNGs is permitted as long as they operate in accordance with this section.

(3) RNG outputs must not be arbitrarily discarded or selected.

(4) Where a sequence of outputs is required, the whole of the sequence in the order generated must be used in accordance with the game rules.

(5) The Class II gaming system must neither adjust the RNG process or game outcomes based on the history of prizes obtained in previous games nor use any reflexive software or secondary decision that affects the results shown to the player or game outcome.

(f) *Scaling algorithms and scaled numbers.* An RNG that provides output scaled to given ranges must:

(1) Be independent and uniform over the range;

(2) Provide numbers scaled to the ranges required by game rules, and notwithstanding the requirements of paragraph (e)(3) of this section, may discard numbers that do not map uniformly onto the required range but must use the first number in sequence that does map correctly to the range;

(3) Be capable of producing every possible outcome of a game according to its rules; and

(4) Use an unbiased algorithm. A scaling algorithm is considered to be unbiased if the measured bias is no greater than 1 in 50 million.

§ 547.15 What are the minimum technical standards for electronic data communications between system components?

(a) *Sensitive data.* Communication of sensitive data must be secure from eavesdropping, access, tampering, intrusion or alteration unauthorized by the TGRA. Sensitive data includes, but is not limited to:

(1) RNG seeds and outcomes;

(2) Encryption keys, where the implementation chosen requires transmission of keys;

(3) PINs;

(4) Passwords;

(5) Financial instrument transactions;

(6) Transfers of funds;

(7) Player tracking information;

(8) Download Packages; and

(9) Any information that affects game outcome.

(b) *Wireless communications.* (1) Wireless access points must not be accessible to the general public.

(2) Open or unsecured wireless communications are prohibited.

(3) Wireless communications must be secured using a methodology that makes eavesdropping, access, tampering, intrusion or alteration impractical. By way of illustration, such methodologies include encryption, frequency hopping, and code division multiplex access (as in cell phone technology).

(c) Methodologies must be used that will ensure the reliable transfer of data and provide a reasonable ability to detect and act upon any corruption of the data.

(d) Class II gaming systems must record detectable, unauthorized access or intrusion attempts.

(e) Remote communications may only be allowed if authorized by the TGRA. Class II gaming systems must have the ability to enable or disable remote access, and the default state must be set to disabled.

(f) Failure of data communications must not affect the integrity of critical memory.

(g) The Class II gaming system must log the establishment, loss, and re-establishment of data communications between sensitive Class II gaming system components.

§ 547.16 What are the minimum standards for game artwork, glass, and rules?

(a) *Rules, instructions, and prize schedules, generally.* The following must at all times be displayed or made readily available to the player upon request:

(1) Game name, rules, and options such as the purchase or wager amount stated clearly and unambiguously;

(2) Denomination;

(3) Instructions for play on, and use of, the player interface, including the functions of all buttons; and

(4) A prize schedule or other explanation, sufficient to allow a player to determine the correctness of all prizes awarded, including:

(i) The range and values obtainable for any variable prize;

(ii) Whether the value of a prize depends on the purchase or wager amount; and

(iii) The means of division of any pari-mutuel prizes; but

(iv) For Class II Gaming Systems, the prize schedule or other explanation need not state that subsets of winning patterns are not awarded as additional prizes (for example, five in a row does not also pay three in a row or four in a row), unless there are exceptions, which must be clearly stated.

(b) *Disclaimers.* The Player Interface must continually display:

(1) ''Malfunctions void all prizes and plays'' or equivalent; and

(2) ''Actual Prizes Determined by Bingo (or other applicable Class II game) Play. Other Displays for Entertainment Only'' or equivalent.

(c) Odds notification. If the odds of winning any advertised top prize exceeds 100 million to one, the Player Interface must display: ''Odds of winning the advertised top prize exceeds 100 million to one'' or equivalent.

§ 547.17 How does a TGRA apply to implement an alternate minimum standard to those required by this part?

(a) *TGRA approval.* (1) A TGRA may approve an alternate standard from those required by this part if it has determined that the alternate standard will achieve a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace. A gaming operation may implement an alternate standard upon TGRA approval subject to the Chair's decision pursuant to paragraph (b) of this section.

(2) For each enumerated standard for which the TGRA approves an alternate standard, it must submit to the Chair within 30 days a detailed report, which must include the following:

(i) An explanation of how the alternate standard achieves a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace; and

(ii) The alternate standard as approved and the record on which the approval is based.

(3) In the event that the TGRA or the tribe's government chooses to submit an alternate standard request directly to the Chair for joint government to government review, the TGRA or tribal government may do so without the approval requirement set forth in paragraph (a)(1) of this section.

(b) *Chair review.* (1) The Chair may approve or object to an alternate standard approved by a TGRA.

(2) If the Chair approves the alternate standard, the Tribe may continue to use it as authorized by the TGRA.

(3) If the Chair objects to the alternate standard, the operation may no longer use the alternate standard and must follow the relevant technical standard set forth in this part.

(4) Any objection by the Chair must be in written form with an explanation why the alternate standard as approved by the TGRA does not provide a level of security or integrity sufficient to accomplish the purpose of the standard it is to replace.

(5) If the Chair fails to approve or object in writing within 60 days after the date of receipt of a complete submission, the alternate standard is considered approved by the Chair. The Chair may, upon notification to the TGRA, extend this deadline an additional 60 days.

(c) *Appeal of Chair decision.* A TGRA may appeal the Chair's decision pursuant to 25 CFR chapter III, subchapter H.

Dated: September 14, 2012, Washington, DC.

Tracie L. Stevens,

Chairwoman.

Steffani A. Cochran,

Vice-Chairwoman.

Daniel J. Little,

Commissioner.

[FR Doc. 2012–23161 Filed 9–20–12; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

[Docket ID. OSHA 2012–0029]

RIN 1218–AC78

Hawaii State Plan for Occupational Safety and Health

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This document announces the Occupational Safety and Health Administration's (OSHA) decision to modify the Hawaii State Plan's ''final approval'' determination under Section 18(e) of the Occupational Safety and Health Act (the Act) and to transition to ''initial approval'' status. OSHA is reinstating concurrent federal enforcement authority over occupational safety and health issues in the private sector, which have been solely covered by the Hawaii State Plan since 1984.

DATES: Effective September 21, 2012.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Francis Meilinger, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general and technical information: Douglas J. Kalinowski, Director, OSHA Directorate of Cooperative and State Programs, Room N–3700, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2200; email: *kalinowski.doug@dol.gov.*

SUPPLEMENTARY INFORMATION:

Background

Hawaii administers an OSHA-approved state plan to develop and enforce occupational safety and health standards for public and private sector employers, pursuant to the provisions of Section 18 of the Act. The Hawaii State Plan received initial federal OSHA plan approval on December 28, 1973 (39 FR 1010) and the Hawaii Occupational Safety and Health Division (HIOSH) of the Hawaii Department of Labor and Industrial Relations is designated as the state agency responsible for administering the state plan. Pursuant to Section 18(e) of the Act, OSHA granted Hawaii ''final approval'' effective April 30, 1984 (49 FR 19182). Final approval under Section 18(e) requires, among other things, a finding by the Assistant Secretary that the plan, in actual operation, provides worker protection ''at least as effective as'' that provided by federal OSHA. A final approval determination results in the relinquishment of federal concurrent enforcement authority in the state with respect to occupational safety and health issues covered by the plan. 29 U.S.C. 667(e).

During the past three years, the Hawaii State Plan has faced major budgetary and staffing restraints that have significantly affected its program. Impacts on the state plan are clearly reflected throughout OSHA's recent monitoring reports. Joint efforts were made by federal OSHA and HIOSH to

address these issues, yet Hawaii continues to face severe programmatic, staffing and training challenges. Therefore, the Hawaii Director of Labor and Industrial Relations has requested a temporary modification of the state plan's approval status from final approval to initial approval, to permit exercise of supplemental federal enforcement activity and to allow Hawaii sufficient time and assistance to strengthen its state plan. Hawaii has pledged to accomplish the necessary corrective action to regain final approval status in a timely manner. Hawaii's proactive efforts demonstrate a commitment to ensuring that workers are afforded adequate protection during this period of program strengthening and improvement.

Pursuant to the procedures set forth at 29 CFR 1902.47 *et seq.,* OSHA published notice of its reconsideration of Hawaii's 18(e) determination; proposed resumption of concurrent federal enforcement authority; and a request for written comments and opportunity to request an informal hearing on July 19, 2012 (77 FR 42462). That notice also contains a more detailed description of the Hawaii State Plan and the identified deficiencies. The 35-day comment period closed on August 23, 2012 and OSHA received four (4) written comments, including two (2) requests for a hearing.

Decision

Pursuant to the procedures set forth in 29 CFR 1902.47 *et seq.,* the Assistant Secretary for Occupational Safety and Health has made a final decision to modify the Hawaii State Plan's approval status from 18(e) final approval to initial approval, and to reinstate concurrent federal enforcement authority over occupational safety and health issues in the state, pending the necessary corrective action by the state plan in order to once again meet the criteria for an 18(e) final approval determination. Concurrent federal enforcement authority will be exercised in Hawaii effective September 21, 2012.

The Assistant Secretary's decision is based upon the facts determined by OSHA in monitoring the Hawaii State Plan and HIOSH's request for enforcement assistance, and was reached after opportunity for public comment. Three organizations and one individual filed a comment with the agency within the public comment period. Comments were received from the Hawaii Business League, Veterans of Safety Hawaii Chapter, Island Insurance Company, Ltd., and Dr. Walter Chun. OSHA has reviewed and considered the comments, and the following discussion addresses the comments and OSHA's responses.

The Hawaii Business League stated a strong preference for Hawaii to maintain a state plan and voiced favorable support for a transition to initial approval as means to progress towards restoration of Hawaii's 18(e) final approval status. Island Insurance Company, Ltd. and Dr. Walter Chun raised concerns about how HIOSH allows for greater penalty reductions than federal OSHA, and about whether fines/penalties will be part of the criteria for the Hawaii State Plan to regain its 18(e) final approval status. Pursuant to 29 CFR 1902.42(a), ''[i]n making an affirmative 18(e) determination, the Assistant Secretary determines that a State has applied the provisions of its plan, or any modification thereof, in accordance with the criteria of Section 18(c) of the Act and that the State has applied the provisions of this part in a manner which renders the actual operations of the state program 'at least as effective as' operations under the Federal program.'' One of the criteria in Section 18(c) of the Act is the development and enforcement of safety and health standards, and penalties are an essential component of effective safety and health enforcement in the workplace. Therefore, Hawaii's overall penalty policy would be evaluated in the course of regaining 18(e) final approval status.

In response to Dr. Walter Chun's further questions, the addendum referenced in the Operational Status Agreement (OSA) will not be available for public comment. The addendum is an internal working document between the Director of the Hawaii Department of Labor and Industrial Relations and OSHA's Regional Administrator for Region IX, outlining the plan of action and milestones for the Hawaii State Plan to work towards regaining 18(e) final approval status. During the period of concurrent state and federal authority, both Hawaii and federal OSHA have authority to conduct inspections and issue citations. However, the terms of the OSA will delineate areas of coverage to ensure employers are not burdened with duplicative enforcement efforts. Federal OSHA compliance officers will be conducting inspections, in accordance with the terms of the OSA, and issuing citations and penalties under federal standards. OSHA is not aware that any changes in the state's rules or regulations are necessary to accommodate concurrent jurisdiction.

Dr. Walter Chun and Veterans of Safety Hawaii Chapter both requested an informal public hearing, to address the public's questions and comments. The public comments and questions submitted on the docket have all been addressed in this notice and there are no substantial issues raised that necessitate a public hearing.

Effect of the Decision

The Assistant Secretary's decision to modify the Hawaii State Plan's status from final to initial approval would authorize OSHA to carry on an enforcement program to supplement that of HIOSH, including independent federal or joint state and federal inspections resulting in issuance of appropriate federal citations. However, modifying Hawaii's final approval status would not affect Hawaii's basic plan approval and would not affect Hawaii's legal authority to enforce state occupational safety and health standards in the state's workplaces. This modification would leave Hawaii's federally-approved state plan completely in place, and would simply reinstate federal OSHA's authority to supplement state enforcement during this difficult period.

Federal OSHA inspections or joint state and federal OSHA inspections may result in the issuance of appropriate federal citations and penalties. Federal OSHA compliance officers may issue citations effective immediately. Contested federal citations and penalties will be reviewed by the Federal Occupational Safety and Health Review Commission (OSHRC). Federal OSHA will continue to exercise federal authority over safety and health issues excluded from coverage under the state plan; monitoring inspections including accompanied visits; and other federal authority not affected by the 1984 final approval decision.

Notice of the Operational Status Agreement

Federal OSHA will exercise its enforcement authority according to the terms of the 2012 OSA between OSHA and HIOSH, which specifies the respective areas of federal and state authority. OSHA will continue to exercise federal enforcement of federal requirements for safety and health in private sector maritime activities, 29 CFR part 1915 and parts 1917–1920, as well as provisions of the general industry and construction standards appropriate to hazards found in those employments. Federal jurisdiction also remains in effect over: Federal government employers and workers, and contractors or subcontractors on any federal establishment where the land is determined to be exclusive federal jurisdiction; private sector employers within the secured borders of

all military installations where access is controlled; and U.S. Postal Service (USPS), including USPS workers, and contract workers and contractor-operated facilities engaged in USPS mail operations. OSHA will also exercise authority over OSHA requirements promulgated under the Act subsequent to the OSA where necessary to protect employers, as in the case of emergency temporary standards promulgated under Section 6(c) of the Act, until Hawaii has promulgated comparable standards.

The OSA further provides that federal enforcement authority under Section 18 of the Act may be exercised with regard to federal occupational safety and health requirements over agriculture and general industries, excluding transportation and warehousing. Potential violations where the employer is in compliance with federal regulations, but not with more stringent HIOSH regulations, shall be referred to HIOSH.

HIOSH will retain enforcement authority in any case commenced before September 21, 2012. Additionally, HIOSH will exercise inspection and enforcement authority over: The construction industry, transportation and warehousing; state and local government as an employer; and referrals from federal OSHA to HIOSH.

The OSA also provides that HIOSH and federal OSHA will retain concurrent enforcement authority over employment discrimination complaints, pursuant to Section 11(c) of the Act. Employees may continue to file occupational safety and health whistleblower complaints with federal OSHA, the state, or both. However, the OSA provides that, in accordance with OSHA's long-standing policy, OSHA will generally continue to refer all employment discrimination complaints that are federally-filed by private-sector and non-federal public sector employees to HIOSH for investigation, a determination on the merits, and the pursuit of a remedy, if appropriate. The OSA explains that federal OSHA will investigate any allegations of retaliation covered under the OSHA-administered whistleblower laws other than Section 11(c).

If there arises any case or circumstance in which authority is not clearly defined in the OSA, OSHA and HIOSH will resolve the issue. In the meantime, (e.g., where quick response is required such as a fatality, catastrophe or significant event), OSHA shall respond to the situation.

Federal OSHA may conduct monitoring visits under Section 18(f) of the OSH Act. The OSA also provides that OSHA may also accompany HIOSH on enforcement activities for purposes of technical assistance and training. And HIOSH may accompany federal OSHA on enforcement activities for training purposes. The OSA is subject to revision or termination by mutual agreement of the parties, by either party upon 30 days written notice, or when the results of evaluation or monitoring reveal that state operations are at least as effective as the federal program and responsibilities may be returned to the state. Finally, the OSA includes an Addendum with goals and milestones for returning all enforcement responsibilities to Hawaii.

Regulatory Flexibility Analysis and Unfunded Mandates

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (as amended), OSHA examined the regulatory requirements of the final rule to determine whether it would have a significant economic impact on a substantial number of small entities. Since no employer of any size will have any new compliance obligations, the Agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. OSHA also reviewed this final rule in accordance with the Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.*) and Executive Order 12875 (56 FR 58093). Because this rule imposes no new compliance obligations, it requires no additional expenditures by either private employers or State, local, and tribal governments.

Federalism

Executive Order 13132, ''Federalism,'' (64 FR 43255, August 10, 1999) emphasizes consultation between Federal agencies and the States and establishes specific review procedures the Federal government must follow as it carries out policies which affect State or local governments. OSHA has consulted extensively with Hawaii about this modification of its approval status. Although OSHA has determined that the requirements and consultation procedures provided in Executive Order 13132 are not applicable to approval decisions under the Act, which have no effect outside the particular State, OSHA has reviewed this final rule, and believes it is consistent with the principles and criteria set forth in the Executive Order.

Why the Immediate Effective Date

OSHA finds that good cause exists for making this rule effective immediately upon publication in the **Federal Register.** The current situation in the state indicates the immediate need for supplementary federal occupational safety and health enforcement activity for the protection of workers in Hawaii. In addition, today's action does not impose any new compliance obligations on affected employers since standards enforced under the Hawaii State Plan are either identical to federal standards, or more stringent.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 1–2012 (77 FR 3912), and 29 CFR part 1905.

Signed in Washington, DC, on September 18, 2012.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

Accordingly, for the reasons set forth in the preamble, 29 CFR part 1952 is amended as set forth below.

PART 1952—[AMENDED]

■ 1. The authority citation for part 1952 is revised to read as follows:

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902; Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Subpart Y—Hawaii

■ 2. Remove and reserve § 1952.313, to read as follows:

§ 1952.313 [Reserved]

■ 3. Revise § 1952.314 to read as follows:

§ 1952.314 Level of Federal enforcement.

(a) With Hawaii's agreement and as a result of the Assistant Secretary's reinstatement of Hawaii's initial approval status, Hawaii and Federal OSHA will begin exercising concurrent jurisdiction under section 18(e) of the Act on September 21, 2012.

(b) To provide a workable division of enforcement responsibilities, Hawaii and Federal OSHA have entered into an operational status agreement. Notice of this agreement was provided in the **Federal Register** on September 21, 2012.

Electronic copies of the agreement are available at: *http://www.osha.gov/dcsp/osp/stateprogs/hawaii.html.*

[FR Doc. 2012–23366 Filed 9–20–12; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0862]

Drawbridge Operation Regulation; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Broadway Bridge across the Willamette River, mile 11.7, at Portland, OR. This deviation is necessary to accommodate the running of the Portland Marathon. This deviation allows the bridge to remain in the down or closed position during the marathon.

DATES: This deviation is effective from 7:30 a.m. October 7, 2012 through 3 p.m. October 7, 2012.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2012–0862 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0862 in the ''Keyword'' box and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email the Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282, email *randall.d.overton@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Multnomah County has requested that the Broadway Bascule Bridge remain closed to vessel traffic to facilitate safe, uninterrupted roadway passage of participants of the Portland Marathon. The Broadway Bridge crosses the Willamette River at mile 11.7 and provides 90 feet of vertical clearance above Columbia River Datum 0.0 while in the closed position. Vessels which do not require a bridge opening may continue to transit beneath the bridge during this closure period. Under normal conditions this bridge operates in accordance with 33 CFR 117.897 which allows for the bridge to remain closed between 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m. Monday through Friday and also requires advance notification when a bridge opening is needed. This deviation period is from 7:30 a.m. October 7, 2012 through 3 p.m. October 7, 2012. The deviation allows the bascule span of the Broadway Bridge across the Willamette River, mile 11.7, to remain in the closed position and need not open for maritime traffic from 7:30 a.m. October 7, 2012 through 3 p.m. October 7, 2012. The bridge shall operate in accordance to 33 CFR 117.897 at all other times. Waterway usage on this stretch of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridge's operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. The draw span will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

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

Dated: September 7, 2012.

Randall D. Overton,

Bridge Administrator.

[FR Doc. 2012–23291 Filed 9–20–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0808]

Drawbridge Operation Regulation; Old River, Orwood, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating regulation that governs the Burlington Northern & Santa Fe Railroad (BNSF) Drawbridge across Old River, mile 10.4, at Orwood, CA. The deviation is to allow the bridge owner to perform essential mechanical repairs on the bridge. This deviation allows the bridge to remain in the closed-to-navigation position during the event.

DATES: This deviation is effective from 8 a.m. October 22, 2012 to 4 p.m. on October 26, 2012.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of the docket USCG–2012–0808 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0808 in the ''Keyword'' box and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: BNSF has requested a temporary change to the operation of the BNSF Railroad Drawbridge, mile 10.4, over Old River, at Orwood, CA. The drawbridge navigation span provides a vertical clearance of 11.2 feet above Mean High Water in the closed-to-navigation position. The draw opens promptly and fully when a request to open is given. Navigation on the waterway is commercial and recreational.

This temporary deviation has been coordinated with commercial operators and various marinas. No objections to the proposed temporary deviation were raised. Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time. The BNSF drawbridge across Middle River provides alternative access for vessel transits.

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

Dated: September 11, 2012.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2012–23292 Filed 9–20–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

RIN 0596–AD08

Prohibitions Governing Fire

AGENCY: Forest Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Forest Service is making purely technical, nonsubstantive changes to Forest Service regulations. These regulations authorize issuance of an order prohibiting operation or use of any internal or external combustion engine without a spark arresting device that is properly installed, maintained, and in effective working order in accordance with the standards. The reference to the standard is obsolete and needs to be updated. The standard does not apply and needs to be removed.

DATES: The rule is effective September 21, 2012.

FOR FURTHER INFORMATION CONTACT: Kenneth Pearson, Assistant Director for Enforcement and Liaison, at 703–605–4527 or via email at *kenpearson@fs.fed.us.* Individuals who use telecommunication devices for the deaf may call the Federal Information Relay Service at 800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The standard listed in paragraph (j)(1) is ''Department of Agriculture, Forest Service Standard 5100–1a.'' However, the current U.S. Forest Service Standard is 5100–1d. Since this standard is continually being updated, the standard in paragraph (j)(1) is being revised to read, ''U.S. Forest Service Standard 5100–1.''

The standard listed in paragraph (j)(2) is ''Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).'' However, SAE recommended practices cover test procedures for, rather than performance of, spark arresters. U.S. Forest Service Standard 5100–1 covers performance of spark arresters. Accordingly, paragraph (j)(2) is being removed, and paragraph (j)(1) is being designated as paragraph (j).

Good Cause Statement

The Administrative Procedure Act (APA) exempts certain rulemaking from its public notice and comment requirements, including rulemaking involving ''public property'' (5 U.S.C. 553(a)(2)), such as federal lands managed by the Forest Service. Furthermore, the APA allows agencies to promulgate rules without public notice and comment when an agency for good cause finds that public notice and comment are ''impracticable, unnecessary, or contrary to the public interest'' (5 U.S.C. 553(b)(B)).

In 1971, Secretary of Agriculture Hardin announced a voluntary waiver of the public property exemption from public notice and comment rulemaking under the APA (July 24, 1971; 36 FR 13804). Thus, agencies in the United States Department of Agriculture (USDA) generally provide public notice and comment in promulgating rules. However, the Hardin policy permits USDA agencies to promulgate final rules without public notice and comment when the agencies find for good cause that notice and comment procedures would be impracticable, unnecessary, or contrary to the public interest, consistent with 5 U.S.C. 553(b)(B). The courts have recognized this good cause exception to the Hardin policy and have indicated that since the public notice and comment requirement was adopted voluntarily, the Secretary should be afforded ''more latitude'' in making a good cause determination. See *Alcaraz* v. *Block,* 746 F.2d 593, 612 (9th Cir. 1984).

The Department finds that good cause exists to exempt this rulemaking from public notice and comment pursuant to 5 U.S.C. 553(b)(B). This rulemaking merely updates a reference and removes an inapplicable reference. Public notice and comment are unnecessary for these minor, purely technical changes.

3. Regulatory Certifications

Environmental Impact

This final rule revises law enforcement regulations governing certain activities on National Forest System lands. Forest Service regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or environmental impact statement rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions. The Department has determined that this final rule falls within this category of actions and that no extraordinary circumstances exist which require preparation of an environmental assessment or environmental impact statement.

This final rule has been reviewed under USDA procedures and Executive Order (E.O.) 12866 on regulatory planning and review. It has been determined that this final rule is not significant. This final rule will not have an annual effect of $100 million or more on the economy, nor will it adversely affect productivity, competition, jobs, the environment, public health or safety, or State or local governments. This final rule will not interfere with an action taken or planned by another agency, nor will this final rule raise new legal or policy issues. Finally, this final rule will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of beneficiaries of those programs. Accordingly, this final rule is not subject to review by the Office of Management and Budget under E.O. 12866.

This final rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). This final rule makes purely technical, nonsubstantive changes to Forest Service regulations. Therefore, the Department has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined by that Act because this final rule will not impose record-keeping requirements on them; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

Federalism and Consultation and Coordination With Indian Tribal Governments

The Department has considered this final rule under the requirements of E.O. 13132 on federalism. The Department has determined that this final rule conforms to the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has determined that no further determination of federalism implications is necessary at this time.

This final rule does not have tribal implications per E.O. 13175, Consultation and Coordination with Indian Tribal Governments. Therefore, advance consultation with tribes is not required in connection with the final rule.

No Takings Implications

The Department has analyzed the final rule in accordance with the principles and criteria in E.O. 12630 and has determined that this final rule will not pose the risk of a taking of private property.

Civil Justice Reform

The Department has reviewed this final rule under E.O. 12988 on civil justice reform. After adoption of this final rule, (1) All State and local laws and regulations that conflict with this final rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of this final rule on State, local, and tribal governments and the private sector. This final rule will not compel the expenditure of $100 million or more by any State, local, or tribal government or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Energy Effects

The Department has reviewed this final rule under E.O. 13211 of May 18, 2001, Actions Concerning Regulations That Significantly Affect Energy Supply. The Department has determined that this final rule does not constitute a significant energy action as defined in the E.O.

Controlling Paperwork Burdens on the Public

This final rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply to this final rule.

List of Subjects in 36 CFR Part 261

Law enforcement, National forests.

Therefore, for the reasons set forth in the preamble, the Forest Service is amending subpart B of part 261 of Title 36 of the Code of Federal Regulations to read as follows:

PART 261—PROHIBITIONS

Subpart B—General Prohibitions

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

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 472, 551, 620(f), 1133(c), (d)(1), 1246(i).

■ 2. In § 261.52, revise paragraph (j) to read as follows:

* * * * *

§ 261.52 Fire.

* * * * *

(j) Operating or using any internal or external combustion engine without a spark arresting device that is properly installed, maintained, and in effective working order in accordance with U.S. Forest Service Standard 5100–1.

* * * * *

Dated: September 14, 2012.

Tim DeCoster,

Acting Chief, Forest Service.

[FR Doc. 2012–23319 Filed 9–20–12; 8:45 am]

BILLING CODE 3410–11–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2011–0593; FRL–9358–3]

Flumioxazin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of flumioxazin in or on multiple commodities which are identified and discussed later in this document. Valent U.S.A. Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 21, 2012. Objections and requests for hearings must be received on or before November 20, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2011–0593, is available either electronically through *http://www.regulations.gov* or in hard copy at the OPP Docket in the Environmental Protection Agency Docket Center (EPA/DC), located in EPA West, Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Bethany Benbow, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–8072; email address: *benbow.bethany@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection

or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2011–0593 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 20, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2011–0593, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), Mail Code: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 26, 2011, 76 FR 53374 (FRL–8884–9), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1F7886) by Valent U.S.A. Corporation, 1600 Riviera Ave., Suite 200, Walnut Creek, CA 94596. The petition requested that 40 CFR 180.568 be amended by establishing tolerances for residues of the herbicide, flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione, in or on Pea and bean, dried shelled (except soybean), crop subgroup 6C at 0.1 parts per million (ppm); Rapeseed, crop subgroup 20A at 0.35 ppm for seed, 0.04 ppm for meal, and 0.02 ppm for refined oil; Sunflower, crop subgroup 20B at 0.5 ppm for seed, 0.03 for meal, 0.02 ppm for refined oil; and Wheat at 0.35 ppm for grain, 5.0 ppm for straw, 0.02 ppm for forage, 0.02 ppm for hay, 0.35 ppm for bran, 0.05 ppm for flour, 0.35 ppm for germ, 0.08 ppm for middlings, 0.11 ppm for shorts, 110 ppm for aspirated grain fractions. In addition, the petition requested revocation of the existing tolerance for residues of flumioxazin in or on beans, dry seed, if a tolerance for Crop subgroup 6C (which includes this commodity) is set as requested. That notice referenced a summary of the petition prepared by Valent U.S.A. Corporation, the registrant, which is available in the docket, EPA–HQ–OPP–2011–0593 at *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition and use of the OECD tolerance calculation procedures, EPA has determined that a single tolerance to cover all of the commodities within each of the crop subgroups is appropriate versus individual tolerances for each of the commodities within the crop subgroups. In addition, EPA has determined that several of the proposed tolerances for wheat commodities, including wheat bran, flour, germ, middlings, and shorts, are not required. The reason for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *.''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for flumioxazin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with flumioxazin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. A summary of the toxicological findings are as follows:

Flumioxazin has mild or low acute toxicity when administered orally, dermally, or by inhalation. It is not an eye or skin irritant, or a dermal sensitizer. In general, the subchronic and chronic toxicity studies demonstrated that toxic effects associated with flumioxazin include anemia as well as effects on the liver and the cardiovascular system. Developmental effects were observed in developmental rat studies but not in developmental rabbit studies. Hematologic (hematopoietic) effects of anemia were noted in rats, consisting of alterations in hemoglobin parameters. Increased renal toxicity in male rats was also reported following chronic exposure. There is no evidence of neurotoxicity or immunotoxicity in the recently submitted guideline studies. Increased quantitative susceptibility was seen in the rat developmental toxicity studies. Fetal effects were observed in the absence of maternal toxicity. In addition, both increased qualitative and quantitative susceptibility were observed in the rat reproduction study. Severe fetal effects were observed at lower doses than milder parental effects. In most of the available mutagenicity studies, flumioxazin was negative for mutagenicity; however, aberrations were seen in a chromosomal aberration assay (CHO cells). Based on the lack of evidence of carcinogenicity in mice and rats, flumioxazin is classified as ''not likely to be carcinogenic to humans.''

Specific information on the studies received and the nature of the adverse effects caused by flumioxazin as well as the no-observed-adverse-effect-level

(NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document, *Flumioxazin. Human Health Risk Assessment for the Proposed Uses on Wheat, Sunflower, Safflower, Flax, Lentils and Field Peas* on page 20 in docket ID number EPA–HQ–OPP–2011–0593.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors (U/SF) are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for flumioxazin used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUMIOXAZIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	NOAEL = 3 mg/kg/day UF_A = 10x. UF_H = 10x. FQPA SF = 1x.	Acute RfD = aPAD = 0.03 mg/kg/day.	Oral Developmental and Supplemental Pre-natal Studies (Rat) LOAEL = 10 mg/kg/day, based on cardiovascular effects in fetuses.
Acute dietary (General population including infants and children).	No appropriate toxicological effects attributable to a single exposure (dose) were observed in oral toxicity studies including maternal effects in developmental studies in rats and rabbits. Therefore, a dose and endpoint were not identified for this risk assessment.		
Chronic dietary (All populations)	NOAEL= 2.0 mg/kg/day. UF_A = 10x. UF_H = 10x. FQPA SF = 1x.	Chronic RfD= cPAD = 0.02 mg/kg/day.	2-Year Chronic/Carcinogenicity Study (Rat) LOAEL = 18 mg/kg/day, based on increased chronic nephropathy in males and decreased hematological parameters in females.
Incidental oral short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL= 6.3 mg/kg/day. UF_A = 10x. UF_H = 10x. FQPA SF = 1x.	LOC for MOE = 100	2-Generation Reproduction Study (Rat) LOAEL = 12.7 mg/kg/day, based on decreased pup body weight and testicular atrophy in F1 males.
Dermal-Children short-term (1 to 30 days) and intermediate-term (1 to 6 months).	NOAEL = 6.3 mg/kg/day (dermal absorption factor = 8%). UF_A = 10x. UF_H = 10x. FQPA SF = 1x.	LOC for MOE = 100	2-Generation Reproduction Study (Rat) LOAEL = 12.7 mg/kg/day, based on decreased pup body weight and testicular atrophy in F1 males.
Dermal-Adults All Durations	NOAEL= 30 mg/kg/day. UF_A = 10x. UF_H = 10x. FQPA SF = 1x.	LOC for MOE = 100	Dermal Developmental Study (Rat) LOAEL = 100 mg/kg/day, based on cardiovascular effects in fetuses.
Inhalation short-term (1 to 30 days) and Intermediate term (1 to 6 months).	oral study NOAEL= 3 mg/kg/day (inhalation absorption rate = 100%). UF_A = 10x. UF_H = 10x. FQPA SF = 10x. $UF_{DB.}$	LOC for MOE = 1000.	Oral Developmental Study (Rat) LOAEL = 10 mg/kg/day, based on cardiovascular effects in fetuses.
Inhalation Long-term (> 6 months).	NOAEL = 2 mg/kg/day (inhalation absorption rate = 100%). UF_A = 10x. UF_H = 10x. FQPA SF = 10x. $UF_{DB.}$	LOC for MOE = 1000.	2-Year Chronic/Carcinogenicity Study (Rat) LOAEL = 18 mg/kg/day, based on increased chronic nephropathy in males and decreased hematological parameters in females.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUMIOXAZIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Cancer (Oral, dermal, inhalation).	"Not likely to be a carcinogenic to humans," based on the lack of carcinogenicity in a 2-year rat study, an 18-month mouse study, and a battery of mutagenic studies.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_{DB} = to account for the absence of data or other data deficiency. UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_L = use of a LOAEL to extrapolate a NOAEL. UF_S = use of a short-term study for long-term risk assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flumioxazin, EPA considered exposure under the petitioned-for tolerances as well as all existing flumioxazin tolerances in 40 CFR 180.568. EPA assessed dietary exposures from flumioxazin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for flumioxazin. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA assumed residues are present in all commodities at the tolerance level and that 100% of commodities with tolerances are treated with flumioxazin. In addition, EPA used default concentration factors to estimate residues of flumioxazin in processed commodities. Acute dietary exposure was only estimated for females 13–49 years old based on cardiovascular effects in fetuses observed in the oral developmental and supplemental prenatal rat studies. An endpoint of concern was not established for acute dietary assessment of the general population.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food, EPA assumed residues are present in all commodities at the tolerance level and that 100% of commodities with tolerances are treated with flumioxazin. In addition, EPA used default concentration factors to estimate residues of flumioxazin in processed commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that flumioxazin does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk was not conducted.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flumioxazin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of flumioxazin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Modeled estimates of drinking water concentrations, based on the estimated environmental concentrations (EECs) for flumioxazin and its major degradates (482–HA and APF) under the use as an aquatic herbicide, were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 400 parts per billion (ppb) was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 142 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Flumioxazin is currently registered for the following uses that could result in residential exposures: Aquatic areas, ornamental gardens, ornamental trees, and turf in residential lawns, athletic fields, parks, and golf courses. EPA assessed residential exposure with the assumption that homeowner handlers wear shorts, short-sleeved shirts, socks, and shoes, and that they complete all tasks associated with the use of a pesticide product including mixing/loading, if needed, as well as the application. Residential handler exposure scenarios for both dermal and inhalation are considered to be short-term only, due to the infrequent use patterns associated with homeowner products. EPA uses the term "post-application" to describe exposure to individuals that occur as a result of being in an environment that has been previously treated with a pesticide. Flumioxazin can be used in many areas that can be frequented by the general population including residential areas, golf courses, lakes, and ponds. As a result, individuals can be exposed by entering these areas if they have been previously treated. Therefore, short-term and intermediate dermal post-application exposures and risks were assessed for adults and children. In addition, oral post-application exposures and risks were assessed for children to be protective of possible hand-to-mouth, object-to-mouth, and soil ingestion activities that may occur on treated turf areas. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity." EPA has not found flumioxazin to share a common mechanism of toxicity with any other substances, and flumioxazin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that flumioxazin does not have a common mechanism of toxicity with other

substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Evidence of increased susceptibility to fetuses was observed in the oral and dermal developmental rat studies [i.e. cardiovascular anomalies (ventricular septal defect)] that occurred in the absence of maternal toxicity. Additionally, the rat reproduction study demonstrated evidence of qualitative and quantitative post-natal susceptibility because reproductive effects in offspring were observed at doses lower than those that caused parental/systemic toxicity, and because the reproductive effects in offspring were considered to be more severe than the parental/systemic effects.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X for oral and dermal exposures, but be retained at 10X for inhalation exposures. That decision is based on the following findings:

i. The toxicity database for flumioxazin is largely complete with the exception of an inhalation developmental study, which was recently determined necessary, in order to better assess route-specific inhalation risks. In the absence of this study, a 10x FQPA safety factor to account for database uncertainty is needed to protect the safety of infants and children to assess risks for all inhalation exposure scenarios. The toxicity profile can be characterized for all effects, including potential developmental and reproductive toxicity, immunotoxicity and neurotoxicity with the current database.

ii. There is no indication that flumioxazin is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. Although increased susceptibility was seen in the rat developmental and reproductive studies, EPA's concern for these effects is low, and there are no residual uncertainties for pre- and/or postnatal toxicity because: The developmental toxicity NOAELs/LOAELs are well characterized after oral and dermal exposure; the offspring toxicity NOAEL and LOAEL are well characterized in the reproduction study and; the Points of Departure (POD) for assessing risk to developing fetuses, infants, and children have been selected either from the developmental and reproductive toxicity studies from the chronic study which established a lower POD for chronic effects than the studies in pre- and postnatal animals. Thus, the regulatory endpoints for flumioxazin are protective of the increased susceptibility seen in the developmental and reproduction studies, and there are no residual concerns for these effects.

iv. There are no residual uncertainties identified in the exposure databases. Because the acute and chronic dietary exposure estimates were based on several conservative assumptions (100% of crops treated with residues present at tolerance levels, default processing factors and screening level drinking water estimates), EPA is confident that the dietary exposure assessments do not underestimate risk to the general U.S. population and various population subgroups. Similarly, EPA does not believe that the non-dietary residential exposures are underestimated because they are based on the conservative assumptions of EPA's Draft Standard Operating Procedures (SOPs) for Residential Exposure Assessments (December 1997), and updates contained in the Science Advisory Council Policy 12 (February 2001) as well as the uses specified in the proposed labels.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and cPAD. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Acute aggregate risk takes into account exposure to residues in food and drinking water alone. Therefore, acute aggregate risk is equivalent to the acute dietary risk as discussed in Unit III.C.1.i. The acute dietary exposure estimate for females 13–49 years old will utilize 68% of the aPAD, which is below the Agency's LOC (100% of the aPAD).

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flumioxazin from food and water will utilize 54% of the cPAD for all infants (< 1 year old) the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of flumioxazin is not expected.

3. *Short-term risk.* Flumioxazin is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to flumioxazin.

Different methodologies were used for the presentation of short-term aggregate risk for adults and children. An aggregate risk estimate (ARI) approach was required to estimate short-term adult aggregate risk because there are different LOCs for adult dermal and inhalation exposures, 100 and 1,000, respectively. For short-term child aggregate risk, the combined MOE approach was used because the endpoint of concern (decreased pup weight) and the LOC are the same. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate ARI of 1.15 for adults and aggregate MOE of 150 for children. Because EPA's LOC for flumioxazin is an ARI of 1 or below and a MOE of 100 or below, these aggregate risk estimates are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Since the short- and intermediate-term toxicological endpoints for flumioxazin are the same for each route of exposure, only short-term exposures were assessed.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, flumioxazin is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to flumioxazin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography/nitrogen-phosphorus detection (GC/NPD) method, Valent Method RM30–A–1) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. There are no MRLs established by Codex, Canada, or Mexico for any of the proposed commodities in the current registration actions.

C. Revisions to Petitioned-For Tolerances

EPA has revised the requested tolerances by adjusting the tolerance values, substituting crop group tolerances for individual tolerances, and dropping unnecessary tolerances. The tolerance levels were revised based on analysis of the field trial data using the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures. EPA believes they differ from the petitioner's proposed tolerances for dried pea, rapeseed subgroup 20A, and wheat grain and straw due to the petitioner having possibly used the National Technology Transfer and Advancement Act of 1995 (NAFTA) tolerance calculation procedures as opposed to the OECD procedure. In addition, EPA is setting single tolerances for the crop subgroups (6C, 20A and 20B) versus individual tolerances for each commodity within the subgroups since maximum residues of the commodities within the crop subgroups differ by less than 5X. The proposed tolerances for wheat commodities (bran, flour, germ, middlings, and shorts) are also not necessary since they are covered by the tolerance being set for wheat grain.

V. Conclusion

Therefore, tolerances are established for residues of flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2 H -1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1 H -isoindole-1,3(2 H)-dione, including its metabolites and degradates, in or on the commodities as set forth in the regulatory text. Compliance with the tolerance levels specified below is to be determined by measuring only flumioxazin.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of NTTAA, Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 10, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.568 is amended by:

■ a. Alphabetically adding the following commodities to the table in paragraph (a);

■ b. Removing the commodity, ''bean, dry seed'' from the table in paragraph (a).

The amendments read as follows:

§ 180.568 Flumioxazin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Grain, aspirated fractions	100
* * * * *	
Pea and bean, dried shelled, except soybean, subgroup 6C	0.07
* * * * *	
Rapeseed subgroup 20A	0.40
* * * * *	
Sunflower subgroup 20B	0.50
* * * * *	
Wheat, forage	0.02
Wheat, grain	0.40
Wheat, hay	0.02
Wheat, straw	6.0

* * * * *

[FR Doc. 2012–23352 Filed 9–20–12; 8:45 am]

BILLING CODE 6560–50–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Parts 51–1

Substitution of Term in a Definition; Addition and Adoption of the Use of Specific Interchangeable or Synonymous Terms

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Final rule.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee) administers the AbilityOne® Program pursuant to the authority of the Javits-Wagner-O'Day (JWOD) Act. The Committee is substituting the term ''disabled'' for ''handicapped'' in a term defined in its regulation. Additionally, the Committee has deliberated and unanimously voted to approve the use of ''severely'' disabled and ''significantly'' disabled as interchangeable or synonymous terms when referring to people who are severely disabled within the AbilityOne Program. The Committee's approval to use ''severely'' and significantly'' as interchangeable or synonymous terms within the AbilityOne Program specifically does not make any change to the definition of ''severely disabled individual'' in the JWOD Act or expand the population of individuals served within the AbilityOne Program.

DATES: *Effective Date:* September 21, 2012.

ADDRESSES: The Committee office is located at 1421 Jefferson Davis Highway, Suite 10800, Arlington, VA 22202–3259.

FOR FURTHER INFORMATION CONTACT: Dennis Lockard, General Counsel, by telephone (703) 603–7740, or by facsimile at (703) 603–0030, or by mail at the Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Hwy., Suite 10800, Arlington, VA 22202–3259.

SUPPLEMENTARY INFORMATION:

I. Background

The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) administers the AbilityOne® Program pursuant to the authority of the Javits-Wagner-O'Day (JWOD) Act (41 U.S.C. 8501*et seq.*). The AbilityOne Program provides employment opportunities for people who are blind or have other severe disabilities through the manufacture and delivery of products and services to the Federal Government. 41 U.S.C. 8503(d) authorizes the Committee to make rules and regulations necessary to carry out the purpose of the Act and the Committee has done so at 41 CFR Chapter 51. Within the AbilityOne Program, the term ''severely disabled'' is used to describe people with severe disabilities who qualify to participate in the program; however, within the Committee's regulation, the terms *other severely handicapped and severely handicapped individuals* are used to define persons with severe disabilities. The Committee is amending its regulation to correct the terminology and remove references to ''handicap'' or ''handicapped'' in the list of definitions.

Additionally, the Committee is aware that the term ''severely disabled'' is no longer the description of choice of all disability advocates and terms such as ''significantly disabled'' have gained acceptance within the disability communities. The Committee is also cognizant that the term ''individual with a significant disability'' (instead of *severe disability*) was included and defined in the 1998 reauthorization of the Rehabilitation Act of 1973 and the term is being included in other congressional actions and agency regulations. In conjunction with the broader use of the terms ''significant'' disability and ''significantly'' disabled, the AbilityOne Program's participants, stakeholders and supporters have increasingly accepted and used these terms within the program. Consequently, in order to ensure alignment and consistency throughout the AbilityOne Program, the Committee has voted to permit use of the terms ''significant'' or ''significantly'' as interchangeable or synonymous with ''severe'' or ''severely'' when describing individuals with severe disabilities who qualify to participate in the AbilityOne Program. The action by the Committee to use the terms interchangeably or synonymously does not, however, result in any change to the definition or eligibility (either expand or narrow) of the population served in the AbilityOne Program under the authority of the JWOD Act. In addition, this action does not make any change to the statutory name of the Committee or permit the use of the synonymous term when describing the Committee.

The Committee has issued a final rule because this rule does not have a significant effect beyond the internal operating procedures of the AbilityOne Program and does not have a significant cost or administrative impact on others not associated with the AbilityOne Program. Therefore, public comment is not required. This interpretive rule is action by the Committee to ensure that appropriate terminology is used within the AbilityOne Program to describe a significant portion of the people who are served under this program.

II. Statutory and Executive Order Reviews

Executive Orders 12866 and 13563 direct agencies to assess costs, benefits and burdens of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effective, distributive impacts, and equity). This is not a significant

regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804; therefore, Congressional notification is not required.

Regulatory Flexibility Act

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

Administrative Procedure Act

The Committee finds under 5 U.S.C. 553(b)(3)(A) that the statute does not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice. This final rule simply substitutes a word in a term defined in the regulation and authorizes the use of specific interchangeable or synonymous terms when describing individuals who are eligible to participate in the AbilityOne Program. Further, pursuant to 5 U.S.C. 553(b)(3)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and an opportunity for public comment. The Committee also finds that the 30-day delay in effectiveness, required under 5 U.S.C. 553(d), is inapplicable because this rule is not a substantive rule.

Paperwork Reduction Act of 1995

The Committee has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply because this rule does not contain any information collection requirements that require approval of OMB.

List of Subjects in 41 CFR Part 51–1

Government procurement, Individuals with disabilities.

For the reasons stated in the preamble, the Committee for Purchase From People Who Are Blind or Severely Disabled amends 41 CFR Part 51–1 as set forth below:

41 CFR PART 51–1—GENERAL

■ 1. The authority for 41 CFR part 51–1 continues to read as follows:

Authority: 56 FR 48976, Sept. 26, 1991, unless otherwise noted.

■ 2. Amend § 51–1.3 by amending the heading of the definition ''*Other severely handicapped and severely handicapped individuals*'' by removing the word ''handicapped'' and adding the word ''disabled'' in its place, and adding the definition ''*Severely disabled individual; Severe disability; Significantly disabled individual; Significant disability*'' to read as follows:

§ 51–1.3 Definitions.

* * * * *

Severely disabled individual; Severe disability; Significantly disabled individual; Significant disability; are interchangeable or synonymous terms used within the AbilityOne Program to describe persons with severe disabilities who qualify to participate in the AbilityOne Program.

* * * * *

III. Approval Authority

The Executive Director of the Committee has approved the publication of this notice and authorized the undersigned to sign and submit the document to the Office of the Federal Register.

Dated: September 18, 2012.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2012–23330 Filed 9–20–12; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2012–0072]

Final Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of 2010 final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 2010 passenger motor vehicles that occurred in calendar year (CY) 2010. The final 2010 theft data indicated a decrease in the vehicle theft rate experienced in CY/MY 2010. The final theft rate for MY 2010 passenger vehicles stolen in calendar year 2010 is 1.17 thefts per thousand vehicles, a decrease of 12.03 percent from the rate of 1.33 thefts per thousand in 2009. Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data and publish the information for review and comment.

DATES: *Effective date:* September 21, 2012.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually beginning with MYs 1983/84. Continuing to fulfill the § 33104(b)(4) mandate, this document reports the final theft data for CY 2010, the most recent calendar year for which data are available.

In calculating the 2010 theft rates, NHTSA followed the same procedures it used in calculating the MY 2009 theft rates. (For 2009 theft data calculations, see 76 FR 65610, October 24, 2011). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 2010 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 2010 vehicles of that line stolen during calendar year 2010 by the total number of vehicles in that line manufactured for MY 2010, as reported to the Environmental Protection Agency (EPA).

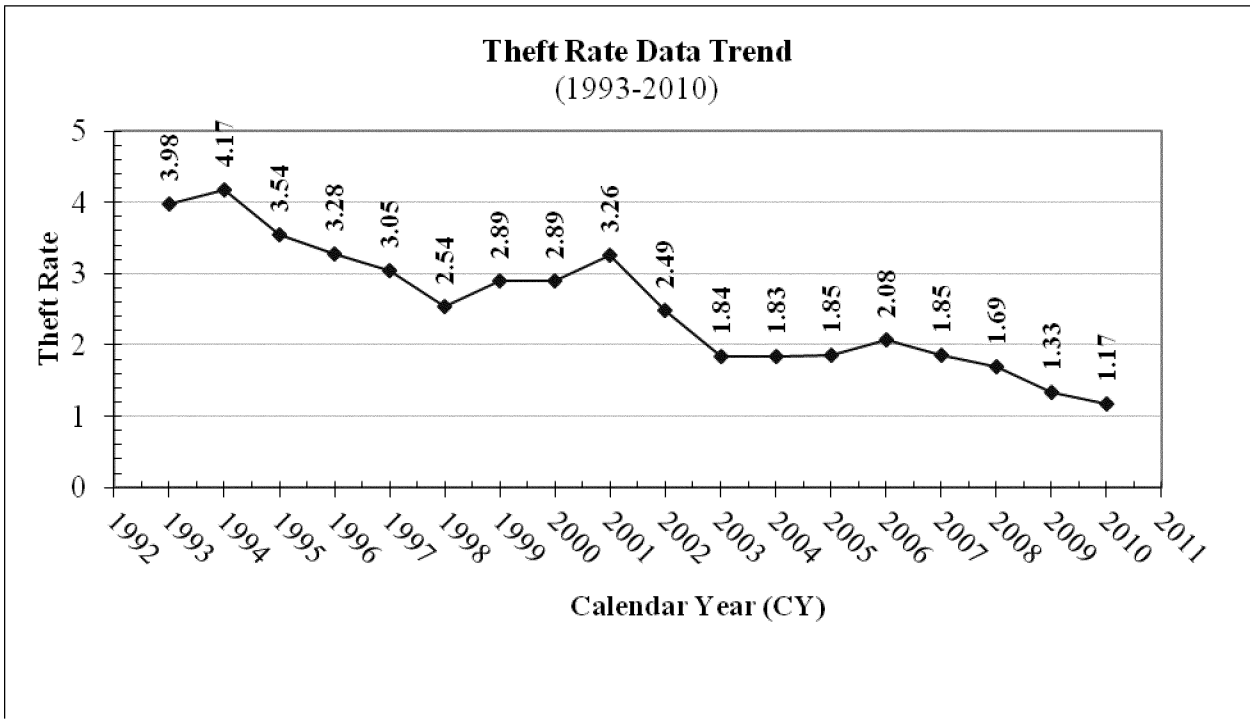
The final 2010 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 2009. The final theft rate for MY 2010 passenger vehicles stolen in calendar year 2010 decreased to 1.17

thefts per thousand vehicles produced, a decrease of 12.03 percent from the rate of 1.33 thefts per thousand vehicles experienced by MY 2009 vehicles in CY 2009. A similar decreasing trend in vehicle thefts was reported in the Federal Bureau of Investigation's (FBI) 2010 Uniform Crime Report showing a 7.4% reduction in motor vehicle thefts (automobiles, trucks, buses and other vehicles) from 2009 to 2010.

For MY 2010 vehicles, out of a total of 225 vehicle lines, three lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the three vehicle lines with a theft rate higher than 3.5826, three are passenger car lines, none are multipurpose passenger vehicle lines, and none are light-duty truck lines.

NHTSA's data show that the MY 2010 theft rate reduction is consistent with the general decreasing trend of theft rates over the past 17 years as indicated by Figure 1. The agency believes that the theft rate reduction is the result of several factors including the increased use of standard antitheft devices (i.e., immobilizers) and vehicle parts marking as well as the effectiveness of combined measures used by Federal agencies, law enforcement, vehicle manufacturers and the insurance industry to help combat vehicle theft.

Figure 1: Theft Rate Data Trend (1993-2010)



Theft rate per thousand vehicles produced

On Tuesday, June 26, 2012, NHTSA published the preliminary theft rates for CY 2010 passenger motor vehicles in the **Federal Register** (77 FR 38025). The agency tentatively ranked each of the MY 2010 vehicle lines in descending order of theft rate. The public was requested to comment on the accuracy of the data and to provide final production figures for individual vehicle lines. The agency did not receive any comments from the public to make adjustments to its data. As a result, the final theft rates and rankings of vehicle lines did not change from those published in the June 2012 notice.

The following list represents NHTSA's final calculation of theft rates for all 2010 passenger motor vehicle lines. This list is intended to inform the public of calendar year 2010 motor vehicle thefts of model year 2010 vehicles and does not have any effect on the obligations of regulated parties under 49 U.S.C. chapter 331, Theft Prevention.

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2010 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2010

	Manufacturer	Make/model (line)	Thefts 2010	Production (Mfr's) 2010	2010 Theft rate (per 1,000 vehicles produced)
1	CHRYSLER	DODGE CHARGER	532	88,032	6.0433
2	GENERAL MOTORS	PONTIAC G6	111	25,586	4.3383
3	GENERAL MOTORS	CHEVROLET IMPALA	579	150,391	3.8500
4	CHRYSLER	300	185	52,261	3.5399
5	NISSAN	INFINITI FX35	30	9,385	3.1966
6	MITSUBISHI	GALANT	38	12,053	3.1527
7	CHRYSLER	SEBRING	130	43,022	3.0217
8	TOYOTA	LEXUS SC	1	335	2.9851
9	CHRYSLER	DODGE AVENGER	197	67,604	2.9140
10	KIA	RIO	55	18,975	2.8986
11	NISSAN	INFINITI M35/M45	12	4,287	2.7992
12	GENERAL MOTORS	CHEVROLET HHR	178	64,733	2.7498
13	FORD MOTOR CO	LINCOLN TOWN CAR	27	9,937	2.7171
14	MERCEDES–BENZ	CL–CLASS	3	1,124	2.6690
15	BMW	7	15	5,702	2.6307
16	HYUNDAI	SONATA	195	77,219	2.5253
17	HYUNDAI	ACCENT	139	55,245	2.5161
18	KIA	OPTIMA	60	25,135	2.3871
19	GENERAL MOTORS	CADILLAC DTS	36	15,744	2.2866
20	FORD MOTOR CO	MUSTANG	162	72,346	2.2392
21	GENERAL MOTORS	CHEVROLET COBALT	260	116,273	2.2361
22	VOLVO	C70	5	2,238	2.2341
23	CHRYSLER	DODGE CALIBER	103	47,199	2.1822
24	TOYOTA	CAMRY/SOLARA	691	317,754	2.1746
25	GENERAL MOTORS	CHEVROLET MALIBU	381	183,777	2.0732
26	GENERAL MOTORS	CHEVROLET AVEO	65	31,692	2.0510
27	NISSAN	VERSA	162	79,164	2.0464
28	CHRYSLER	DODGE CHALLENGER	106	51,812	2.0459
29	HONDA	PILOT	42	22,528	1.8643
30	BMW	6	5	2,808	1.7806
31	CHRYSLER	SEBRING CONVERTIBLE	16	9,219	1.7355
32	MITSUBISHI	ENDEAVOR	8	4,674	1.7116
33	VOLVO	S40	12	7,306	1.6425
34	CHRYSLER	JEEP COMPASS	30	18,549	1.6173
35	GENERAL MOTORS	CHEVROLET CAMARO	190	117,961	1.6107
36	FORD MOTOR CO	FOCUS	279	176,089	1.5844
37	AUDI	AUDI S4/S5	11	7,068	1.5563
38	NISSAN	PATHFINDER	16	10,308	1.5522
39	GENERAL MOTORS	CADILLAC CTS	61	40,045	1.5233
40	NISSAN	ALTIMA	340	224,551	1.5141
41	GENERAL MOTORS	PONTIAC VIBE	21	14,075	1.4920
42	FORD MOTOR CO	MERCURY GRAND MARQUIS	41	27,956	1.4666
43	SUZUKI	SX4	19	13,405	1.4174
44	KIA	FORTE	137	98,010	1.3978
45	FORD MOTOR CO	TAURUS	87	62,367	1.3950
46	GENERAL MOTORS	SATURN VUE	4	2,904	1.3774
47	TOYOTA	4RUNNER	18	13,345	1.3488
48	NISSAN	MAXIMA	89	66,639	1.3356
49	NISSAN	XTERRA	31	23,420	1.3237
50	MAZDA	5	26	20,150	1.2903
51	TOYOTA	COROLLA	615	478,294	1.2858
52	HYUNDAI	ELANTRA	194	151,343	1.2819
53	PORSCHE	PANAMERA	7	5,531	1.2656
54	NISSAN	SENTRA	116	92,736	1.2509
55	SUBARU	B9 TRIBECA	3	2,412	1.2438
56	FORD MOTOR CO	FUSION	341	280,461	1.2159
57	FORD MOTOR CO	MERCURY MILAN	47	38,824	1.2106
58	TOYOTA	YARIS	74	63,285	1.1693
59	MAZDA	6	53	45,410	1.1671
60	NISSAN	INFINITI G37	49	42,113	1.1635
61	TOYOTA	SCION XB	24	20,718	1.1584
62	TOYOTA	MATRIX	31	26,950	1.1503
63	VOLKSWAGEN	JETTA/GLI	142	123,543	1.1494
64	VOLKSWAGEN	CC	33	29,078	1.1349
65	MERCEDES–BENZ	S–CLASS	17	15,555	1.0929
66	MERCEDES–BENZ	GLK–CLASS	38	35,364	1.0745
67	VOLKSWAGEN	NEW BEETLE	18	16,829	1.0696

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2010 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2010—Continued

	Manufacturer	Make/model (line)	Thefts 2010	Production (Mfr's) 2010	2010 Theft rate (per 1,000 vehicles produced)
68	TOYOTA	SCION TC	21	19,786	1.0614
69	HONDA	ACURA 3.5 RL	3	2,859	1.0493
70	KIA	SPORTAGE	13	12,465	1.0429
71	GENERAL MOTORS	CHEVROLET CORVETTE	12	11,615	1.0331
72	MAZDA	3	164	158,778	1.0329
73	MERCEDES–BENZ	C–CLASS	58	56,579	1.0251
74	MASERATI	GRANTURISMO	1	989	1.0111
75	GENERAL MOTORS	CADILLAC STS	3	3,010	0.9967
76	GENERAL MOTORS	BUICK LACROSSE/ALLURE	55	55,836	0.9850
77	FORD MOTOR CO	FLEX	22	22,451	0.9799
78	MERCEDES–BENZ	E–CLASS	61	63,473	0.9610
79	FORD MOTOR CO	LINCOLN MKS	14	14,730	0.9504
80	CHRYSLER	DODGE JOURNEY	70	74,562	0.9388
81	GENERAL MOTORS	BUICK LUCERNE	19	20,529	0.9255
82	JAGUAR LAND ROVER	XK/XKR	2	2,198	0.9099
83	CHRYSLER	JEEP LIBERTY	44	48,487	0.9075
84	KIA	SOUL	68	75,847	0.8965
85	BMW	3	42	47,715	0.8802
86	FORD MOTOR CO	EDGE	105	119,546	0.8783
87	CHRYSLER	DODGE NITRO	17	19,432	0.8748
88	AUDI	AUDI A3	4	4,587	0.8720
89	HYUNDAI	GENESIS	25	29,056	0.8604
90	BMW	Z4/M	1	1,165	0.8584
91	JAGUAR LAND ROVER	XF	7	8,206	0.8530
92	HONDA	ACCORD CROSSTOUR	29	34,114	0.8501
93	HONDA	CIVIC	217	259,907	0.8349
94	AUDI	AUDI TT	1	1,201	0.8326
95	TOYOTA	FJ CRUISER	16	19,395	0.8250
96	FORD MOTOR CO	LINCOLN MKZ	23	27,963	0.8225
97	SUBARU	IMPREZA	31	38,000	0.8158
98	TOYOTA	LEXUS LS	11	13,636	0.8067
99	BENTLEY MOTORS	CONTINENTAL	1	1,249	0.8006
100	TOYOTA	SIENNA VAN	43	54,895	0.7833
101	NISSAN	CUBE	15	19,411	0.7728
102	HONDA	ACURA ZDX	3	3,994	0.7511
103	FORD MOTOR CO	ESCAPE	146	200,970	0.7265
104	GENERAL MOTORS	GMC CANYON PICKUP	6	8,394	0.7148
105	NISSAN	GT–R	1	1,420	0.7042
106	HONDA	ACCORD	198	281,286	0.7039
107	HYUNDAI	SANTA FE	39	55,423	0.7037
108	MITSUBISHI	LANCER	21	29,952	0.7011
109	KIA	SEDONA VAN	11	15,716	0.6999
110	TOYOTA	TACOMA PICKUP	77	111,599	0.6900
111	TOYOTA	HIGHLANDER	58	84,152	0.6892
112	AUDI	AUDI A4/A5	26	38,497	0.6754
113	MERCEDES–BENZ	SLK–CLASS	1	1,505	0.6645
114	NISSAN	370Z	7	10,913	0.6414
115	GENERAL MOTORS	CADILLAC SRX	31	48,740	0.6360
116	TOYOTA	SCION XD	10	15,884	0.6296
117	CHRYSLER	JEEP PATRIOT	25	40,670	0.6147
118	HONDA	ACURA MDX	21	34,613	0.6067
119	AUDI	AUDI A6	4	6,777	0.5902
120	SUZUKI	KIZASHI	4	6,807	0.5876
121	KIA	RONDO	1	1,713	0.5838
122	NISSAN	FRONTIER PICKUP	26	44,888	0.5792
123	FORD MOTOR CO	LINCOLN MKX	12	21,164	0.5670
124	FORD MOTOR CO	CROWN VICTORIA	1	1,809	0.5528
125	TOYOTA	VENZA	27	49,445	0.5461
126	VOLKSWAGEN	TIGUAN	9	17,505	0.5141
127	BMW	1	3	5,890	0.5093
128	HONDA	INSIGHT	22	43,523	0.5055
129	TOYOTA	LEXUS IS	21	41,696	0.5036
130	NISSAN	ROGUE	44	89,165	0.4935
131	TOYOTA	RAV4	89	180,634	0.4927
132	HONDA	ELEMENT	8	16,560	0.4831
133	HONDA	ACURA TSX	23	47,770	0.4815
134	TOYOTA	AVALON	7	14,551	0.4811

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2010 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2010—Continued

	Manufacturer	Make/model (line)	Thefts 2010	Production (Mfr's) 2010	2010 Theft rate (per 1,000 vehicles produced)
135	HYUNDAI	TUCSON	11	22,950	0.4793
136	GENERAL MOTORS	CHEVROLET COLORADO PICKUP	12	25,073	0.4786
137	VOLVO	V50	1	2,148	0.4655
138	FORD MOTOR CO	MERCURY MARINER	14	30,142	0.4645
139	SUBARU	LEGACY	16	34,726	0.4607
140	CHRYSLER	JEEP WRANGLER	45	98,149	0.4585
141	BMW	MINI COOPER	18	40,706	0.4422
142	VOLKSWAGEN	GOLF/RABBIT/GTI	11	24,911	0.4416
143	TOYOTA	LEXUS GS	3	6,801	0.4411
144	CHRYSLER	PT CRUISER	5	11,358	0.4402
145	MAZDA	MX–5 MIATA	3	7,090	0.4231
146	TOYOTA	LEXUS ES	23	54,389	0.4229
147	HONDA	ACURA 3.2 TL	15	37,466	0.4004
148	FORD MOTOR CO	RANGER PICKUP	22	58,434	0.3765
149	NISSAN	MURANO	22	58,921	0.3734
150	AUDI	AUDI Q5	7	18,853	0.3713
151	SUBARU	OUTBACK	25	71,253	0.3509
152	VOLVO	S80	3	8,805	0.3407
153	BMW	5	12	35,988	0.3334
154	SUBARU	FORESTER	37	111,861	0.3308
155	TOYOTA	LEXUS RX	49	152,431	0.3215
156	HONDA	CR–V	64	200,327	0.3195
157	TOYOTA	PRIUS	78	250,553	0.3113
158	VOLVO	XC90	3	9,846	0.3047
159	VOLKSWAGEN	PASSAT	4	13,204	0.3029
160	GENERAL MOTORS	GMC TERRAIN	13	48,605	0.2675
161	SUZUKI	VITARA/GRAND VITARA	2	7,498	0.2667
162	HONDA	ODYSSEY VAN	30	113,418	0.2645
163	MITSUBISHI	OUTLANDER	4	15,936	0.2510
164	PORSCHE	911	1	4,030	0.2481
165	TOYOTA	LEXUS HS	4	18,091	0.2211
166	FORD MOTOR CO	TRANSIT CONNECT VAN	8	36,886	0.2169
167	HONDA	ACURA RDX	3	14,117	0.2125
168	NISSAN	INFINITI EX35	2	9,536	0.2097
169	GENERAL MOTORS	CHEVROLET EQUINOX	29	139,654	0.2077
170	SAAB	9–3	1	5,090	0.1965
171	VOLVO	XC60	3	17,202	0.1744
172	VOLKSWAGEN	EOS	1	5,762	0.1736
173	MAZDA	CX–7	7	40,443	0.1731
174	HONDA	FIT	12	69,465	0.1727
175	BMW	X3	1	6,566	0.1523
176	MAZDA	CX–9	1	15,464	0.0647
177	ASTON MARTIN	DB9	0	68	0.0000
178	ASTON MARTIN	DBS	0	169	0.0000
179	ASTON MARTIN	RAPIDE	0	135	0.0000
180	ASTON MARTIN	VANTAGE	0	229	0.0000
181	AUDI	AUDI A8	0	649	0.0000
182	AUDI	AUDI R8	0	546	0.0000
183	AUDI	AUDI S6	0	140	0.0000
184	BENTLEY MOTORS	AZURE	0	38	0.0000
185	BENTLEY MOTORS	BROOKLANDS	0	2	0.0000
186	BMW	M3	0	1,869	0.0000
187	BMW	M5	0	386	0.0000
188	BMW	M6	0	523	0.0000
189	BUGATTI	VEYRON	0	8	0.0000
190	CHRYSLER	DODGE VIPER	0	384	0.0000
191	FERRARI	458	0	474	0.0000
192	FERRARI	599	0	153	0.0000
193	FERRARI	612 SCAGLIETTI	0	26	0.0000
194	FERRARI	CALIFORNIA	0	1,127	0.0000
195	GENERAL MOTORS	CADILLAC FUNERAL COACH/HEARSE	0	529	0.0000
196	GENERAL MOTORS	CADILLAC LIMOUSINE	0	272	0.0000
197	GENERAL MOTORS	PONTIAC G5	0	3	0.0000
198	GENERAL MOTORS	SATURN AURA	0	20	0.0000
199	HYUNDAI	AZERA	0	1,121	0.0000
200	HYUNDAI	VERACRUZ	0	8,344	0.0000
201	JAGUAR LAND ROVER	LAND ROVER LR2	0	4,430	0.0000

FINAL REPORT OF THEFT RATES FOR MODEL YEAR 2010 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2010—Continued

	Manufacturer	Make/model (line)	Thefts 2010	Production (Mfr's) 2010	2010 Theft rate (per 1,000 vehicles produced)
202	JAGUAR LAND ROVER	XJ	0	68	0.0000
203	LAMBORGHINI	GALLARDO	0	190	0.0000
204	LAMBORGHINI	MURCIELAGO	0	59	0.0000
205	LOTUS	ELISE	0	354	0.0000
206	MASERATI	QUATTROPORTE	0	394	0.0000
207	MAZDA	RX–8	0	1,217	0.0000
208	MAZDA	TRIBUTE	0	4,180	0.0000
209	MERCEDES–BENZ	CLS–CLASS	0	1,352	0.0000
210	MERCEDES–BENZ	MAYBACH 57	0	1	0.0000
211	MERCEDES–BENZ	SMART FORTWO	0	3,255	0.0000
212	MITSUBISHI	ECLIPSE	0	793	0.0000
213	NISSAN	INFINITI FX50	0	460	0.0000
214	PORSCHE	BOXSTER	0	1,421	0.0000
215	PORSCHE	CAYMAN	0	955	0.0000
216	ROLLS ROYCE	GHOST	0	604	0.0000
217	ROLLS ROYCE	PHANTOM	0	281	0.0000
218	ROUSH PERFORMANCE	RPP MUSTANG	0	766	0.0000
219	SAAB	9–5	0	644	0.0000
220	SPYKER	C8	0	5	0.0000
221	SUZUKI	EQUATOR PICKUP	0	1,230	0.0000
222	TESLA	ROADSTER	0	278	0.0000
223	VOLVO	C30	0	1,536	0.0000
224	VOLVO	V70	0	1,496	0.0000
225	VOLVO	XC70	0	6,379	0.0000

Issued on: September 14, 2012.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2012–23308 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111207737–2141–02]

RIN 0648–XC207

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the C season allowance of the 2012 total allowable catch of pollock for Statistical Area 620 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 18, 2012, through 1200 hrs, A.l.t., October 1, 2012.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

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

The C season allowance of the 2012 total allowable catch (TAC) of pollock in Statistical Area 620 of the GOA is 7,282 metric tons (mt) as established by the final 2012 and 2013 harvest specifications for groundfish of the GOA (77 FR 15194, March 14, 2012). In accordance with § 679.20(a)(5)(iv)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), hereby decreases the C season pollock allowance by 220 mt to reflect the total amount of pollock TAC that has been caught prior to the C season in Statistical Area 620. Therefore, the revised C season allowance of the pollock TAC in Statistical Area 620 is 7,062 mt (7,282 mt minus 220 mt).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the C season allowance of the 2012 TAC of pollock in Statistical Area 620 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 7,012 mt and is setting aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it

would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 620 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 17, 2012.

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

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

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

Dated: September 18, 2012.

Lindsay Fullenkamp,

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

[FR Doc. 2012–23350 Filed 9–18–12; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 77, No. 184

Friday, September 21, 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 HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1171]

Proposed Flood Elevation Determinations for the Unincorporated Areas of Hoke County, NC

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for the Unincorporated Areas of Hoke County, North Carolina.

DATES: This withdrawal is effective on September 21, 2012.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1171, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On January 20, 2011, FEMA published a proposed rulemaking at 76 FR 3590, proposing flood elevation determinations along one or more flooding sources in Hoke County, North Carolina. FEMA is withdrawing the proposed rulemaking and intends to publish a Notice of Proposed Flood Hazard Determinations in the **Federal Register** and a notice in the affected community's local newspaper following issuance of a revised preliminary Flood Insurance Rate Map and Flood Insurance Study report.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: September 5, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–23372 Filed 9–20–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002: Internal Agency Docket No. FEMA–B–1204]

Proposed Flood Elevation Determinations for the Unincorporated Areas of Highlands County, FL

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for the Unincorporated Areas of Highlands County, Florida.

DATES: This withdrawal is effective September 21, 2012.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1204, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On July 22, 2011, FEMA published a proposed rulemaking at 76 FR 43968, proposing flood elevation determinations along one or more flooding sources in the Unincorporated Areas of Highlands County, Florida. FEMA is withdrawing the proposed rulemaking and intends to publish a Notice of Proposed Flood Hazard Determinations in the **Federal Register** followed by a notice in the affected community's local newspaper in the near future.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: September 3, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–23341 Filed 9–20–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120321209–2162–01]

RIN 0648–BC08

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 5

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 5 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (MSB FMP), which was developed and adopted by the Mid-Atlantic Fishery Management Council and submitted to NMFS for approval. This action proposes broadening the scope of individuals and entities approved to complete vessel fish hold capacity certifications for vessels issued Tier 1 and 2 limited access Atlantic mackerel permits.

DATES: Public comments must be received no later than 5 p.m., eastern standard time, on October 22, 2012.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Framework Document, are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901. The Framework Document is also accessible via the Internet at *http://www.nero.noaa.gov.*

You may submit comments, identified by NOAA–NMFS–2012–0103, by any one of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal *www.regulations.gov.* To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2012–0103 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.
- Mail to NMFS, Northeast Regional Office, 55 Great Republic Dr. Gloucester, MA 01930. Mark the outside of the envelope ''Comments on MSB Framework Adjustment 5.''
- *Fax:* (978) 281–9135, Attn: Lindsey Feldman;

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Lindsey Feldman, Fishery Management Specialist, 978–675–2179, fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

Amendment 11 to the MSB FMP (76 FR 68642, November 7, 2011) implemented a three tiered mackerel limited access program in which all qualifiers were required to have possessed a valid permit on March 21, 2007. A vessel must have landed at least 400,000 lb (181.44 mt) in any one year 1997–2005 to qualify for a Tier 1 permit; at least 100,000 lb (45.36 mt) in any one year March 1, 1994–December 31, 2005, to qualify for a Tier 2 permit; or at least 1,000 lb (0.45 mt) in any one year March 1, 1994–December 31, 2005, to qualify for a Tier 3 permit. Trip limits for each tier are established annually through the specification process. The trip limits approved for 2012 are unlimited for Tier 1; 135,000 lb (61.23 mt) for Tier 2; and 100,000 lb (45.36 mt) for Tier 3.

The tiered limited access program went into effect on March 1, 2012, and permit applications are being accepted through February 28, 2013. Vessel owners whose vessels are issued Tier 1 and 2 mackerel permits (the tiers with the highest access) are required to obtain a certification of the capacity of the vessel's fish hold(s). The final rule implementing Amendment 11 provided that a fish hold capacity certification must be made by an individual credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors, or by an individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors. Vessel owners who have received a certification of their vessel's fish hold capacity by the Maine State Sealer of Weights and Measures also meet the fish hold capacity requirement. Vessel owners are required to submit documentation in support of their vessel's certified fish hold capacity to NMFS by December 31, 2012, or their first vessel replacement or upgrade, whichever comes first. The certified fish hold capacity will be considered a new baseline specification to control future vessel upgrades for vessels with Tier 1 and 2 mackerel permits. In addition to limiting vessel upgrades to 10 percent above the baseline gross registered tonnage, net tonnage, and length overall and 20 percent above the baseline horsepower, future upgrades to Tier 1 and 2 mackerel permits will be limited to 10 percent above the certified baseline fish hold capacity. Council staff and the Council developed the original credentialing requirements through background research, advisory panel meetings, input from several marine surveyors in the Mid-Atlantic and New England, and input during several rounds of public comment on the amendment. Since publication of the final rule for Amendment 11, two marine professionals commented that additional qualified individuals or entities should be approved to complete fish hold capacity certifications. Industry representatives suggested that individuals other than those with the credentials approved in Amendment 11 may be qualified to complete fish hold capacity certifications. To address this concern, the Council adopted Framework 5 on April 12, 2012, and submitted it to NMFS on April 18, 2012, for review and approval.

This action proposes revising the fish hold capacity certification requirement to allow additional individuals or entities beyond those with credentials approved in Amendment 11 to complete fish hold capacity certifications. This framework action would expand the range of individuals and entities that are approved to complete hold capacity certifications and allow them also to be completed by employees or agents of a classification society approved by the Coast Guard pursuant to 46 U.S.C. 3316(c), Maine State Sealer of Weights and Measures, a professionally-licensed and/or registered Marine Engineer, or a Naval Architect with a professional engineer license. NMFS invites the public to comment on whether this expanded list is too broad or there are other individuals who should be added to this list because they have credentials reflecting their competence to make a fish hold certification of which NMFS is currently unaware. In addition, we invite public comment on whether there is a need for additional mechanisms to ensure that individuals and/or entities are qualified to perform fish hold capacity certifications. This list could be expanded in the final rule to include such individuals if NMFS determines it has a reasonable basis upon which to assess an individual's competence to make a fish hold certification. This action also proposes extending the date that vessels are required to submit fish hold capacity measurements by one year. Due to a delay in rulemaking, vessels with mackerel Tier 1 and 2 permits would be required to submit fish hold capacity measurements by December 31, 2013, instead of December 31, 2012.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Mackerel, Squid, and Butterfish FMP, other provision of the

Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. For the reasons described below, an initial regulatory flexibility analysis is not required for this framework action and none has been prepared.

The Small Business Administration (SBA) defines a small business in the commercial fishing sector as a firm with receipts (gross revenues) of up to $4.0 million. Party/charter small businesses are included in NAICS code 487210 and are defined as a firm with gross receipts of up to $7 million. Depending on the year, all 74 of the vessels required to complete hold certifications may qualify as small businesses, or a few may be above the 4.0 million dollar threshold depending on their landings in a given year. However, this action will not negatively impact any fishery participants, regardless of size.

Amendment 11 analyzed the impacts from requiring Tier 1 and 2 mackerel vessels to obtain fish hold capacity measurements from an individual credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors, from an individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors, or with certification by the Maine State Sealer of Weights and Measures. This action proposes to broaden the scope of individuals who are approved to complete the fish hold capacity measurement, but does not have any impact on small entities outside of the scope of those analyzed in Amendment 11. Although vessel owners will have more flexibility for obtaining a fish hold capacity measurement completed by a qualified individual under this action, this action is not expected to result in any change in the cost associated with obtaining the certification.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: September 17, 2012.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

2. In § 648.4, paragraph (a)(5)(iii)(H)(*1*) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5) * * *

(iii) * * *

(H) *Vessel baseline specification.* (*1*) In addition to the baseline specifications specified in paragraph (a)(1)(i)(H) of this section, the volumetric fish hold capacity of a vessel at the time it was initially issued a Tier 1 or Tier 2 limited access mackerel permit will be considered a baseline specification. The fish hold capacity measurement must be certified by one of the following qualified individuals or entities: An individual credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors (NAMS); an individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors (SAMS); employees or agents of a classification society approved by the Coast Guard pursuant to 46 U.S.C. 3316(c); the Maine State Sealer of Weights and Measures; a professionally-licensed and/or registered Marine Engineer; or a Naval Architect with a professional engineer license. Owners whose vessels qualify for a Tier 1 or Tier 2 mackerel permit must submit a certified fish hold capacity measurement to NMFS by December 31, 2013, or with the first vessel replacement application after a vessel qualifies for a Tier 1 or Tier 2 mackerel permit, whichever is sooner. The fish hold capacity measurement submitted to NMFS as required in this paragraph (a)(5)(iii) must include a signed certification by the individual or entity that completed the measurement, specifying how they meet the definition of a qualified individual or entity.

* * * * *

[FR Doc. 2012–23364 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 77, No. 184

Friday, September 21, 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 COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Current Population Survey (CPS), Annual Social and Economic Supplement (ASEC)

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before November 20, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lisa Paska, U.S. Census Bureau, DSD/CPS HQ–7H108B, Washington, DC 20233–8400, (301) 763–3806 (or via the Internet at *lisa.paska@census.gov*).

SUPPLEMENTARY INFORMATION

I. Abstract

The Census Bureau plans to request clearance for the collection of data concerning the Annual Social and Economic Supplement (ASEC) to be conducted in conjunction with the February, March, and April CPS. The Census Bureau has conducted this supplement annually for over 50 years. The Census Bureau and the Bureau of Labor Statistics sponsor this supplement.

In the ASEC, we collect information on work experience, personal income, noncash benefits, health insurance coverage, and migration. The work experience items in the ASEC provide a unique measure of the dynamic nature of the labor force as viewed over a one-year period. These items produce statistics that show movements in and out of the labor force by measuring the number of periods of unemployment experienced by people, the number of different employers worked for during the year, the principal reasons for unemployment, and part-/full-time attachment to the labor force. We can make indirect measurements of discouraged workers and others with a casual attachment to the labor market.

The income data from the ASEC are used by social planners, economists, government officials, and market researchers to gauge the economic well-being of the country as a whole and selected population groups of interest. Government planners and researchers use these data to monitor and evaluate the effectiveness of various assistance programs. Market researchers use these data to identify and isolate potential customers. Social planners use these data to forecast economic conditions and to identify special groups that seem to be especially sensitive to economic fluctuations. Economists use ASEC data to determine the effects of various economic forces, such as inflation, recession, recovery, and so on, and their differential effects on various population groups.

A prime statistic of interest is the classification of people in poverty and how this measurement has changed over time for various groups. Researchers evaluate ASEC income data not only to determine poverty levels but also to determine whether government programs are reaching eligible households.

The ASEC also contains questions related to: (1) Medical expenditures; (2) presence and cost of a mortgage on property; (3) child support payments; and (4) amount of child care assistance received. These questions enable analysts and policymakers to obtain better estimates of family and household income, and more precisely gauge poverty status.

The U.S. Census Bureau continues to follow the 1999 mandate from Congress regarding passage of the State Children's Health Insurance Program (SCHIP), or Title XXI. The mandate increased the sample size for the CPS, and specifically the ASEC, to a level achieving estimates that are more reliable for the number of individuals participating in this program at the state level. Since 2000, the ASEC is conducted in February, March, and April, rather than only in March, to achieve the increase in sample size.

II. Method of Collection

The ASEC information will be collected by both personal visit and telephone interviews in conjunction with the regular February, March and April CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0354.

Form Number: There are no forms. We conduct all interviewing on computers.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 78,000.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 32,500.

Estimated Total Annual Cost: There are no costs to the respondents other than their time to answer the CPS questions.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182; and Title 29, United States Code, Sections 1–9.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 18, 2012.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–23297 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number: 120717245–2245–01]

Announcement of Competition Under the America COMPETES Reauthorization Act of 2011

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of competition announcement.

SUMMARY: The Census Bureau announces a prize competition under Section 105 of the America COMPETES Reauthorization Act of 2011, Public Law 111–358 (2011) to create a statistical model to predict the census mail return rate of small area geographic units based on their demographic characteristics. The **SUPPLEMENTARY INFORMATION** section of this notice provides more detailed information about the competition.

DATES: Competition began on August 31, 2012, and ends on November 1, 2012.

FOR FURTHER INFORMATION: Please visit *www.kaggle.com* for further information on the competition and eligibility. All questions regarding the competition may be sent to: *census.return.rate.challenge@census.gov.*

SUPPLEMENTARY INFORMATION: The Census Bureau announces a prize competition under Section 105 of the America COMPETES Reauthorization Act of 2011, Public Law 111–358 (2011) to create a statistical model to predict the census mail return rate of small area geographic units based on their demographic characteristics. Census and survey participation rates vary considerably across geographic areas. For example, 2010 Census mail-form return rates varied across states from a high of 82 percent to a low of 65 percent. The causes of these differences in participation rates are many, but these causes have been found to be related to population and housing characteristics. Subpopulations may differ in their lifestyles and their attitudes toward census participation, and Census planners need to develop appropriate strategies to contact and gain respondent cooperation for timely and efficient data collection.

This competition is intended to develop a statistical model to predict census mail return rates at the Census block group level of geography. The Census Bureau will use this model for planning purposes for the decennial census and for demographic sample surveys. The model-based estimates of predicted mail return will be publicly released in a later version of the Census ''planning database'' containing updated demographic data.

The Census Bureau announced this competition on their public Web site on August 31, 2012. This notice is intended to formally announce the competition in the **Federal Register**.

Competition Details

Subject of the competition. The objective of this competition is to create the best statistical model to predict census mail return rates of block group areas using the demographic variables in the Census planning database, a file of selected variables from the 2010 Census and 5-year American Community Survey (ACS) estimates.

Participants are encouraged to develop and evaluate different statistical approaches to propose the best predictive model for geographic units. The intent is to improve our current predictive analytics.

The challenge will be hosted at *www.kaggle.com* (''Web site''), an online platform for predictive modeling competitions.

Amount of the prize. The total prize amount to be awarded through this competition is $25,000.

Competition Rules

(1) *Basis on which the winner will be selected.* The winner(s) of this competition will be the entrant(s) who submits the statistical model that is judged by a panel of experts external to the Census Bureau to be the best predictive model of census mail return rate at the block group level of geography, in accordance with *Judge and Judging Procedures.*

(a) The 2010 Census mail form return rate will be used as the dependent measure in the model. Units of analysis are census block groups as defined by Census.

(b) The Census Return Rate Predictive Model is to be developed from the variables in our newly updated planning database, which includes selected 2010 Census and ACS 5-year estimates of characteristics that Census experience and the survey literature have found to be associated with enumeration difficulty.

(c) Participants can propose inclusion of additional variables not on the planning database as long as they meet the following criteria:

(i) Administrative data, such as school enrollment or other compiled data, publically available at no cost, and

(ii) The data are not proprietary information, such as commercial telephone and household characteristics lists, which require purchase from a vendor.

Participants are encouraged to notify the Census Bureau of additional data sources to be used before completion of the model to assure compliance with the criteria.

(d) The models will be evaluated as outlined in the *Judge and Judging Procedures*. Please refer to the Web site for additional details.

(e) Entry materials will include the model documentation, including the prediction equation, a description of the methodology used to create the prediction equation, and algorithm/code (e.g., R/Matlab/Python/SAS/etc.) to create the prediction equation. The documentation will provide a thorough understanding of the methods, and allow for replication in the future.

(2) *To participate in this competition, contestants must:*

(a) Enter the competition through *www.Kaggle.com,* the host of the competition submission process;

(b) Agree to all terms of Kaggle.com;

(c) Participants may be individuals or teams. For purposes of this Notice, ''Entrant'' or ''Entrants'' refers to individual participants and each individual participating as a member of a team.

(3) *To be eligible to win a prize under this competition, an individual or entity:*

(a) Must have agreed to the rules of this competition;

(b) Are either (a) in the case of an entity, incorporated in and maintain a primary place of business in the United States, or (b) in the case of an individual, a citizen or permanent resident of the United States who are 18 years or older;

(c) Must not be a Federal entity or Federal employee acting within the scope of employment;

(d) Must assume risks, agree to indemnify, and waive claims against the

Federal government and its related entities; and

(e) Anyone whose job duties or official work capacity are closely related to the statistical model that is the subject of the competition is not eligible.

(4) *Procedure for obtaining additional information:*

(a) The Census Bureau will monitor questions or discussion posted on the Kaggle.com competition site.

(b) Entrants may also direct questions to *census.return.rate.challenge@census.gov.*

(5) *Judge and Judging Procedures.*

(a) Until the last day of the competition, Entrants' scores and ranks on the Public Leaderboard on the Kaggle Web site will be calculated from the predicted results in an Entrants' submission and the ground truth of a validation dataset. At the close of the competition, the scores and associated ranks on the Public Leaderboard will be calculated from the predicted results and ground truth in the private testing dataset to confirm accuracy. The top-3 Entrant(s), based on the results using the private testing database, will be declared as tentative Prize Winners.

(b) A week before the end of the competition, there will be a visualization competition. The goal of this competition will be to create insightful visualizations from the data that was provided for the predictive modeling competition. There will be a single winner who will be chosen by Kaggle community vote on the Web site. This winner of the visualization competition will receive one thousand dollars as a prize.

(c) The evaluation metric that forms the basis for the Leaderboard scores will be displayed on the Web site. Because of variability in block group population counts, the evaluation metric may be weighted by the 2010 Census population block group count.

(d) As a condition of receipt of the prize, the winner(s) must deliver the algorithm's code and documentation to the Census Bureau. The source code must contain a description of resources required to build and run the algorithm. The individual winner, or each individual on a team should the winner be a team Entrant, will be required to complete, sign and return a Declaration of Eligibility, Non-Exclusive License, and Release form.

(e) The prize may be delivered by U.S. mail or electronically. To facilitate electronic delivery, the winner will need to submit financial account information sufficient to support electronic transfer of the prize.

(f) Regardless of the method of delivering the prize money, the Entrant(s) may be subject to Federal and/or state income taxation. Entrant(s) may be required to fill out tax and related forms before receiving the prize. Kaggle will provide necessary forms at the end of the challenge to the winning Entrants.

(g) For more information on judging and judging procedures, please refer to *http://www.kaggle.com/c/us-census-challenge/details/rules.*

(6) *Intellectual property/Copyright.* Each Entrant warrants, upon submitting an entry, that he or she is the sole owner of the submission, and that the submission is wholly original with the Entrant and does not infringe on any copyright or other rights of any third party of which the Entrant is aware. Each Entrant (a) grants to Census Bureau and its designees a worldwide, non-exclusive, sub-licensable, transferable, fully paid-up, royalty-free, perpetual, irrevocable license to use, not use, reproduce, distribute, create derivative works of, publicly-perform, publicly-display, digitally-perform, make, have made, sell, offer for sale and import each Entry and the algorithm used to produce the Entry, in any media now known or hereafter developed, for any purpose whatsoever, commercial or otherwise, without further approval by or payment to Entrant (the ''License'') and (b) that he/she/it has the unrestricted right to grant the License.

(8) *General.* In the Census Bureau's sole discretion, the Census Bureau may cancel, suspend, and/or modify the competition, in whole or part, for any reason. By participating in this competition, the Entrant(s) fully and unconditionally agrees to abide by all competition rules stated in this Notice and found at *www.kaggle.com.*

Dated: September 14, 2012.

Thomas L. Mesenbourg, Jr.,

Acting Director, Bureau of the Census.

[FR Doc. 2012–23333 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1845]

Grant of Authority; Establishment of a Foreign-Trade Zone, Brunswick, ME

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Midcoast Regional Redevelopment Authority (the Grantee) has made application to the Board (FTZ Docket 49–2011, filed 07/26/11) requesting the establishment of a foreign-trade zone in Brunswick, Maine, adjacent to the Portland U.S. Customs and Border Protection port of entry;

Whereas, notice inviting public comment has been given in the **Federal Register** (76 FR 45772, 08/01/11) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 282, as described in the application, and subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the overall general-purpose zone.

Signed at Washington, DC, this 7th day of September 2012.

Rebecca Blank,

Acting Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–23362 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–818]

Corrosion-Resistant Carbon Steel Flat Products From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on corrosion-resistant carbon steel flat products (CORE) from the Republic of Korea (Korea) for the period of review (POR) January 1, 2010, through December 31, 2010. For information on the net subsidy for Dongbu Steel Co., Ltd. (Dongbu), Hyundai HYSCO Ltd. (HYSCO), and Pohang Iron & Steel Co. Ltd. (POSCO), for the companies reviewed, see the ''Preliminary Results of Review'' section of this notice. Interested parties are invited to comment on these preliminary results.[1]

DATES: *Effective Date:* September 21, 2012.

FOR FURTHER INFORMATION CONTACT: Gayle Longest, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Ave. NW., Washington, DC 20230; telephone: (202) 482–3338.

SUPPLEMENTARY INFORMATION:

Background

On August 17, 1993, the Department published in the **Federal Register** the CVD order on CORE from Korea.[2] On August 1, 2011, the Department published a notice of opportunity to request an administrative review of this CVD order.[3]

On August 31, 2011, we received timely requests for review of the countervailing duty order from HYSCO. We also received a timely request for review of Dongbu, HYSCO, and POSCO, from United States Steel Corporation, petitioner. On October 3, 2011, the Department published a notice of initiation of the administrative review of the CVD order on CORE from Korea covering the period January 1, 2010, through December 31, 2010.[4]

On October 5, 2011, the Department issued the initial questionnaire to Dongbu, HYSCO, POSCO, and the Government of Korea (GOK). On November 23, 2011, November 28, 2011, November 29, 2011, and November 30, 2011, the Department received questionnaire responses from HYSCO, Dongbu, POSCO, and the GOK, respectively. On March 2, 2012, July 16, 2012, and July 24, 2012 the Department issued supplemental questionnaires to HYSCO. On March 30, 2012, July 20, 2012, and August 7, 2012, the Department received supplemental questionnaire responses from HYSCO.

On March 22, 2012, the Department published in the **Federal Register** an extension of its preliminary results of the instant administrative review.[5] On July 18, 2011, the Department issued an additional supplemental questionnaire to the GOK. On August 4, 2011 the Department received the supplemental questionnaire response for the GOK.

On December 20, 2011, petitioner submitted new subsidy allegations against Dongbu, HYSCO, and POSCO. On April 24, 2012, the Department initiated an investigation of the new subsidies allegations against Dongbu, HYSCO, and POSCO.[6] On April 25, 2012, and April 27, 2012, we issued new subsidies questionnaire to Dongbu and POSCO, respectively. On May 7, 2012, we issued new subsidy questionnaires to HYSCO and the GOK. On May 18, 2012, the Department received a response from POSCO. On May 25, 2012 and June 19, 2012, the Department received responses from HYSCO and Dongbu. The Department issued additional questionnaires to HYSCO regarding the new subsidy allegations on July 16, 2012 and July 24, 2012, and received responses from HYSCO on July 20, 2012, and August 2, 2012. The Department issued an additional supplemental questionnaire to the GOK regarding the new subsidy allegations on July 24, 2012, and August 3, 2012, and received responses from the GOK on August 7, 2012, and August 15, 2012. The Department issued an additional supplemental questionnaire to Dongbu regarding the new subsidy allegations on July 17, 2012, and received Dongbu's response on July 27, 2012.

In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters for which a review was specifically requested. The companies subject to this review are Dongbu, HYSCO, and POSCO.

Affiliated Companies

In the present administrative review, record evidence indicates that Pohang Steel Co., Ltd. (POCOS) is a majority-owned production facility of POSCO. Under 19 CFR 351.525(b)(6)(iii), if the firm that received a subsidy is a holding company, including a parent company with its own operations, the Department will attribute the subsidy to the consolidated sales of the holding company and its subsidiaries. Thus, we attributed subsidies received by POCOS to POSCO and its subsidiaries, net of intra-company sales. Dongbu reported that it is the only member of the Dongbu group in Korea that was involved with the sale of subject merchandise to the United States. HYSCO reported that it is a member of the Hyundai Motor Group and is affiliated with members of that group.[7] Under 19 CFR Section 351.525(b)(6)(vi), if an input supplier and a downstream producer are cross-owned, and the production of the input product is primarily dedicated to production of the downstream product, the Department will attribute the subsidies received by the input producer to the combined sales of the input and downstream products produced by both corporations net of intra-company sales. HYSCO reported that there are no companies that own HYSCO shares which meet the standard for cross-ownership in 19 CFR 351.525(b)(6)(vi), and all of the companies in which HYSCO owns the majority of shares are located outside of Korea. *Id.*

Scope of the Order

Products covered by this order are certain corrosion-resistant carbon steel flat products from Korea. These products include flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness. The merchandise subject to this order is currently classifiable in

[1] *See* the ''Public Comment'' section of this notice.

[2] *See Countervailing Duty Orders and Amendments of Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Korea,* 58 FR 43752 (August 17, 1993).

[3] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review,* 76 FR 45771 (August 1, 2011).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part* (*Initiation*), 76 FR 61076 (October 3, 2011).

[5] *See Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Extension of Preliminary Results of Countervailing Duty Administrative Review,* 76 FR 20954 (April 14, 2011).

[6] *See* Memorandum to Melissa G. Skinner, Director, Office 3, through Eric B. Greynolds, Program Manager, from Gayle Longest, Case Analyst, regarding New Subsidy Allegations (April 24, 2012). This public document is available on IA ACCESS.

[7] *See* HYSCO's November 23, 2012, questionnaire response (HYSCO's November QR) at 4.

the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7210.30.0000, 7210.31.0000, 7210.39.0000, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.49.0091, 7210.49.0095, 7210.60.0000, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.9030, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.20.1500, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.30.15.0000, 7217.32.5000, 7217.33.5000, 7217.39.1000, 7217.39.5000, 7217.90.1000 and 7217.90.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Subsidies Valuation Information

A. Benchmarks for Short-Term Financing

For those programs requiring the application of a won-denominated, short-term interest rate benchmark, in accordance with 19 CFR 351.505(a)(2)(iv), we used as our benchmark the company-specific weighted-average interest rate for commercial won-denominated loans outstanding during the POR. This approach is in accordance with 19 CFR 351.505(a)(3)(i) and the Department's practice.[8]

B. Benchmark for Long-Term Loans

During the POR, HYSCO had outstanding countervailable long-term won-denominated loans from government-owned banks and Korean commercial banks. We used the following benchmarks to calculate the subsidies attributable to respondents' countervailable long-term loans obtained through 2009:

(1) For countervailable, won-denominated long-term loans, we used, where available, the company-specific interest rates on the company's comparable commercial, won-denominated loans. If such loans were not available, we used, where available, the company-specific corporate bond rate on the company's public and private bonds, as we have determined that the GOK did not control the Korean domestic bond market after 1991.[9] The use of a corporate bond rate as a long-term benchmark interest rate is consistent with the approach the Department has taken in several prior Korean CVD proceedings.[10] Specifically, in those cases, we determined that, absent company-specific, commercial long-term loan interest rates, the won-denominated corporate bond rate is the best indicator of the commercial long-term borrowing rates for won-denominated loans in Korea because it is widely accepted as the market rate in Korea.[11] Where company-specific rates were not available, we used the national average of the yields on three -year, won-denominated corporate bonds, as reported by the Bank of Korea (BOK). This approach is consistent with 19 CFR 351.505(a)(3)(ii) and our practice.[12]

In accordance with 19 CFR 351.505(a)(2)(i), our benchmarks take into consideration the structure of the government-provided loans. For countervailable fixed-rate loans, pursuant to 19 CFR 351.505(a)(2)(iii), we used benchmark rates issued in the same year that the government loans were issued.

Average Useful Life

Pursuant to 19 CFR 351.524(d)(2), we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned as listed in the Internal Revenue Service's (IRS) 1997 Class Life Asset Depreciation Range System, as updated by the Department of the Treasury. The presumption will apply unless a party claims and establishes that the IRS tables do not reasonably reflect the company-specific AUL or the country-wide AUL for the industry under examination and that the difference between the company-specific and/or country-wide AUL and the AUL from the IRS tables is significant. According to the IRS tables, the AUL of the steel industry is 15 years. No interested party challenged the 15-year AUL derived from the IRS tables. Thus, in this review, we have allocated, where applicable, all of the non-recurring subsidies provided to the producers/exporters of subject merchandise over a 15-year AUL.

I. Programs Determined To Be Countervailable

A. Promotion of Specialized Enterprises for Parts and Materials

Under the Act on Special Measures for the Promotion of Specialized Enterprises for Parts and Materials (Promotion of Specialized Enterprises Act), the GOK shares the costs of research and development (R&D) projects with companies or research institutions. The goal of the program is to support technology development for core parts and materials necessary for technological innovation and improvement in competitiveness.[13] The program is administered by the Ministry of Knowledge Economy (MKE) and Korea Evaluation Institute of Industrial Technology (KEIT).[14]

In accordance with Articles 3 and 4 of the Promotion of Specialized Enterprises Act, MKE prepares a base plan and a yearly execution plan for the development of the parts and materials industry.[15] Under the execution plan, MKE announces to the public a detailed business plan for the development of parts and materials technology.[16] This business plan includes support areas, qualifications, and the application process.[17] According to the GOK, any person or company can participate in the program by preparing an R&D business plan that conforms with the requirements set forth in the MKE business plan.[18] The completed application must then be submitted to KEIT, which evaluates the application and selects the projects eligible for

[8] *See, e.g., Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,* 74 FR 2512 (January 15, 2009) (*Final Results of CORE from Korea 2006*), and accompanying Issues and Decision Memorandum (CORE from Korea 2006 Decision Memorandum) at ''Benchmarks for Short-Term Financing.''

[9] *See, e.g., Final Negative Countervailing Duty Determination: Stainless Steel Plate in Coils from the Republic of Korea,* 64 FR 15530, 15531 (March 31, 1999) (*Stainless Steel Investigation*) and ''Analysis Memorandum on the Korean Domestic Bond Market'' (March 9, 1999).

[10] *See Id.; see also Final Affirmative Countervailing Duty Determination: Structural Steel Beams from the Republic of Korea,* 65 FR 41051 (July 3, 2000) (*H Beams Investigation*), and accompanying Issues and Decision Memorandum at ''Benchmark Interest Rates and Discount Rates;'' and *Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea* , 68 FR 37122 (June 23, 2003) (*DRAMS Investigation*), and accompanying Issues and Decision Memorandum at ''Discount Rates and Benchmark for Loans.''

[11] *See Final Affirmative Countervailing Duty Determinations and Final Negative Critical Circumstances Determinations: Certain Steel Products from Korea,* 58 FR at 37328, 37345–37346 (July 9, 1993) (*Steel Products from Korea*).

[12] *See, e.g.,* CORE from Korea 2006 Decision Memorandum at ''Benchmark for Long Term Loans.''

[13] *See* GOK's November 30, 2011, questionnaire response (GOK's November QR) at Exhibit P–1.

[14] *Id.*

[15] *See* GOK's November QR at Exhibit P–1.

[16] *Id.* at 2.

[17] *Id.*

[18] *Id.*

government support.[19] After the selected application is finally approved by MKE, MKE and the participating companies enter into an R&D agreement and then MKE provides the grant.[20]

R&D project costs are shared by the GOK and companies or research institutions as follows: (1) When the group of companies involved in the research is made up of a ratio above two-thirds small to medium-sized companies, the GOK provides a grant up to three-fourths of the project cost; (2) When the group of companies involved in the research is made up of a ratio below two-thirds small to medium-sized companies, the GOK provides a grant up to one-half of the project cost.[21]

Upon completion of the project, if the GOK evaluates the project as ''successful'', the participating companies must repay 40 percent of the R&D grant to the GOK over five years.[22] However, if the project is evaluated by the GOK as ''not successful'', the company does not have to repay any of the grant amount to the GOK.[23]

In the final results of administrative review of the CVD order on CORE From Korea covering the period January 1, 2008, through December 31, 2008, the Department determined that the Promotion of Specialized Enterprises Act was *de jure* specific under section 771(5A)(D)(i) of the Act, because it is expressly limited to (1) enterprises specializing in components and materials and (2) enterprises specializing in development of technology for components and materials.[24] No information on the record of this review leads us to reconsider that determination and, thus, we continue to find, preliminarily, that this program is *de jure* specific within the meaning of 771(5A)(D)(i) of the Act. We also preliminarily find that a financial contribution was provided within the meaning of section 771(5)(D)(i) of the Act because the GOK's payments constitute a direct transfer of funds.[25]

HYSCO reported that during the POR, it was involved in one R&D project under this program. *See* HYSCO's November QR at 17. In the *Final Results of CORE From Korea 2008,* we treated a portion of the subsidy that does not have to be repaid as a grant and the remaining portion of the subsidy that may have to be repaid as a long-term, interest-free contingent liability loan.[26] This approach is consistent with the Department's regulation and practice.[27] We have adopted the same approach in these preliminary results.

To determine the benefit from the GOK funds HYSCO received under the Specialized Enterprises Act program, we calculated the GOK's contribution for the assistance that was apportioned to HYSCO. *See* 19 CFR 351.504(a). As described immediately above, we treated a portion of this benefit as a grant. In accordance with 19 CFR 351.524(b)(2), we determined whether to allocate the non-recurring benefit from the grants over a 15-year AUL by dividing the GOK-approved grant amount by the company's total sales in the year of approval. Because the approved amount was less than 0.5 percent of the company's total sales, we expensed the grant to the year of receipt, i.e., to 2010, the POR in this review.

With respect to the portion of the subsidy that we are treating as a long-term, interest-free contingent liability loan, pursuant to 19 CFR 351.505(d)(1) for the reasons described above, we find the benefit to be equal to the interest that HYSCO would have paid during the POR had it borrowed the full amount of the contingent liability loan during the POR. Pursuant to 19 CFR 351.505(d)(1), we used a long-term interest rate as our benchmark to calculate the benefit of a contingent liability interest-free loan because the event upon which repayment of the duties depends (*i.e.,* the completion of the R&D project) occurs at a point in time more than one year after the date in which the grant was received. Specifically, we used the long-term benchmark interest rates as described in the ''Subsidies Valuation'' section of these preliminary results.

To calculate the total net subsidy amount for this program, we summed the benefits provided under this program. Next, to calculate the net subsidy rate, we divided the portion of the benefit allocated to the POR by HYSCO's total f.o.b. sales for 2010.[28] On this basis, we preliminarily determine the net subsidy rate under this program to be 0.02 percent *ad valorem* for HYSCO.

B. Restriction of Special Taxation Act (RSTA) Article 26

Under RSTA Article 26, a company can claim a tax credit equal to a certain percentage of its investments in its facilities.[29] According to the GOK, the goal of this program is to boost general national economic activity.[30] In its response to the Department's October 5, 2011, questionnaire, the GOK submitted information which indicated that these tax credits are expressly limited to a corporation's investments in facilities located outside the ''Overcrowding Control Region'' of the Seoul Metropolitan Area (''SMA'').[31] Specifically, the GOK provided a complete translation of Article 23(1) of the Enforcement Decree of the RSTA in its November QR eligibility for the program is limited to investments made outside the Overcrowding Control Region of the SMA.[32] Moreover, the GOK also stated that corporate investments in facilities located within the Overcrowding Control Region of the SMA are not eligible for credits under this tax program.[33]

Because information provided by the GOK indicates that the tax credit under this program is limited by law to enterprises or industries within a designated geographical region within the jurisdiction of the authority providing the subsidy, we preliminarily find that this program is regionally specific in accordance with section 771(5A)(D)(iv) of the Tariff Act of 1930, as amended (''the Act'').[34] The tax credit is a financial contribution in the form of revenue foregone by the government within the meaning of section 771(5)(D)(ii) of the Act, which provides a benefit to the recipient equal to the difference between the taxes actually paid and the taxes otherwise payable in

[19] *Id.*

[20] *Id.* at 3.

[21] *See* GOK's November QR, Exhibit P–1.

[22] *See* GOK's November QR, Exhibit P–1 at 2.

[23] *Id.*

[24] *See Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,* 76 FR 3613 (January 20, 2011) (*Final Results of CORE from Korea 2008*), and accompanying Issues and Decision Memorandum (CORE 2008 Decision Memorandum) at ''The Act on Special Measures for the Promotion of Specialized Enterprises for Parts and Materials.''

[25] *See Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review,* 75 FR 55745; 55750 (September 14, 2010).

[26] *See Final Results of CORE from Korea 2008,* 76 FR at 3613 and CORE 2008 Decision Memorandum at ''The Act on Special Measures for the Promotion of Specialized Enterprises for Parts and Materials.''

[27] *See* 19 CFR 351.505(d)(1); *see also Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results of Countervailing Duty Administrative Review,* 73 FR 40295 (July 14, 2008), and accompanying Issues and Decision Memorandum at ''Export Promotion Capital Goods Scheme (EPCGS).''

[28] *See* 19 CFR 351.525(b)(3).

[29] *See* GOK's November QR at Exhibit B–3.

[30] *Id.*

[31] *Id.* at Exhibit B–4.

[32] *Id.*

[33] *Id.* at Exhibit B–3.

[34] *See, e.g., Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products from Thailand,* 66 FR 50410 (October 3, 2001), and accompanying Issues and Decision Memorandum at ''Provision of Electricity for Less than Adequate Remuneration'' (where eligibility for a program was limited to users outside the Bangkok metropolitan area, we found the subsidy to be regionally specific under section 771(5(a)(D)(iv) of the Act).

the absence of this program within the meaning of 19 CFR 351.509(a)(1). These findings are consistent with the determinations in *Bottom Mount Refrigerators From Korea,* and *2009 Review of the Countervailing Duty Order on Corrosion-Resistant Carbon Steel Flat Products From Korea: Post-Preliminary Analysis Memorandum for Hyundai HYSCO Ltd.*[35]

HYSCO and POSCO indicated that their companies used RSTA Article 26 credits during the 2010 POR.[36]

To calculate the subsidy rate for HYSCO and POSCO during the POR, we divided each company's benefit, which is the tax credit claimed by the company under this program in its tax return filed in 2010, by the company's total sales during the POR. On this basis, we preliminarily determine the countervailable subsidy provided under this program to be 0.06 percent *ad valorem* for HYSCO and 0.08 percent *ad valorem* for POSCO.

C. Asset Revaluation (TERCL Article 56(2) of the Tax Reduction and Exemption Control Act (TERCL)

Under Article 56(2) of the TERCL, the GOK permitted companies that made an initial public offering between January 1, 1987, and December 31, 1990, to revalue their assets at a rate higher than the 25 percent required of most other companies under the Asset Revaluation Act. The Department has previously found this program to be countervailable. For example, in the *CTL Plate Investigation,* the Department determined that this program was *de facto* specific under section 771(5A)(D)(iii) of the Tariff Act of 1930, as amended (the Act), because the actual recipients of the subsidy were limited in number and the basic metal industry was a dominant user of this program.[37] We also determined that a financial contribution was provided in the form of tax revenue foregone pursuant to section 771(5)(D)(ii) of the Act.[38] The Department further determined that a benefit was conferred within the meaning of section 771(5)(E) of the Act on those companies that were able to revalue their assets under TERCL Article 56(2) because the revaluation resulted in participants paying lower taxes than they would otherwise pay absent the program. *Id.* No new information or evidence of changed circumstances was presented in this review to warrant any reconsideration of the countervailability of this program.

The benefit from this program is the difference that the revaluation of depreciable assets has on a company's tax liability each year. Evidence on the record indicates that, in 1989, POSCO made an asset revaluation that increased its depreciation expense. To calculate the benefit to POSCO, we took the additional depreciation listed in the tax return filed during the POR, which resulted from the company's asset revaluation, and multiplied that amount by the tax rate applicable to that tax return. We then divided the resulting benefit by POSCO's total free on board (f.o.b.) sales. *See* 19 CFR 351.525(b)(3). On this basis, we preliminarily determine the net countervailable subsidy to be 0.01 percent *ad valorem* for POSCO. Dongbu and HYSCO did not use this program during the POR.

D. Exemption of VAT on Imports of Anthracite Coal

Under Article 106 of Restriction of Special Taxation Act (RSTA), imports of anthracite coal are exempt from the value added tax (VAT). In the *Cold-Rolled Investigation,* we determined that the program is *de jure* specific under section 771(5A)(D)(i) of the Act. Because the GOK allows for only a few items to be exempt from VAT, the items allowed to be imported without paying VAT are limited.[39] We also determined that the VAT exemptions under the program constitute a financial contribution under section 771(5)(D)(ii) of the Act, as the GOK is not collecting revenue otherwise due, and that the exemptions confer a benefit under section 771(5)(E) of the Act equal to the amount of the VAT that would have otherwise been paid if not for the exemption. No new information, evidence of changed circumstances, or comments from interested parties was presented in this review to warrant any reconsideration of the countervailability of this program. Therefore, we preliminarily continue to find that this program is *de jure* specific within the meaning of section 771(5A)(D)(i) of the Act because it is limited, constitutes a financial contribution in the form of forgone revenue under section 771(5)(D)(ii) of the Act, and confers a benefit in the amount of the revenue foregone within the meaning of 771(5)(E) of the Act.

Dongbu and HYSCO reported that their companies did not use the program during the POR.[40] POSCO imported anthracite coal during the POR and, therefore, received a benefit in the amount of the VAT that it should have otherwise paid if not for the exemption. To determine POSCO's benefit from the VAT exemption on these imports, we calculated the amount of VAT that would have been due absent the program on the total value of anthracite coal POSCO imported during the POR. We then divided the amount of this tax benefit by POSCO's total f.o.b. sales. Based on this methodology, we preliminarily determine the POSCO received a countervailable subsidy of 0.07 percent *ad valorem.*

E. Other Subsidies Related to Operations at Asan Bay: Provision of Land and Exemption of Port Fees Under Harbor Act

1. Provision of Land

As explained in the *Cold-Rolled Investigation,* the GOK's overall development plan is published every 10 years and describes the nationwide land development goals and plans for the balanced development of the country. Under these plans, the Ministry of Construction and Transportation (MOCAT) prepares and updates its Asan Bay Area Broad Development Plan.[41] The Korea Land Development Corporation (Koland) is a government investment corporation that is responsible for purchasing, developing, and selling land in the industrial sites.[42]

In the *Cold-Rolled Investigation,* we verified that the GOK, in setting the price per square meter for land at the Kodai Industrial Estate, removed the 10 percent profit component from the price

[35] *See Bottom Mount Combination Refrigerator-Freezers from the Republic of Korea: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination,* 76 FR 55044 (September 6, 2011) unchanged in *Bottom Mount Combination Refrigerator-Freezers from the Republic of Korea: Final Affirmative Countervailing Duty Determination,* 77 FR 17410 (March 26, 2012); *see also* Memorandum to Ronald K. Lorentzen from Melissa G. Skinner, Re: 2009 Review of the Countervailing Duty Order on Corrosion-Resistant Carbon Steel Flat Products From Korea: Post Preliminary Analysis Memorandum for Hyundai HYSCO Ltd. (September 27, 2011) unchanged in *Corrosion-Resistant Carbon Steel Flat Products from Korea: Final Results of Administrative Review,* 77 FR 13093 (March 5, 2012) (*Final Results of CORE From Korea 2009).*

[36] *See* HYSCO's November QR at 10 and Exhibit B–3 and POSCO's November 29, 2011 QR at 12 and Exhibits B–2, B–3, and B–4.

[37] *See Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea,* 64 FR 73176, 73183 (December 29, 1999) (*CTL Plate Investigation*).

[38] *Id.*

[39] *See* Cold-Rolled Decision Memorandum at ''Exemption of VAT on Imports of Anthracite Coal.''

[40] *See* HSYCO's November QR at 14 and Dongbu's November 28, 2011, questionnaire response at 14.

[41] *See Notice of Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products from the Republic of Korea,* 67 FR 62102 (October 3, 2002) (*Cold-Rolled Investigation*), and accompanying Issues and Decision Memorandum (Cold-Rolled Decision Memorandum) at ''Provision of Land at Asan Bay.''

[42] *Id.*

charged to Dongbu.[43] In the *Cold-Rolled Investigation,* we further explained that companies purchasing land at Asan Bay must make payments on the purchase and development of the land before the final settlement. However, in the case of Dongbu, we found that the GOK provided an adjustment to Dongbu's final payment to account for ''interest earned'' by the company for the pre-payments.[44] HYSCO and POSCO reported that their companies did not use this program.[45]

In the *Cold-Rolled Investigation,* we determined that the price discount and the adjustment of Dongbu's final payment to account for ''interest earned'' by the company on its pre-payments were countervailable subsidies. Specifically, the Department determined that they were specific under section 771(5A)(D)(iii)(I) of the Act, as they were limited to Dongbu.[46] Further, the Department found the price discount and the price adjustment for ''interest earned'' constituted financial contributions in the form of grants under section 771(5)(D)(i) of the Act and conferred benefits in the amount of grants within the meaning of section 771(5)(E) of the Act. *Id.* No new information, evidence of changed circumstances, or comments from interested parties was presented in this review to warrant any reconsideration of the countervailability of this program. Therefore, we preliminarily continue to find that this program is *de facto* specific within the meaning of section 771(5A)(D)(iii)(I) of the Act because it is limited to Dongbu, constitutes a financial contribution in the form of grants under sections 771(5)(D)(i), and confers a benefit in the amount of the price discount and the price adjustment within the meaning of 771(5)(E) of the Act.

Consistent with the *Cold-Rolled Investigation,* we have treated the land price discount and the interest earned refund as non-recurring subsidies.[47] In accordance with 19 CFR 351.524(b)(2), because the grant amounts were more than 0.5 percent of the company's total sales in the year of receipt, we applied the Department's standard grant methodology, as described under 19 CFR 351.524(d)(1), and allocated the subsidies over a 15-year allocation period. *See* the ''Average Useful Life'' section above. To calculate the benefit from these grants, we used as our discount rate the rates described above in the ''Subsidies Valuation Information'' section. We then summed the benefits received by Dongbu during the POR. We calculated the net subsidy rate by dividing the total benefit attributable to the POR by Dongbu's total f.o.b. sales for the POR. On this basis, we determine a net countervailable subsidy rate for Dongbu of 0.09 percent *ad valorem* for the POR.

2. Exemption of Port Fees Under the Harbor Act

Under the Harbor Act, companies are allowed to construct infrastructure facilities at Korean ports; however, these facilities must be deeded back to the government. Because the ownership of these facilities reverts to the government, the government compensates private parties for the construction of these infrastructure facilities. Because a company must transfer to the government its infrastructure investment, under the Harbor Act, the GOK grants the company free usage of the facility and the right to collect fees from other users of the facility for a limited period of time. Once a company has recovered its cost of constructing the infrastructure, the company must pay the same usage fees as other users of the infrastructure.

In the *Cold-Rolled Investigation,* the Department found that Dongbu received free use of harbor facilities at Asan Bay based upon both its construction of a port facility as well as a road that the company built from its plant to its port.[48] The Department also determined that Dongbu received an exemption of harbor fees for a period of almost 70 years under this program.[49]

In the *Cold-Rolled Investigation,* the Department found the exemption from the fees to be a countervailable subsidy. No new information, evidence of changed circumstances, or comments from interested parties was presented in this review to warrant any reconsideration of the countervailability of this program. Thus, we preliminarily continue to find that the program is countervailable and is specific under section 771(5A)(D)(iii)(I) of the Act because the excessive exemption period of 70 years is limited to Dongbu. Moreover, we preliminarily determine that the GOK is foregoing revenue that it would otherwise collect by allowing Dongbu to be exempt from port charges for up to 70 years and, thus, the program constitutes a financial contribution within the meaning of section 771(5)(D)(ii) of the Act. Further, we preliminarily determine that the exemptions confer a benefit under section 771(5)(E) of the Act in the amount of the port charges that were not collected.

In the *Cold-Rolled Investigation,* the Department treated the program as a recurring subsidy and determined that the benefit is equal to the average yearly amount of harbor fee exemptions provided to Dongbu.[50] For purposes of these preliminary results, we have employed the same benefit calculation. To calculate the net subsidy rate, we divided the average yearly amount of exemptions by Dongbu's total f.o.b. sales for the POR. On this basis, we preliminarily determine that Dongbu's net subsidy rate under this program is 0.02 percent *ad valorem.*

II. Programs Preliminarily Determined Not To Confer a Benefit During the POR

A. Research and Development Grants Under the Industrial Technology Innovation Promotion Act (ITIPA)

The GOK's Industrial Technology Innovation Promotion Act program is designed to foster future new industries and enhance the competitiveness of primary industries through fundamental technology development.[51] The program is administered by MKE and the Korean Evaluation Institute of Industrial Technology (KEIT).[52]

Under the Industrial Technology Innovation Promotion Act, GOK provides R&D grants to support the areas of transportation system, industrial materials, robots, biomedical equipments, clean manufacturing foundation, knowledge services and industry convergence technology.[53]

Pursuant to Article 11 of the Industrial Technology Innovation Promotion Act, KEIT prepares a basic plan for the development of technology, on behalf of MKE.[54] This plan includes the R&D projects that are eligible, describes the application process, and designates the supporting documentation required.[55] The plan is announced to the public.[56] According to

[43] *Id.*

[44] *Id.*

[45] *See* HYSCO's November QR at 15 and POSCO's November QR at 17.

[46] *Id.*

[47] *Id.*

[48] *See* Cold-Rolled Decision Memorandum at ''Dongbu's Excessive Exemptions under the Harbor Act.''

[49] *Id.*

[50] *Id.*

[51] *See Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review,* 76 FR 54209, 54213 (August 31, 2011) (*Preliminary Results of CORE from Korea 2009*) unchanged in *Final Results of CORE from Korea 2009,* 77 FR at 13093.

[52] *Id.*

[53] *Id.*

[54] *Id.*

[55] *Id.*

[56] *Id.*

the GOK, any person who wishes to participate in the program prepares an R&D business plan that meets the requirements set forth in the basic plan and then submits the application to the GOK's Application Review Committee, which then evaluates the application to determine if it conforms to the terms and conditions set forth in the basic plan.[57] If the application is approved, MKE and the company enter into an R&D agreement and then MKE provides the grant.[58]

The costs of the R&D projects under this program are shared by the company (or research institution) and the GOK.[59] Specifically, the grant ratio for project costs are as follows: (1) For projects with one small/medium-sized enterprise (SME), the GOK provides grants up to three-fourths of the project costs, (2) for projects with one conglomerate, the GOK provides grants up to one-half of the project costs, (3) for projects with more than two participants of which SMEs comprise more than two-thirds of the participant ratio, the GOK provides up to three-fourths of the project costs, and (4) for projects with more than two participants of which SMEs comprise less than two-thirds of the participant ratio, the GOK provides up to one-half of the project costs.[60]

When the project is evaluated as ''successful'' upon completion, the participating companies must repay 40 percent of the R&D grant to the GOK over five years.[61] However, when the project is evaluated as ''not successful,'' the company does not have to repay the GOK any of the grant amount.[62] *Id.*

Prior to and during the POR, HYSCO and POSCO received grants under the Industrial Technology Innovation Promotion Act for R&D projects in which the companies participated with other firms.[63]

Concerning HYSCO, the nature of the projects for which it received the grants is business proprietary and cannot be discussed in this public notice.[64] Based upon our review of program documents submitted in the response, we preliminarily determine that one grant received is related to the second step of the project discussed in the section ''Research and Development Grants Under the Industrial Development Act (IITPA)'' in *Preliminary Results of CORE from Korea 2009,* in which the Department determined that grants received for this particular project under this program are attributable to non-subject merchandise.[65] Upon review of the information submitted by HYSCO and the GOK, we find that the terms and conditions of this grant project remain unchanged from the *Preliminary Results of CORE from Korea 2009* and preliminarily determine that this grant pertains specifically to production of a product that is not subject merchandise.[66] Therefore, consistent with 19 CFR 351.525(b)(5) and our past practice, we preliminarily determine that this grant was bestowed in connection with the production of a product that is not subject merchandise. Hence we did not include this grant in our benefit calculations. In addition, HYSCO reported receiving another grant during the POR for a project that is being performed under the ITIPA.[67] Dividing the amount of this grant by HYSCO's total sales, results in a net subsidy rate that is less than 0.005 percent *ad valorem* and, thus, is not numerically significant.

POSCO also reported receiving grants under the ITIPA prior to and during the POR.[68] Dividing the sum of POSCOs total grants in each year by POSCO's total sales in the corresponding year results in a net subsidy rate that is less than 0.005 percent *ad valorem.* Consistent with the Department's practice, we find that the grants received by HYSCO and POSCO under this program are not measurable.[69] Consequently, we preliminarily determine that it is not necessary for the Department to make a finding as to the countervailability of the grants POSCO received under this program. If a future administrative review of this proceeding is requested, we will further examine grants provided under ITIPA.

B. R&D Grants Under the Act on the Promotion of the Development, Use, and Diffusion of New and Renewable Energy

The GOK's Development of Use, and Diffusion of New and Renewable Energy program (formerly the Development of Alternative Energy program) is reportedly designed to contribute to the preservation of the environment, the sound and sustainable development of the national economy, and the promotion of national welfare by diversifying energy resources through promoting technological development, the use and diffusion of alternative energy, and reducing the discharge of gases harmful to humans or the environment by activating the new and renewable energy industry.[70] The program is administered by the Ministry of Knowledge Economy (MKE), Korea Energy Management Corporation (KEMCO), and the Korea Institute of Energy Technology Evaluation and Planning (KETEP).[71]

Under the Act on the Promotion of the Development, Use, and Diffusion of New and Renewable Energy (New and Renewable Energy Act), the GOK provides R&D grants to support the following businesses: (1) Electric and Nuclear Power Development, (2) Energy and Resources Technology Development, and (3) New and Renewable Energy Technology Development.[72]

Pursuant to Articles 5 and 6 of the New and Renewable Energy Act, MKE prepares a base plan and a yearly execution plan for the development of new and renewable energy.[73] The base and execution plans are announced to the public.[74] According to the GOK, any person who wishes to participate in the program prepares an R&D business plan and then submits the application to the KETEP, which then evaluates the application and selects the projects eligible for government support.[75] After the selected application is finally approved by MKE, KEMCO, and the general supervising institute of the consortium enter into an R&D agreement and then MKE provides the grant through KEMCO.[76]

The costs of the R&D projects under this program are shared by the company (or research institution) and the GOK.[77] Specifically, the grant ratio for project

[57] *Id.*

[58] *Id.*

[59] *Id.*

[60] *Id.*

[61] *Id.*

[62] *See Preliminary Results of CORE from Korea 2009,* 76 FR at 54213 and HYSCO's November QR at Exhibit Q–4.

[63] *See* GOK's November QR at 16 and Q–1; HYSCO's November QR at 17, Q–1, Q–2, and Q–3, and POSCO's November 30, 2011, QR at Exhibit Q–2.

[64] *See* Memorandum to the File titled ''HYSCO's R&D Grants Under the ITIPA'', (August 30, 2012), of which a public version is on file in IA Access.

[65] *See Preliminary Results of CORE from Korea 2009,* in which the Department found the grant in question to be tied to the production of non-subject merchandise, unchanged in *Final Results of Core from Korea 2009* and HYSCO's November QR at Exhibit Q–4.

[66] *See* Memorandum to the File titled ''HYSCO's R&D Grants Under the ITIPA'' (August 31, 2012), of which a public version is on file in IA Access.

[67] *See* HYSCO's November QR at 18.

[68] *See* POSCO's November 30, 2011, QR at Exhibit Q–2.

[69] *See, e.g.,* CORE from Korea 2006 Decision Memorandum at ''GOK's Direction of Credit'' and *Preliminary Results of CORE from Korea 2009,* 76 FR at 54213.

[70] *See Preliminary Results of CORE from Korea 2009,* 76 FR at 54209, 54213–54214, unchanged in *Final Results of CORE from Korea 2009.*

[71] *Id.* at 54214.

[72] *Id.*

[73] *Id.*

[74] *Id.*

[75] *Id.*

[76] *Id.*

[77] *Id.*

costs are as follows: (1) For large companies, the GOK provides grants up to one-half of the project costs, (2) for small/medium-sized companies, the GOK provides grants up to three-fourths of the project costs, (3) for a consortium,[78] the GOK provides grants up to three-fourths of the project costs, and (4) for others, the GOK provides grants up to one-half of the project costs.[79]

When the project is evaluated as ''successful'' upon completion, the participating companies must repay 40 percent of the R&D grant to the GOK.[80] However, when the project is evaluated as ''not successful'', the company does not have to repay any of the grant amount to the GOK.[81]

During the POR, HYSCO received an energy-related grant under the New and Renewable Energy Act for a project in which the company participated with other firms.[82] HYSCO reported that the R&D grant under the New and Renewable Energy Act are provided with respect to specific projects, which are generally multi-year projects where the amount of funds to be provided by the GOK is set out in the project contract.[83] The cost of R&D projects under this program is shared by the participating companies and the GOK.[84] HYSCO points to the Department's prior decision concerning this project in *Preliminary Results of CORE From Korea 2009,* and reiterates its claim that the project for which the grant was received from the government was not related to subject merchandise.[85]

Upon review of the information from HYSCO and the GOK, we preliminarily determine that the grant was bestowed specifically in connection with production of a product that is not subject merchandise and is related to the project examined in the prior administrative review.[86] Therefore, consistent with 19 CFR 351.525(b)(5) and our past practice, we preliminarily determine that this grant is tied to non-subject merchandise. Hence, we preliminarily determine that the New and Renewable Energy Act did not confer a benefit during the POR.

C. Overseas Resource Development Program: Loan From Korea Resources Corporation (KORES)

In *Final Results of CORE From Korea 2006,* the Department found that the GOK enacted the Overseas Resource Development (ORD) Business Act in order to establish the foundation for securing the long-term supply of essential energy and major material minerals, which are mostly imported because of scarce domestic resources.[87] Pursuant to Article 11 of this Act, MKE annually announces its budget and the eligibility criteria to obtain a loan from MKE.[88] Any company that meets the eligibility criteria may apply for a loan to MKE.[89] The loan evaluation committee evaluates the applications, selects the recipients and gets approval from the minister of MKE.[90] For projects related to the development of strategic mineral resources, the Korean Resources Corporation (KORES) lends the funds to the company for foreign resources development.[91]

During the POR, as in the prior administrative review, HYSCO had outstanding loans from KORES for investment in a copper mine in Mexico.[92] Based upon examination of the loan documents and our prior determination concerning these loans, we preliminarily determine that the KORES loans are tied to copper, which is non-subject merchandise.[93] Further, we find that copper is not an input primarily dedicated to the production of subject merchandise.[94] On this basis, we find the KORES loans are tied and attributable to non-subject merchandise.[95] Therefore, we preliminarily determine that HYSCO did not receive a benefit from this program with respect to the subject merchandise during the POR.

D. Overseas Resource Development Program: Loan From Korea National Oil Corporation (KNOC)

In *Final Results of CORE From Korea 2007,* the Department found that the GOK enacted the Overseas Resource Development (ORD) Business Act in order to establish the foundation for securing the long-term supply of essential energy and major material minerals, which are mostly imported because of scarce domestic resources.[96] Pursuant to Article 11 of this Act, the MKE annually announces its budget and the eligibility criteria to obtain a loan from MKE.[97] Any company that meets the eligibility criteria may apply for a loan to MKE.[98] For projects that are related to petroleum and natural gas, the Korea National Oil Corporation (KNOC) lends the funds to the company for foreign resources development.[99] An approved company enters into a borrowing agreement with KNOC for the development of the selected resource.[100] Two types of loans are provided under this program: ''General loans'' and ''success-contingent loans''. For a success-contingent loan, the repayment obligation is subject to the results of the development project. In the event that the project fails, the company will be exempted for all or a portion of the loan repayment obligation. However, if the project succeeds, a portion of the project income is payable to KNOC.[101]

During the POR, HYSCO had outstanding loans from KNOC related to petroleum exploration projects.[102] Based upon examination of the loan documents and our determinations concerning these loans in the prior

[78] If the ratio of small to medium-sized companies in a consortium is above two-thirds, the GOK provides grants up to one-half of the project costs. *See* GOK's November QR, Exhibit R–1.

[79] *Preliminary Results of CORE from Korea 2009,* 76 FR at 54214.

[80] *Id.*

[81] *Id.*

[82] *See* GOK's November QR at 17–18 and Exhibit R–1.

[83] *See* HYSCO's November QR at Exhibit R–3.

[84] *Id.*

[85] *Id.* at 19 citing to *Preliminary Results of CORE from Korea 2009,* 76 FR at 54214, in which the Department found the grant in question to be tied to non-subject merchandise, unchanged in the *Final Results of CORE from Korea 2009; see also* Memorandum to the File titled ''HYSCO's R&D Grants under the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy'' (August 24, 2011), submitted as Exhibit R–4 of HYSCO's November QR.

[86] *See* Memorandum to the File titled ''HYSCO's R&D Grants under the Act on the Promotion of the Development, Use, and Diffusion of New and Renewable Energy'' (August 31, 2012) (*HYSCO New and Renewable Energy Grant Memorandum*), of which a public version is on file in IA Access.

[87] *See* Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, 73 FR 52315, 52326, (September 9, 2008) (*Preliminary Results of CORE from Korea 2006),* unchanged in *Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,* 74 FR 2512 (January 15, 2009) (*Final Results of CORE from Korea 2006),* and accompanying Issues and Decision Memorandum at ''Programs Determined To Be Not Used''.

[88] *See* GOK's November QR at Exhibit S–1.

[89] *Id.*

[90] *Id.*

[91] *Id.*

[92] *See* HYSCO's November QR at 20, Exhibit 8 at 15 and HYSCO's March 30, 2012 QR at Exhibits 15 and 16.

[93] *Preliminary Results of CORE from Korea 2009,* 76 FR at 54214–54215, unchanged in *Final Results of CORE from Korea 2009.*

[94] *Id.*

[95] *See* 19 CFR 351.525(b)(5).

[96] *See Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review,* 74 FR 46100; 46107–46108 (September 8, 2009) (*Preliminary Results of CORE from Korea 2007*), and unchanged in *Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,*74 FR 55192 (October 27, 2009) (*Final Results of CORE from Korea 2007*).

[97] *See* GOK's November QR at Exhibit T–1.

[98] *Id.*

[99] *Id.*

[100] *Id.*

[101] *Id.*

[102] *See* HYSCO's November QR at 20 and Exhibit 8 at 16 and HYSCO's March 30, 2012, QR at 11 and Exhibit 17.

administrative review, we preliminarily determine that the KNOC loans are tied to petroleum exploration, which does not involve subject merchandise.[103] On this basis, we find the KNOC loans are tied and attributable to non-subject merchandise.[104] Therefore, we preliminarily determine that HYSCO did not receive a benefit from this program with respect to the subject merchandise during the POR. We will continue to examine this program in future reviews.

E. Pre-1992 Direct Credit

During the POR, POSCO was the only respondent company that had pre-1992 long-term loans outstanding during the POR.[105] Assuming, *arguendo,* that the benefit under this program is equal to the sum of POSCOs total interest payments made during the POR, the resulting net subsidy rate would be less than 0.005 percent *ad valorem* when attributed to POSCO's total sales, which is not numerically significant. Thus, consistent with the Department's practice, we are excluding this amount from the net countervailable subsidy rate.

F. Document Acceptance (D/A) Financing Provided Under KEXIM's Trade Rediscount Program and D/A Loans issued by the KDB and Other Government-Owned Banks

Under section 771(5)(B)(iii) of the Act, a subsidy can be found whenever the government ''makes a payment to a funding mechanism to provide a financial contribution, or entrusts or directs a private entity to make a financial contribution * * * to a person and a benefit is thereby conferred.'' In the *CFS Investigation,* we determined that KEXIM's trade bill rediscount program constitutes a payment to a funding mechanism because the rediscount ceiling KEXIM provides to banks participating under the program is contingent on banks subsequently lending the funds to exporters.[106] Section 771(5)(B)(iii) of the Act also states that financial contributions from funding mechanisms can be a subsidy only if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by the government. This is the ''government subsidy function'' prong of an indirect financial contribution. As determined in the *CFS Investigation,* under this program banks are performing a government subsidy function and, therefore, their loans can qualify as subsidies.[107] Therefore, we find that loans from banks under the rediscount program constitute financial contributions within the meaning of section 771(5)(D)(i) of the Act and confer a benefit upon exporters, in accordance with section 771(5)(E)(ii) of the Act, to the extent the amount exporters pay under the program is less than the amount they would pay on comparable commercial loans they could obtain on the market. Because receipt of the loans is contingent upon export performance, we also determine that KEXIM's rediscount program is specific within the meaning of section 771(5A)(B) of the Act.

In the *CFS investigation,* we further determined that D/A Loans issued by the KDB and other government-owned banks constitute a financial contribution in the form of a direct transfer of funds within the meaning of section 771(5)(D)(i) of the Act.[108] In addition, we determined that such loans confer a benefit, in accordance with section 771(5)(E)(ii) of the Act, to the extent the amount exporters pay under the program is less than the amount they would pay on comparable commercial loans they could obtain on the market.[109] Because receipt of D/A loans is contingent upon export performance, we also determined that D/A loans from the KDB and other government-owned banks are specific within the meaning of section 771(5A)(B) of the Act.[110]

In the *CFS Investigation,* we further found that subsidies on the loans under KEXIM's trade bill rediscount program are tied to sales of subject merchandise to the United States in accordance with 19 CFR 351.525(b)(4) and (5). Accordingly, we limited our benefit calculations to D/A loans issued on sales of subject merchandise to the United States.[111] We preliminarily determine that there is no information on the record that warrants a reconsideration of the Department's prior findings.

Dongbu reported receiving short-term D/A financing from commercial banks that participated in KEXIM's Trade Rediscount Program and D/A Loans issued by the KDB and other government-owned banks during the POR. To calculate the benefits to Dongbu under these programs, we compared the amount that Dongbu paid on all of its D/A loans from commercial banks outstanding during the POI to the amount Dongbu paid on comparable commercial loans.[112] Because loans under these programs are discounted (*i.e.,* interest is paid up front at the time the loans are received), the effective rate paid by respondents on their D/A loans is a discounted rate. The benefits Dongbu received were less than 0.005 percent of its total export sales of subject merchandise to the United States during the POR, which is not numerically significant. Therefore, we are preliminarily excluding the amount from the net countervailable subsidy rate. HYSCO, POSCO and POCOS did not report any D/A financing from commercial banks during the POR.[113]

G. R&D Grants Under the Special Act on Balanced National Development

During the POR, HYSCO reported that it received a research and development grant under the Special Act on Balanced National Development (National Development Act).[114]

Upon review of the information submitted by HYSCO and the GOK, we preliminarily determine that the grant pertains specifically to the production of a product that is not subject merchandise.[115] Therefore, consistent with 19 CFR 351.525(b)(5), we preliminarily determine that the National Development Act did not confer a benefit to the production or export of subject merchandise during the POR. If a future administrative review of this proceeding is requested, we will reconsider whether grants provided under the National Development Act confer a benefit.

H. Subsidies Related to HYSCO's 2004 Purchase of Hanbo Steel (Hanbo)

In January 1997, Korea's then second largest steelmaker, Hanbo Steel, collapsed under enormous debt and entered into bankruptcy proceedings, falling under the receivership of the

[103] *Preliminary Results of CORE from Korea 2009,* 76 FR at 54215 unchanged in *Final Results of CORE from Korea 2009.*

[104] *See* 19 CFR 351.525(b)(5).

[105] *See* GOK's November QR at 3 and POSCO's November QR at 9.

[106] *See* CFS Decision Memorandum at ''Export Loans by Commercial Banks Under KEXIM's Trade Bill Rediscounting Program.''

[107] *See* CFS Decision Memorandum at ''Export Loans by Commercial Banks Under KEXIM's Trade Bill Rediscounting Program.''

[108] *See* CFS Decision Memorandum at ''D/A Loans Issued by the KDB and Other Government-Owned Banks.''

[109] *Id.*

[110] *Id.*

[111] *Id.*

[112] *See* 19 CFR 351.505(a)(2)(iv).

[113] *See* HYSCO's November QR at 16 and POSCO's November QR at 18.

[114] *See* HYSCO's March QR at 2 and 5, *see also* GOK's August 7, 2012, questionnaire response (August 7 QR) at Exhibit V–1.

[115] The exact nature of the project for which the R&D grant was received is business proprietary information. *See* Memorandum to the File titled ''HYSCO's R&D Grants under the Act on the Promotion of the Special Act on Balanced National Development'' (August 31, 2012) of which a public version is on file in IA Access.

Seoul Central District Bankruptcy Court (Bankruptcy Court). Petitioner alleged that from 1996 to 2000 the GOK provided credit, and also compelled Korean banks to provide credit, to Hanbo at a time when Hanbo was uncreditworthy.[116] According to petitioner, these loans continue to benefit HYSCO during the POR. Petitioner further alleged that in the aftermath of Hanbo's collapse, the GOK paid off Hanbo's debts to its small- and medium-sized creditors in order to save them from going into bankruptcy themselves, resulting in debt forgiveness to Hanbo. In September 2004, Hanbo was purchased by a consortium consisting of HYSCO and INI Steel Co. through a public auction under the Bankruptcy Court's supervision.[117] As a result of this sale, HYSCO acquired Hanbo's cold-rolled facility.[118] Petitioner alleged that the Korea Asset Management Corporation, a GOK entity, held the majority of Hanbo's debt at the time of its sale. Petitioner further alleged that the 2004 acquisition was not an arm's-length, fair-market-value transaction. Specifically, petitioner alleged that the transaction was contingent upon HYSCO/INI agreeing to retain Hanbo's workers for three years. Petitioner pointed out that under the Department's change-in-ownership methodology, there is a rebuttable presumption that allocable subsidies to a company will continue to benefit the purchaser of the company or its assets if the sales transaction was not at arm's length and for fair market value. Consequently, petitioner alleged that the 2004 transaction did not extinguish the benefit from the debt forgiveness that had been provided to Hanbo, resulting in an allocable benefit to HYSCO during the POR.

The Department initiated an investigation of petitioner's allegations.[119] The Department's examination covers any GOK debt forgiveness to Hanbo from 1996 (the beginning of the 15-year AUL for this review) through September 2004 (the time of Hanbo's purchase), which could conceivably result in benefits allocable to the 2010 POR, as well as any GOK loans to Hanbo that are still outstanding during the POR, to the extent such loans were assumed by HYSCO.

With regard to petitioner's loan allegations, the information submitted by HYSCO and the GOK indicates that INI/HYSCO's 2004 purchase of Hanbo was an asset-only purchase and, thus, no liabilities were transferred to INI and HYSCO as part of the sale, *i.e.,* HYSCO did not assume any of Hanbo's debts.[120] Therefore, we preliminarily find that, to the extent that Hanbo may have received GOK or GOK-directed loans, any subsidy from such loans did not benefit HYSCO during the POR.

With regard to petitioner's debt forgiveness allegations, the questionnaire responses from HYSCO and the GOK indicate that none of Hanbo's debt, including debts owed to suppliers and small- and medium-sized firms, was forgiven in 1996.[121] Thus, we preliminarily find that the only debt forgiveness at issue is any debt forgiveness resulting from Hanbo's bankruptcy beginning in 1997. Concerning the period 1997 until Hanbo's purchase in 2004, the questionnaire responses from the GOK and HYSCO indicate that Hanbo's debt was restructured pursuant to a court-supervised bankruptcy proceeding in accordance with Korea's Corporate Reorganization Law.[122] For example, effective January 31, 1997, the bankruptcy judge forbade Hanbo from liquidating any of its outstanding debt, transferring ownership, or engaging in any settlement or waiver.[123] During its bankruptcy, Hanbo was overseen by a court-approved trustee.[124] Further, the Bankruptcy Court's approval was required for all of Hanbo's major actions.[125] Finally, the 2004 sale of Hanbo through public auction was an integral part of the bankruptcy process and thus, as with all the other elements in the bankruptcy, also subject to court approval.

Concerning the terms of the bankruptcy itself, Hanbo's final reorganization plan, as approved by the Bankruptcy Court, indicates that, for the purposes of restructuring Hanbo's debts, Hanbo's creditors were divided into five categories depending on the type of creditor and existence of security: Secured creditors, unsecured creditors, SME creditors, tax creditors, and related-party creditors.[126] The documents further indicate that the repayment terms varied depending on the creditor group, but repayment terms were applied equally to creditors within the same creditor group.[127] As a result of this debt restructuring, Hanbo's debts were repaid at a discount with proceeds from the sale of assets. This process resulted in debt forgiveness to the extent that the debts were not repaid in full.

The Department addressed the issue of debt forgiveness in the context of bankruptcy proceedings in the final results of *Stainless Steel from Korea,* in which the Department explained that, in assessing the countervailability of the debt forgiveness, it examines whether: (1) The bankruptcy protection is generally available in the country in question, and (2) the bankruptcy in question was inconsistent with the typical practice in the country.[128] In *Stainless Steel from Korea,* the Department found that where bankruptcy proceedings are conducted pursuant to law that is are generally available to all companies, and the particular company received no special or differential treatment in its bankruptcy process, debt forgiveness resulting from the bankruptcy procedures is not specific and, thus, not countervailable.[129] There is no information on the record of the current proceeding that warrants reconsideration of the Department's finding that that bankruptcies are generally available to all companies in Korea.

In the case of Hanbo's bankruptcy, we preliminarily find that it was conducted through legal proceedings generally available to all Korean companies.[130] As

[116] *See* Petitioners December 20, 2011, submission at 12.

[117] *See* HYSCO's June 19, 2012, submission at 2–3.

[118] *Id.* at 7.

[119] *See* Memorandum to Melissa G. Skinner, Director, Office 3, through Eric B. Greynolds, Program Manager, from Gayle Longest, Case Analyst, regarding New Subsidy Allegations (April 24, 2012).

[120] Questionnaire responses further indicate that Hanbo received operating financing between 1998 and 2002, under court supervision, but that the debt was gradually paid down by 2002 with operating income.

[121] *See* HYSCO's August 2, 2012, submission at 1–2; *see also* the GOC's August 15, 2012, submission at 1.

[122] See HYSCO's June 19, 2012, submission at 1–4.

[123] *Id.* at Exhibit 3.

[124] *Id.* at 2.

[125] *Id.*

[126] *See* HYSCO's June 19, 2012, submission at Exhibit 2; *see also* HYSCO's August 2, 2012, submission at 1 and Exhibit 21.

[127] *Id.*

[128] *See Final Results of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 69 FR 2113 (January 14, 2004) (*Stainless Steel from Korea*), and accompanying Issues and Decision Memorandum (Stainless Steel from Korea Memorandum) at Comment 4; *see also Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Carbon and Certain Alloy Steel Wire Rod from Germany,* 67 FR 55808, (August 30, 2002), and accompanying Issues and Decision Memorandum at Comment 6.

[129] *Id.*

[130] We find that the Hanbo bankruptcy, which was essentially a liquidation process, differed from debt workouts that the Department has examined in other Korean CVD proceedings (*e.g., DRAMS from Korea Investigation* and the *CFS Investigation*), which involved out-of-court corporate restructuring agreements (CRAs) implemented by a body of

Continued

noted above, Hanbo entered into bankruptcy pursuant to Korea's Corporate Reorganization Law, under court receivership at the Bankruptcy Court, with its management and operations subject to supervision by a court-approved trustee. Further, there is no evidence that Hanbo received special or differential treatment in its bankruptcy process. Accordingly, the Department finds that Hanbo's debt restructuring was not subject to government influence resulting in subsidies.[131] Consequently, in accordance with the Department's practice, we preliminary find that to the extent the bankruptcy restructuring plan for Hanbo resulted in debt forgiveness, such debt forgiveness was not specific, as described under section 771(5A)(D) of the Act and, thus, not countervailable.

Accordingly, absent any subsidy benefits that would be allocable to the POR, there is no need for the Department to analyze whether the 2004 sale of Hanbo was an arm's-length, fair-market-value transaction pursuant to the Department's change-in-ownership methodology.

I. RSTA 22: Corporation Tax Exemption on Dividend Income From Investment in Overseas Resource Development

Under RSTA Article 22, a domestic corporation, whose income for each business year ending before December 31, 2009, includes any dividend income from its investment in overseas resource development projects as prescribed by Presidential Decree (Enforcement Decree), is exempt from corporate tax for the portion of such dividend income that is exempted from the tax of the host country where the investment occurred. Article 19 of the Enforcement Decree of the RSTA prescribes the following investment projects as being eligible for this tax exemption: Agricultural products, Animal products, Fishery products, Forest products, and Mineral products.

POSCO reported that it had investments in overseas resource development projects as prescribed by the Enforcement Decree and received tax exemptions in the host country for these investments.[132] The tax exemptions were reflected in the tax return that POSCO filed during the POR. Dongbu and HYSCO reported that they did not use this program.

We preliminarily determine that the tax exemptions POSCO received under this program constitute a financial contribution in the form of revenue forgone as described under section 771(5)(D)(ii) of the Act and confer a benefit as described under section 771(5)(E) of the Act and 19 CFR 351.509(a). Further, we preliminarily determine that tax exemptions received under this program are specific under section 771(5A)(D)(1) because benefits are limited to firms with investment projects concerning agricultural, animal, fishery, forest, and mineral products.

Under this program, the benefit is equal to the amount of added income taxes that POSCO would have paid absent the program. The benefits POSCO received were less than 0.005 percent of its total sales. Therefore, we are preliminarily excluding the amount from POSCO's net countervailable subsidy rate.

J. Reduction in Taxes for Operation in Regional and National Industrial Complexes

Under Article 46 of the Industrial Cluster Development and Factory Establishment Act (Industrial Cluster Act), a state or local government may provide tax exemptions as prescribed by the Restriction of Special Taxation Act.[133] In accordance with this authority, Article 276 of the Local Tax Act provides that an entity that acquires real estate in a designated industrial complex for the purpose of constructing new buildings or enlarging existing facilities is exempt from the acquisition and registration tax. In addition, the entity is exempt from 50 percent of the property tax on the real estate (*i.e.,* the land, buildings, or facilities constructed or expanded) for five years from the date the tax liability becomes effective. The exemption is increased to 100 percent of the relevant land, buildings, or facilities that are located in an industrial complex outside of the Seoul metropolitan area. The GOK established the tax exemption program under Article 276 in December 1994, to provide incentives for companies to relocate from populated areas in the Seoul metropolitan region to industrial sites in less populated parts of the country. The program is administered by the local tax officials of the county where the industrial complex is located.

During the POR, pursuant to Article 276 of the Local Tax Act, HYSCO received exemptions from the acquisition tax, registration tax, and property tax based on the location of its manufacturing facilities, Suncheon Works, in the Yulchon Industrial Complex, and its facilities in the Ulsan Works industrial complex designated under the Industrial Cluster Act.[134] During the POR, POSCO and Dongbu received property reductions in connection with their facilities located in the Gwangyang Industrial Complex and Godae Industrial Complex, respectively. In addition, HYSCO, POSCO, and Dongbu received an exemption from the local education tax during the POR. The local education tax is levied at 20 percent of the property tax. The property tax exemption, therefore, results in an exemption of the local education tax.

We preliminarily determine that the tax reductions constitute a financial contribution in the form of revenue forgone, as described under section 771(5)(D)(ii) of the Act, and a benefit under section 771(5)(E) and 19 CFR 351.509(a). We further preliminarily determine that the property tax exemptions provided under this program are specific under section 771(5A)(D)(iv) of the Act because benefits are limited to enterprises located within designated geographical regions. Our findings in this regard are consistent with the Department's practice.[135]

To calculate the benefit, we subtracted the amount of taxes paid by the firms from the amounts that would have been paid absent the program. To calculate the net subsidy rate, we

creditors dominated by government-owned or controlled entities. The Department found those workouts to have been subject to government influence resulting in subsidies specific to the company or industry. *See Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea,* 68 FR 37122 (June 23, 2003) (*DRAMS from Korea Investigation*), and accompanying Issues and Decision Memorandum (DRAMS Decision Memorandum) at ''Hynix Financial Restructuring and Recapitalization;'' *see also* CFS Decision Memorandum at ''Poognman Restructuring.''

[131] *See* DRAMS Decision Memorandum at ''Hynix Financial Restructuring and Recapitalization''; *see also* CFS Decision Memorandum at ''Poognman Restructuring.''

[132] *See* POSCO's December 2, 2011, QR at 12; *see also* GOK's November QR at 6.

[133] Pursuant to the petitioner's new subsidy allegations, the Department initiated an investigation of property, acquisition and registration tax exemptions allegedly received by POSCO, Dongbu, and HYSCO for their respective facilities in various locations. The information submitted by the respondent firms and the GOK indicates that these tax exemptions were received pursuant to a program under Article 276 of the Local Tax Act, which the Department has previously examined and found to be countervailable.

[134] *See* HYSCO's November QR at Exhibit H–2 and HYSCO's May 25, 2012, questionnaire response (HYSCO's May QR) at 4 and Exhibit H–4.

[135] *See, e.g., Coated Free Sheet Paper from the Republic of Korea: Notice of Final Affirmative Countervailing Duty Determination,* 72 FR 60639 (October 25, 2007) (*CFS Investigation*), and accompanying Issues and Decision Memorandum (CFS Decision Memorandum) at ''Reduction in Taxes for Operation in Regional and National Industrial Complexes.''

divided the total benefit by the firms' total sales. In the case of HYSCO, POSCO, and Dongbu, the resulting net subsidy rates were less than 0.005 percent *ad valorem.* Consistent with the Department's practice, we find that the benefits received under this program are not measurable and, therefore, we have not included any benefits under this program in net subsidy rates of HYSCO and POSCO.[136]

III. Programs Preliminarily Determined To Be Not Used

The following programs were part of the petitioner's new subsidy allegations on which the Department initiated an investigation.[137] Based on the information submitted by the GOK and the respondents, we preliminarily determine that these programs were not used during the POR.

- Corporate Tax Reduction for Facilities Located in the Godae Complex
- Income Tax Reduction for Facilities Located in the Godae Complex
- Cash Grants for Employees Working at Facilities in Jeollanamdo
- Training and Education Subsidies at Facilities in Jeollanamdo
- Support for New Investments in Facilities in Jeollanamdo
- Reduction in Rent for Facilities Located in Industrial Complexes
- Employment Subsidies for Large-Scale Investment in Ulsan
- Special Support for Large-Scale Investments in Ulsan
- Technology Development Loans for Facilities in Gwangyang Complex
- Foundation Loans for Facilities in Gwangyang Complex

The Department included the following programs in its October 5, 2011, initial questionnaire. We preliminarily determine that these programs were not used by the reviewed companies during the POR.

- Reserve for Research and Manpower Development Fund Under RSTA Article 9 (TERCL Article 8)
- RSTA Article 11: Tax Credit for Investment in Equipment to Development Technology and Manpower (TERCL Article 10)
- Reserve for Export Loss Under TERCL Article 16
- Reserve for Overseas Market Development Under TERCL Article 17
- Reserve for Export Loss Under TERCL Article 22
- Exemption of Corporation Tax on Dividend Income from Overseas Resources Development Investment Under TERCL Article 24
- Reserve for Investment (Special Cases of Tax for Balanced Development Among Areas Under TERCL Articles 42–45)
- Tax Credits for Specific Investments Under TERCL Article 71
- RSTA Article 94: Equipment Investment to Promote Workers Welfare (TERCL Article 88)
- Electricity Discounts Under the Requested Loan Adjustment Program
- Electricity Discounts Under the Emergency Load Reductions Program
- Export Industry Facility Loans and Specialty Facility Loans
- Short-Term Trade Financing Under the Aggregate Credit Ceiling Loan Program Administered by the Bank of Korea
- Industrial Base Fund
- Excessive Duty Drawback
- Private Capital Inducement Act
- Scrap Reserve Fund
- Special Depreciation of Assets on Foreign Exchange Earnings
- Export Insurance Rates Provided by the Korean Export Insurance Corporation
- Loans from the National Agricultural Cooperation Federation
- Tax Incentives from Highly Advanced Technology Businesses Under the Foreign Investment and Foreign Capital Inducement Act
- D/A Loans Issued by the Korean Development Bank and Other Government-Owned Banks
- Export Loans by Commercial Banks Under KEXIM's Trade Bill Rediscounting Program
- Short-term Export Financing
- Research and Development Grants Under the Industrial Development Act (IDA)

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 2010, through December 31, 2010, we preliminarily determine the net subsidy rates for HYSCO, POSCO, and Dongbu to be 0.08, 0.16, 0.11, percent *ad valorem,* respectively, which are *de minimis* rates. *See* 19 CFR 351.106(c)(1).

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this review. If the final results remain the same as these preliminary results, the Department will instruct CBP to liquidate without regard to countervailing duties all shipments of subject merchandise produced by HYSCO, POSCO, and Dongbu, entered, or withdrawn from warehouse, for consumption from January 1, 2010, through December 31, 2010. The Department will also instruct CBP to collect cash deposits of zero percent on shipments of the subject merchandise produced by HYSCO, POSCO, and Dongbu entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

We will instruct CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to companies covered by this order, but not examined in this review, are those established in the most recently completed administrative proceeding for each company. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested.

Disclosure and Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of the public announcement of this notice. We will notify parties of the schedule for submitting case briefs and rebuttal briefs, in accordance with 19 CFR 351.309(c) and 19 CFR 351.309(d)(1), respectively. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties submitting case and/or rebuttal briefs are requested to provide the Department copies of the public version on disk. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Pursuant to 19 CFR 351.310(c), within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs.

Pursuant to 19 CFR 351.305(b)(4), representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to

[136] *See, e.g.,* CORE from Korea 2006 Decision Memorandum at ''GOK's Direction of Credit.''

[137] *See* Memorandum to Melissa G. Skinner, Director, Office 3, through Eric B. Greynolds, Program Manager, from Gayle Longest, Case Analyst, regarding New Subsidy Allegations (April 24, 2012).

the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(i), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: September 17, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–23399 Filed 9–20–12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–812, C–357–813]

Honey From Argentina; Final Results of Sunset Reviews and Revocation of Antidumping Duty and Countervailing Duty Orders

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

SUMMARY: On July 2, 2012, the Department of Commerce (the Department) initiated sunset reviews of the antidumping duty and countervailing duty orders on honey from Argentina.[1] Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking the antidumping duty and countervailing duty orders on honey from Argentina.

DATES: *Effective Date:* August 2, 2012.

FOR FURTHER INFORMATION CONTACT: Elfi Blum, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0197.

SUPPLEMENTARY INFORMATION:

Scope of the Orders

The merchandise subject to the orders is natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise covered by the orders is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under the orders is dispositive.

Background

The Department published antidumping duty and countervailing duty orders on honey from Argentina on December 10, 2001.[2] In the first sunset reviews, the Department and the International Trade Commission (ITC) determined that continuation of the orders was warranted.[3]

On July 2, 2012, the Department initiated the current sunset reviews pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218. *See Initiation Notice.* We received no response from the domestic industry by the deadline date. *See* 19 CFR 351.218(d)(1)(i). As a result, the Department has determined that no domestic interested party intends to participate in the sunset reviews. *See* 19 CFR 351.218(d)(1)(iii)(A). On July 22, 2012, the Department notified the ITC in writing that we intended to revoke the antidumping duty and countervailing duty orders on honey from Argentina. *See* 19 CFR 351.218(d)(1)(iii)(B)(2).

Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested parties respond to a notice of initiation, the Department shall, within 90 days after the initiation of the review, revoke the order. Because no domestic interested party filed a notice of intent to participate in these sunset reviews, we are revoking the antidumping duty and countervailing duty orders on honey from Argentina.

Effective Date of Revocation

Pursuant to sections 751(c)(3)(A) and 751(c)(6)(A)(iii) of the Act, and 19 CFR 351.222(i)(2)(i), the Department will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to these orders entered, or withdrawn from warehouse, on or after August 2, 2012, the fifth anniversary of the date of publication of the last continuation notice. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty and countervailing duty deposit requirements. The Department will complete any pending reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

These five-year (''sunset'') reviews and this notice are issued and published in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: September 17, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–23359 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 77 FR 39217 (July 2, 2012) (*Initiation Notice*).

[2] *See Notice of Antidumping Duty Order; Honey From Argentina,* 66 FR 63672 (December 10, 2001) and *Notice of Countervailing Duty Order: Honey From Argentina,* 66 FR 63673 (December 10, 2001).

[3] *See Continuation of Antidumping Duty Orders on Honey from Argentina and the People's Republic of China, and Continuation of Countervailing Duty Order on Honey From Argentina,* 72 FR 42384 (August 2, 2007).

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Solicitation of Applications for Allocation of Tariff Rate Quotas on the Import of Certain Worsted Wool Fabrics to Persons Who Cut and Sew Men's and Boys' Worsted Wool Suits, Suit-Type Jackets and Trousers in the United States

AGENCY: Department of Commerce, International Trade Administration.

ACTION: The Department of Commerce (''Department'') is soliciting applications for an allocation of the 2013 tariff rate quotas on certain worsted wool fabric to persons who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States.

SUMMARY: The Department hereby solicits applications from persons (including firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States for an allocation of the 2013 tariff rate quotas on certain worsted wool fabric. Interested persons must submit an application on the form provided to the address listed below by October 22, 2012. The Department will cause to be published in the **Federal Register** its determination to allocate the 2013 tariff rate quotas and will notify applicants of their respective allocation as soon as possible after that date. Promptly

thereafter, the Department will issue licenses to eligible applicants.

DATES: To be considered, applications must be received or postmarked by 5 p.m. on October 22, 2012.

ADDRESSES: Applications must be submitted to the Office of Textiles and Apparel, Room 30003, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230 (telephone: (202) 482–3400). Application forms may be obtained from that office (via mail or facsimile) or from the following Internet address: *http://otexa.ita.doc.gov/wooltrq/wool_app.htm.*

FOR FURTHER INFORMATION CONTACT: Laurie Mease, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2043.

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade and Development Act of 2000 (the Act) created two tariff rate quotas (TRQs), providing for temporary reductions in the import duties on limited quantities of two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) For worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11); and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS heading 9902.51.12). On August 6, 2002, President Bush signed into law the Trade Act of 2002, which includes several amendments to Title V of the Act. On December 3, 2004, the Act was further amended pursuant to the Miscellaneous Trade Act of 2004, Public Law 108–429, by increasing the TRQ for worsted wool fabric with average fiber diameters greater than 18.5 microns, HTS 9902.51.11, to an annual total level of 5.5 million square meters, and extending it through 2007, and increasing the TRQ for average fiber diameters of 18.5 microns or less, HTS 9902.51.15 (previously 9902.51.12), to an annual total level of 5 million square meters and extending it through 2006. On August 17, 2006 the Act was further amended pursuant to the Pension Protection Act of 2006, Public Law 109–280, which extended both TRQs, 9902.51.11 and 9902.51.15, through 2009. The Senate-passed Emergency Economic Stabilization Act of 2008 extended the TRQ for both HTS numbers through 2014.

The Act requires that the TRQs be allocated to persons who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States. On October 24, 2005, the Department adopted final regulations establishing procedures for allocating the TRQ. *See* 70 FR 61363; 19 CFR 335. In order to be eligible for an allocation, an applicant must submit an application on the form provided at *http://otexa.ita.doc.gov/wooltrq/wool_app.htm* to the address listed above by 5 p.m. on October 22, 2012 in compliance with the requirements of 15 CFR 335. Any business confidential information that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law.

Dated: September 17, 2012.

Kim Glas,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 2012–23358 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Solicitation of Applications for Allocation of Tariff Rate Quotas on the Import of Certain Worsted Wool Fabrics to Persons Who Weave Such Fabrics in the United States

AGENCY: International Trade Administration, Department of Commerce.

ACTION: The Department of Commerce (Department) is soliciting applications for an allocation of the 2013 tariff rate quotas on certain worsted wool fabric to persons who weave such fabrics in the United States.

SUMMARY: The Department hereby solicits applications from persons (including firms, corporations, or other legal entities) who weave worsted wool fabrics in the United States for an allocation of the 2013 tariff rate quotas on certain worsted wool fabric. Interested persons must submit an application on the form provided to the address listed below by October 22, 2012. The Department will cause to be published in the **Federal Register** its determination to allocate the 2013 tariff rate quotas and will notify applicants of their respective allocation as soon as possible after that date. Promptly thereafter, the Department will issue licenses to eligible applicants.

DATES: To be considered, applications must be received or postmarked by 5 p.m. on October 22, 2012.

ADDRESSES: Applications must be submitted to the Office of Textiles and Apparel, Room 30003, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230 (telephone: (202) 482–3400). Application forms may be obtained from that office (via facsimile or mail) or from the following Internet address: *http://otexa.ita.doc.gov/wooltrq/wool_fabric.htm.*

FOR FURTHER INFORMATION CONTACT: Laurie Mease, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2043.

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade and Development Act of 2000 (the Act) created two tariff rate quotas (TRQs), providing for temporary reductions in the import duties on limited quantities of two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) For worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11); and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS heading 9902.51.12). On August 6, 2002, President Bush signed into law the Trade Act of 2002, which includes several amendments to Title V of the Act. On December 3, 2004, the Act was further amended pursuant to the Miscellaneous Trade Act of 2004, Public Law 108–429. The 2004 amendment included authority for the Department to allocate a TRQ for new HTS category, HTS 9902.51.16. This HTS category refers to worsted wool fabric with average fiber diameter of 18.5 microns or less. The amendment provided that HTS 9902.51.16 is for the benefit of persons (including firms, corporations, or other legal entities) who weave such worsted wool fabric in the United States that is suitable for making men's and boys' suits. The TRQ for HTS 9902.51.16 provided for temporary reductions in the import duties on 2,000,000 square meters annually for 2005 and 2006. The amendment requires that the TRQ be allocated to persons who weave worsted wool fabric with average fiber diameter of 18.5 microns or less, which is suitable for use in making men's and boys' suits, in the United States. On August 17, 2006, the Act was further amended pursuant to the Pension Protection Act of 2006, Public Law 109–280, which extended the TRQ for HTS 9902.51.16 through 2009. The Senate-passed Emergency Economic Stabilization Act of 2008 extended the TRQ for HTS 9902.51.16 through 2014.

On October 24, 2005, the Department adopted final regulations establishing procedures for allocating the TRQ. *See*

70 FR 61363; 19 CFR 335. In order to be eligible for an allocation, an applicant must submit an application on the form provided at *http://otexa.ita.doc.gov/wooltrq/wool_fabric.htm* to the address listed above by 5 p.m. on October 22, 2012 in compliance with the requirements of 15 CFR 335. Any business confidential information that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law.

Dated: September 17, 2012.

Kim Glas,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 2012–23357 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC233

Pacific Fishery Management Council; Public Meeting; Work Session To Review Proposed Salmon Methodology Changes

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's Salmon Technical Team (STT), Scientific and Statistical Committee (SSC) Salmon Subcommittee, and Model Evaluation Workgroup (MEW) will review proposed salmon methodology changes in a joint work session, which is open to the public.

DATES: The work session will be held Wednesday, October 10, 2012, from 9 a.m. to 4:30 p.m., and Wednesday, October 11, 2012 from 9 a.m. to 3 p.m.

ADDRESSES: The work session will be held at the Shilo Inns Suites Hotel, Willamette 1 Room, 11707 NE Airport Way, Portland, OR 97220.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Salmon Management Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to discuss and review proposed changes to analytical methods used in salmon management. Potential topics for the work session include but are not limited to; bias-correction methods for mark-selective coho fisheries, size limit evaluation methods for Chinook fisheries, and a preliminary assessment of abundance-based management of California Coastal Chinook. The final list of topics for the work session is scheduled to be adopted by the Council at their September 13–18, 2012 meeting in Boise, ID.

Although non-emergency issues not contained in the meeting agenda may come before the STT, SSC Salmon Subcommittee, and MEW for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 18, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–23309 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC244

Gulf of Mexico Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene Public Hearings on proposed Reef Fish Amendment 37 addressing revisions to the gray triggerfish rebuilding plan including adjustments to the annual catch limits and annual catch targets for the commercial and recreational sectors. Public hearings will also be held simultaneously on a proposed Framework Action to modify the 2013 recreational gag fishing season, consider changes to the gag bag limit, and consider modifying or eliminating the February 1 through March 31 recreational closed season on shallow-water grouper.

DATES: The public hearings will be held from October 15–18, 2012 at eight locations throughout the Gulf of Mexico. The public hearings will begin at 6 p.m. and will conclude no later than 9 p.m. For specific dates, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The public hearings will be held in the following locations: Naples, St. Petersburg, and Destin, FL; Gulf Shores, AL; D'Iberville, MS; Kenner, LA; Galveston and Corpus Christi, TX.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: For Reef Fish Amendment 37: Dr. Carrie Simmons, Fishery Biologist; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630 x231. For the gag Framework Action: Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630 x227.

SUPPLEMENTARY INFORMATION: The Council will convene public hearings on two proposed actions to the Reef Fish Fishery Management Plan. Reef Fish Amendment 37 proposes modifications to the gray triggerfish rebuilding plan including modifications to the annual catch limits and annual catch targets for the commercial and recreational sectors. Proposed commercial management measures needed to meet the reduction in the annual catch limit and annual catch target for gray triggerfish include establishing a fixed closed season and a trip limit. Proposed recreational management measures include establishing a fixed closed season and modifying the recreational bag limit for gray triggerfish within the 20-reef fish aggregate bag limit. This amendment also includes proposed modifications to the recreational accountability measures to allow NOAA Fisheries Service to close the recreational sector once the annual catch target is reached or projected to be reached, and if the annual catch limit is exceeded to apply an overage adjustment by reducing the annual catch limit and optional annual catch target the following fishing season.

The Framework Action to set the 2013 gag recreational fishing season, bag limit, and to modify the February through March shallow-water grouper closed season contains alternatives for

modifications to regulations addressing recreational fishing for gag and shallow-water grouper. Alternatives being considered to modify the recreational gag fishing season would change the starting date for the recreational gag season from July 1 to an earlier time when there is greater demand to fish for gag, or would split the season into two or three sub-seasons. Changing the season to times when there is greater demand may reduce the number of fishing days relative to the status quo, so suboptions within the alternatives consider either retaining the current gag bag limit of 2 fish per person within the 4-fish aggregate shallow-water grouper bag limit, or reducing the bag limit for gag to 1 fish in order to extend the season. The Framework Action will also consider revising the current closed season on recreational harvest of shallow-water grouper by either shortening or eliminating the closed season, moving it to a different date, or having the closed season apply only seaward of the 20 fathom depth contour while eliminating it shoreward of 20 fathoms.

Monday, October 15, 2012, Country Inn & Suites, 4415 Commons Drive East, Destin, FL 32541, telephone: (850) 650–9191; Courtyard Marriott, 3250 Tamiami Trail N (US 41 N.), Naples, FL 34103, telephone: (239) 434–8700.

Tuesday, October 16, 2012, Sirata Hotel, 5300 Gulf Boulevard, St. Petersburg, FL 33706, telephone: (727) 363–5100; Holiday Inn Express & Suites, 160 W. Commerce Boulevard, Gulf Shores, AL 36542, telephone: (251) 948–6191.

Wednesday, October 17, 2012, Courtyard Marriott, 11471 Cinema Drive, D'Iberville, MS 39540, telephone: (228) 392–1200; Hilton Galveston, 5400 Seawall Boulevard, Galveston Island, TX 77551, telephone: (409) 744–5000.

Thursday, October 18, 2012, Harte Institute, 6300 Ocean Drive, Room 127, Corpus Christi, TX 78412–5869, telephone: (361) 825–2000; Crowne Plaza New Orleans Airport, 2829 Williams Boulevard, Kenner, LA 70062, telephone: (504) 467–5611.

Copies of the public hearing documents can be obtained by calling (813) 348–1630 or by visiting the Council's Web site at *www.gulfcouncil.org.*

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council (see **ADDRESSES**) at least 5 working days prior to the hearing.

Dated: September 18, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–23310 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC248

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a conference call of its Coastal Pelagic Species Management Team (CPSMT). A listening station will be available at the Pacific Council offices for interested members of the public, and there may be opportunities to attend the meeting remotely.

DATES: The conference call will be held Tuesday, October 9, 2012, from 10 a.m. to 12 p.m.

ADDRESSES: The meeting will be held via conference call, with a public listening station available at the Pacific Council offices, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The primary purpose of the conference call is to discuss a proposed harvest parameters workshop. Other items that may be discussed include the 2012 Pacific sardine stock assessment update, and items related to the November 2012 Council meeting.

Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSMT's intent to take final action to address the emergency.

Special Accommodations

This listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, at (503) 820–2280, at least 5 days prior to the meeting date.

Dated: September 18, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–23312 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC245

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a meeting of the Standing, Special Shrimp and Special Reef Fish Scientific and Statistical Committees (SSC), including a joint session of the Standing SSC and Socioeconomic SSC, and a joint session of the Gulf Council's Standing and Special Reef Fish SSC with the South Atlantic Fishery Management Council's SSC; and a separate meeting of the Socioeconomic Scientific and Statistical Committee.

DATES: The Standing, Special Shrimp and Special Reef Fish SSC meeting will convene at 9 a.m. on Tuesday, October 9, 2012, and conclude by noon, Thursday, October 11, 2012. The Socioeconomic SSC meeting will convene at 9 a.m. on Wednesday, October 10th and conclude by 5 p.m. Thursday, October 11, 2012.

ADDRESSES: The meeting will be held at the Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, FL 33607; telephone: (813) 874–1234.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: For the Standing, Special Shrimp and Special Reef Fish SSC: Steven Atran, Population Dynamics Statistician. For the Socioeconomic SSC: Dr. Assane Diagne, Economist; both located at Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Standing and Special Shrimp SSC will meet jointly on Tuesday, October 9, 2012, to review stock assessments on brown shrimp, white shrimp and pink

shrimp. These are updates to stock assessments presented to the SSC in June, but with landings data through 2011. Based on these assessments, the SSC may review its recommendations from June for overfishing limit (OFL) and acceptable biological catch (ABC). On Wednesday morning, October 10, 2012, from 9 a.m. to noon, the Standing SSC will meet jointly with the Socioeconomic SSC to discuss the roles of the Standing and Socioeconomic SSCs. On Wednesday afternoon, October 10, 2012, from 1:30 p.m. to 5 p.m., the Standing and Special Reef Fish SSC will meet jointly with the South Atlantic Fishery Management Council's SSC to review a yellowtail snapper benchmark assessment (SEDAR 27). Based on the assessment, the SSCs will determine an OFL and set an ABC for the stock as a whole. For management purposes, the ABC will be apportioned 75% to the South Atlantic and 25% to the Gulf. On Thursday, October 11, 2012, the Standing and Special Reef Fish SSC will meet jointly to review and approve the terms of reference for gag and greater amberjack benchmark assessments (SEDAR 34) and select attendees for the gag benchmark assessment workshops. In addition, the SSC will discuss review methods for the SEDAR 28 (Gulf of Mexico Spanish Mackerel and Cobia) benchmark assessment. The SSC will also review recommendations from the ABC Control Rule Working Group on revisions to the ABC control rule implemented in January 2012 under the Generic Annual Catch Limits/Accountability Measures Amendment. Finally, the SSC will review the SEDAR assessment schedule and priorities, and proposed dates for 2013 SSC meetings.

The Socioeconomic Scientific and Statistical Committee will convene on Wednesday, October 10 and Thursday, October 11 to discuss the structure and roles of the Scientific and Statistical Committees and issues related to the red snapper individual fishing quota (IFQ) program and its 5-year review, including an evaluation of the economic performance of the program, the 2011 red snapper IFQ report, IFQ survey results, trends in the program, and the review process. The committee will also discuss issues related to the allocation of red snapper resources, including an economic evaluation of red snapper allocation and social aspects of allocation. The committee also plans to elect a new chair and vice-chair.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630 or can be downloaded from the Council's ftp site: *ftp.gulfcouncil.org.*

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committees will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: September 18, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–23311 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–C–2012–0038]

Performance Review Board (PRB)

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

ADDRESSES: Director, Human Capital Management, Office of Human Resources, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Karen Karlinchak at (571) 272–8717.

SUPPLEMENTARY INFORMATION: The membership of the United States Patent and Trademark Office Performance Review Board is as follows:

Teresa Stanek Rea, Chair, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

Frederick W. Steckler, Chief Administrative Officer, United States Patent and Trademark Office.

Margaret A. Focarino, Commissioner for Patents, United States Patent and Trademark Office.

Deborah S. Cohn, Commissioner for Trademarks, United States Patent and Trademark Office.

Anthony P. Scardino, Chief Financial Officer, United States Patent and Trademark Office.

John B. Owens II, Chief Information Officer, United States Patent and Trademark Office.

Bernard J. Knight Jr., General Counsel, United States Patent and Trademark Office.

Shira Perlmutter, Administrator for Policy and External Affairs, United States Patent and Trademark Office

Alternates

Mary Boney Denison, Deputy Commissioner for Trademark Operations, United States Patent and Trademark Office.

Andrew I. Faile, Deputy Commissioner for Patent Operations, United States Patent and Trademark Office.

Dated: September 17, 2012.

David J. Kappos,

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

[FR Doc. 2012–23385 Filed 9–20–12; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a product and service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and to delete products previously furnished by such agencies.

Comments Must Be Received On or Before: 10/22/2012.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and service to the Government.

2. If approved, the action will result in authorizing small entities to furnish the product and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following product and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product

NSN: 7045–00–NIB–0392—Blank media discs, DVD–R, Thermal Printable, Silver, 16x Speed, 120 Min/4.7GB, 100 PK
NPA: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: General Services Administration, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration

Service

Service Type/Location: Custodial & Grounds Maintenance Service, National Oceanic and Atmospheric Administration (NOAA), Air Resources Laboratory, 456 S. Illinois Avenue, Oak Ridge, TN
NPA: Goodwill Industries—Knoxville, Inc., Knoxville, TN
Contracting Activity: Department of Commerce, National Oceanic and Atmospheric Administration, Kansas City, MO

Deletions

The following products are proposed for deletion from the Procurement List:

Products

Corrosion-Preventive Compound
NSN: 8030–00–NIB–0005—Lubricant, 5-in-1 Penetrating Multipurpose oil, Biobased, Aerosol, 18 oz. net
NPA: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: General Services Administration, Tools Acquisition Division I, Kansas City, MO
NSN: 7520–01–238–0978—Fluorescent Highlighter, Blue
NSN: 7520–01–238–0979—Fluorescent Highlighter, Green
NSN: 7520–01–553–8140—Highlighters, Free-Ink, Flat
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: General Services Administration, New York, NY

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2012–23329 Filed 9–20–12; 8:45 am]
BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Submission for OMB Emergency Review

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), submitted the following recordkeeping requirement notice to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, (PRA 95) (44 U.S.C. Chapter 35). CNCS requested that OMB review and approve its emergency request by September 27, 2012, for a period of six months. This recordkeeping requirement, located in 45 CFR 2540.205–.206, may be obtained by contacting Amy Borgstrom, (202) 606–6930 or by email at *aborgstrom@cns.gov.*

Because CNCS requested OMB's approval of this emergency request by September 27, 2012, there will not be enough time for the public to provide comments through this **Federal Register** Notice before the approval date. Therefore, there will be no comment period for this request.

Type of Review: Emergency request.
Agency: Corporation for National and Community Service.
Title: Recordkeeping Requirement.
OMB Number: 3045–0047.
Agency Number: None.
Affected Public: CNCS Grantees and Subgrantees.
Total Respondents: 112,356.
Frequency: Three times per covered position.
Average Time per Response: Five minutes.
Estimated Total Burden Hours: 28,089 hours.
Total Burden Cost (capital/startup): None.
T*otal Burden Cost (operating/maintenance):* None.
Description: The Corporation for National and Community Service (CNCS) will issue the final rule implementing the Serve America Act's National Service Criminal History Check rule. In an effort to be compliant while maintaining functions essential to the operations of each CNCS grantee, we are therefore submitting the enclosed request under 5 CFR 1320.13 to OMB for emergency processing and approval of recordkeeping requirements.

CNCS and its grantees must ensure that national service beneficiaries are protected from harm and the recordkeeping requirements of the final rule are critical to that responsibility. Moreover, as CNCS and OMB have previously communicated, CNCS is working hard to ensure it is fully compliant with the Paperwork Reduction Act and with OMB's information collection policies and procedures.

If you have any questions, contact Amy Borgstrom at 202–606–6930 or *aborgstrom@cns.gov.* We sincerely thank you for your consideration of this request and your willingness to work with us in remaining fully compliant with the Paperwork Reduction Act.

Dated: September 17, 2012.

Valerie Green,
General Counsel.

[FR Doc. 2012–23279 Filed 9–20–12; 8:45 am]
BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the following Federal advisory committee meeting will take place:

1. Name of Committee: United States Military Academy Board of Visitors.

2. Date: Friday, October 26, 2012.

3. Time: 3:30 p.m.–5 p.m. Members of the public wishing to attend the meeting will need to show photo identification in order to gain access to the meeting location. All participants are subject to security screening.

4. Location: Jefferson Hall, Haig Room, West Point, NY.

5. Purpose of the Meeting: This is the 2012 Fall Meeting of the USMA Board of Visitors (BoV). Members of the Board will be provided updates on Academy issues.

6. Agenda: The Academy leadership will provide the Board updates on the following: Intercollegiate Athletics Program Update, Honor and Respect Program Update, and Academic Program Update.

7. Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

8. Committee's Designated Federal Officer or Point of Contact: Ms. Deadra Ghostlaw, (845) 938–4200, *Deadra.Ghostlaw@us.army.mil*.

SUPPLEMENTARY INFORMATION: Any member of the public is permitted to file a written statement with the USMA Board of Visitors. Written statements should be sent to the Designated Federal Officer (DFO) at: United States Military Academy, Office of the Secretary of the General Staff (MASG), 646 Swift Road, West Point, NY 10996–1905 or faxed to the Designated Federal Officer (DFO) at (845) 938–3214. Written statements must be received no later than five working days prior to the next meeting in order to provide time for member consideration. By rule, no member of the public attending open meetings will be allowed to present questions from the floor or speak to any issue under consideration by the Board.

FOR FURTHER INFORMATION CONTACT: The Committee's Designated Federal Officer or Point of Contact is Ms. Deadra Ghostlaw, (845) 938–4200, *Deadra.Ghostlaw@us.army.mil*.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2012–23304 Filed 9–20–12; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (EIS) for the Installation of a Terminal Groin Structure at Shallotte River Inlet and To Conduct Supplemental Beach Nourishment Along the Eastern Oceanfront Shoreline of Ocean Isle Beach, in Brunswick County, NC

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act, from the Town of Ocean Isle Beach to develop and implement a shoreline protection plan that includes the installation of a terminal groin structure on the west side of Shallotte Inlet (not a federally maintained navigational channel) and the nourishment of the oceanfront shoreline along the eastern end of Ocean Isle Beach.

DATES: A public scoping meeting for the Draft EIS will be held at Ocean Isle Beach Town Hall, located at 3 West Third Street, Ocean Isle Beach, on October 3, 2012, at 6 p.m. Written comments will be received until October 26, 2012.

ADDRESSES: Copies of comments and questions regarding scoping of the Draft EIS may be submitted to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division, ATTN: File Number 2011–01241, 69 Darlington Avenue, Wilmington, NC 28403.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and Draft EIS can be directed to Ms. Emily Hughes, Project Manager, Wilmington Regulatory Field Office, telephone: (910) 251–4635. Additional description of the Town's proposal can be found at the following link, *http://www.saw.usace.army.mil/WETLANDS/Projects/index.html,* under Ocean Isle Beach Terminal Groin Project.

SUPPLEMENTARY INFORMATION:

1. Project Description. The Town of Ocean Isle Beach is considering the installation of a terminal groin on the east end of the town's shoreline adjacent to Shallotte Inlet to address chronic erosion over the past 20–25 years. Erosion rates on the east end range from 4–8 feet a year based on the latest shoreline change update developed by the NC Division of Coastal Management. The overall length of the terminal groin could range from 800–1,000 feet; however, the final dimensions of the structure could differ following detailed engineering design. The structure would include a short anchorage section that could extend 350–400 feet landward of the existing shoreline. Beach fill, extending 2,000–2,500 feet west of the terminal groin would be placed to pre-fill the fillet area. The volume of material required for the fillet could range from 200,000–400,000 cubic yards. The material for the beach fill would be obtained from the existing federal borrow area in Shallotte Inlet, the AIWW inlet crossing, or a combination of the two. Ocean Isle Beach proposes to apply for non-federal permits for the use of these two areas by developing the information required to comply with the State Sediment Criteria.

2. Issues. There are several potential environmental and public interest issues that will be addressed in the EIS. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

a. Potential impacts to marine biological resources (benthic organisms, passageway for fish and other marine life) and Essential Fish Habitat.

b. Potential impacts to threatened and endangered marine mammals, birds, fish, and plants.

c. Potential impacts associated with using inlets as a sand source.

d. Potential impacts to adjacent shoreline changes on the east side of Shallotte Inlet, or along Holden Beach.

e. Potential impacts to Navigation, commercial and recreational.

f. Potential impacts to the long-term management of the inlet and oceanfront shorelines.

g. Potential effects on regional sand sources and how it relates to sand management practices and North Carolina's Beach Inlet Management Practices.

h. Potential effects of shoreline protection.

i. Potential impacts on public health and safety.

k. Potential impacts to recreational and commercial fishing.

l. The compatibility of the material for nourishment.

m. Potential impacts to cultural resources.

n. Cumulative impacts of past, present, and foreseeable future dredging and nourishment activities.

3. Alternatives. Several alternatives and sand sources are being considered for the development of the protection plan. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the EIS.

4. Scoping Process. A public scoping meeting (see **DATES**) will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft EIS. Participation in the public meeting by federal, state, and local agencies and other interested organizations and persons is encouraged.

The USACE will consult with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act; with the National Marine Fisheries Service under the Magnuson-Stevens Fishery Conservation and Management Act and the Endangered Species Act; and with the North Carolina State Historic Preservation Office under the National Historic Preservation Act. Additionally, the USACE will coordinate the Draft EIS with the North Carolina Division of Water Quality (NCDWQ) to assess the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and with the North Carolina Division of Coastal Management (NCDCM) to determine the projects consistency with the Coastal Zone Management Act. The USACE will closely work with NCDCM and NCDWQ in the development of the EIS to ensure the process complies with all State Environmental Policy Act (SEPA) requirements. It is the intention of both the USACE and the State of North Carolina to consolidate the NEPA and SEPA processes thereby eliminating duplication.

6. Availability of the Draft EIS. The Draft EIS is expected to be published and circulated by mid 2013. A public hearing will be held after the publication of the Draft EIS.

Dated: September 14, 2012.

Jean B. Gibby,

Acting Chief, Regulatory Division.

[FR Doc. 2012–23300 Filed 9–20–12; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; United States Corps of Engineers

Notice of Intent To Prepare a Joint Environmental Impact Statement (EIS) for the Gateway Pacific Terminals Bulk Dry Goods Shipping Facility and the Custer Spur Rail Expansion Projects

AGENCY: Department of the Army (DA), U.S. Army Corps of Engineers (Corps), DoD.

ACTION: Notice of intent.

SUMMARY: The Corps, Seattle District, received permit applications for Pacific International Terminal, Inc.'s Gateway Pacific Terminal (GPT) and Burlington Northern Santa Fe (BNSF) Railway's Custer Spur Rail Expansion projects. DA permits are required for both projects pursuant to either Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps has determined the proposed projects are interrelated and may have significant individual and/or cumulative impacts on the human environment. An EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4232(2)(c), and the Washington State Environmental Policy Act (SEPA). Preparation of the EIS will support the Corps' eventual decision to either issue, issue with modification or deny DA permits for the proposed actions. The EIS will assess the potential social, economic, and environmental impacts of the projects and is intended to be sufficient in scope to address Federal, State, and local requirements, environmental and socio-economic issues concerning the proposed action, and permit reviews. The EIS process begins with the publication of this Notice of Intent. The EIS will be prepared according to the Corps' procedures for implementing NEPA, 33 Code of Federal Regulations (CFR), Part 325, Appendix B, 53 Federal Regulations 3120 (February 3, 1988), and consistent with the Corps' policy to facilitate public understanding and review of agency proposals.

DATES: The scoping period will start on September 24, 2012. Written comments regarding the scope of the EIS—including the environmental analysis, range of alternatives, and potential mitigation actions—should be received at the address below or submitted by email to: *comments@eisgatewaypacificwa.gov* by January 21, 2013.

ADDRESSES: Written comments concerning the project and requests to be included on the EIS notification mailing list should be submitted to: Mr. Randel Perry, U.S. Army Corps of Engineers, Seattle District, Care of: GPT/BNSF Custer Spur EIS Co-Lead Agencies, 1100 112th Avenue Northeast, Suite 400, Bellevue, Washington 98004.

FOR FURTHER INFORMATION CONTACT: Mr. Randel Perry via email at: *randel.j.perry@usace.army.mil,* by regular mail at (see **ADDRESSES**), or at (360) 734–3156.

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* The construction of a new pier in marine waters and associated rail and cargo handling facilities in adjacent wetlands and uplands and the expansion of an existing rail spur line into wetlands and across streams. The Corps is preparing an EIS to analyze the potential social, economic, and environmental impacts associated with authorizing the actions.

2. *Project Description.* The project sites are located in Whatcom County, Washington, northwest of Ferndale and south of Birch Bay in an area called Cherry Point.

Pacific International Terminals, Inc., is proposing the GPT project to be developed on approximately 350 acres and would include a three-berth, deep-water wharf. The proposed wharf would be 3,000 feet long and 105 feet wide, with access to suitably deep water provided by an approximately 1,100 foot-long by 50 foot-wide trestle. Upland facilities will include open air and covered commodity storage, each serviced by an on-site rail loop. A system of conveyors would connect the commodity storage areas to the trestle and wharf. The upland facilities would also contain rail unloading facilities, roadways, service buildings, storm water treatment facilities, and utility infrastructure. Development of these facilities will result in impacts to approximately 145 acres of wetlands and numerous drainage features (ditches). Mitigation for proposed unavoidable impacts to waters of the U.S. will be required to comply with the Corps' 2008 mitigation rule (33 CFR 322.1). Commodities would be delivered to the GPT by rail via the existing BNSF Railway's Custer Spur line from the Bellingham subdivision main line. BNSF Railway is proposing to upgrade its existing Custer Spur line with additional tracks and sidings, which will impact approximately 17 acres of wetlands and involve modifications to two creek crossings and several ditches. Mitigation for proposed unavoidable impacts to waters of the U.S. will be

required to comply with applicable Corps requirements.

3. *Alternatives.* The EIS will address an array of alternatives for providing facilities suitable for the shipping and receiving of dry bulk goods (grains, ore, coal, etc.) and for handling rail traffic to the new facility. Alternatives analyzed during the investigation may include but are not limited to no-action, alternative sites, alternative methods for shipping and handling bulk goods, alternative facility designs, and alternatives for the railroad spur upgrades. Mitigation measures may include but are not limited to avoidance of sensitive areas, creation or enhancement of marine macroalgae beds, and creation, restoration, or enhancement of wetlands.

4. *Scoping Process.* The scoping period will continue for 120 days after publication of this Notice of Intent and will close on January 21, 2013. During the scoping period, the Corps invites Federal agencies, State and local governments, Native American Tribes, and the public to participate in the scoping process either by providing written comments or by attending the public scoping meetings scheduled at the time and location indicated below. Written comments will be considered in the preparation of the Draft EIS. Comments postmarked or received by email after the specified date will be considered to the extent feasible.

The purpose of scoping is to assist the Corps in defining issues, public concerns, and alternatives and the depth to which they will be evaluated in the EIS. The Corps has prepared project information documents to familiarize agencies, Tribes, the public, and interested organizations with the proposed projects and potential environmental issues. Copies of the documents will be available at the public meeting and at the Web site *www.eisgatewaypacificwa.gov* or can be requested by contacting the Corps, Seattle District, as described above. Corps' representatives will answer scope-related questions and accept comments at public scoping meetings.

a. Public scoping meetings will be held to present an overview of the GPT and Custer Spur projects and to afford all parties an opportunity to provide comments regarding the range of actions, alternatives, and potential impacts. The public scoping meetings will be held as follows:

At Squalicum High School, 3773 East McLeod Road, Bellingham, Washington 98226–7728 on Saturday, October 27, 2012, from 11 a.m. to 3 p.m.

At Friday Harbor High School, 45 Blair Avenue, Friday Harbor, Washington 98250 on Saturday, November 3, 2012, from 12 a.m. to 3 p.m.

At McIntyre Hall, 2501 East College Way, Mount Vernon, Washington 98273 on Monday, November 5, 2012, from 4 p.m. to 7 p.m.

At North Seattle Community College, 9600 College Way North, Seattle, Washington 98103 on Tuesday, November 13, 2012, from 4 p.m. to 7 p.m.

At Ferndale Events Center, 5715 Barrett Road, Ferndale, Washington 98248 on Thursday, November 29, 2012, from 3 p.m. to 7 p.m.

At Spokane County Fairgrounds, 404 North Havana Street, Spokane Valley, Washington 99202 on Tuesday, December 4, 2012, from 4 p.m. to 7 p.m.

At Clark College, Graiser Student Center, 1933 Fort Vancouver Way, Vancouver, Washington 98663 on Wednesday, December 12, 2012, from 4 p.m. to 7 p.m.

During the scoping period, a continuous ''on-line scoping meeting'' will be hosted on the EIS Web site at *www.eisgatewaypacificwa.gov*.

b. Potentially significant issues to be analyzed in the EIS include but are not limited to project-specific and cumulative effects on navigation (e.g., vessel traffic and navigational safety); marine aquatic habitats, including State-designated aquatic reserves; marine aquatic species, including Endangered Species Act listed species and Washington State species of concern; Tribal treaty rights; wetland and riparian habitat and wildlife; railroad and vehicle traffic; cultural, historic, and archeological resources; air and water quality; noise; recreation; land use; and aesthetics.

c. The Corps will serve as the lead agency for compliance with NEPA, and Whatcom County Planning and Development Services (the County) and the Washington State Department of Ecology (Ecology) will serve as the lead agencies for compliance with SEPA. The U.S. Environmental Protection Agency and U.S. Coast Guard will serve as cooperating agencies under NEPA. The Corps will consult with the Washington State Historic Preservation Officer and applicable Tribes to comply with the National Historic Preservation Act; the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act; the National Marine Fisheries Service to comply with the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act; and applicable Tribes to comply with treaty provisions on fishing rights.

d. Development of the draft EIS will begin after the close of the scoping period. The draft EIS is currently scheduled to be available for public review and comment in January 2014.

e. A 120-day public review period will be provided for all interested parties, individuals, and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified when the draft EIS is issued.

f. All comments received will become part of the administrative record and are subject to public release, as appropriate, in their entirety, including any personally identifiable information such as names, phone numbers, and addresses if included in the comment.

Dated: September 4, 2012.

Bruce A. Estok,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 2012–23301 Filed 9–20–12; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

RIN 0710–AA71

Reissuance of Nationwide Permits

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final notice; correction.

SUMMARY: The U.S. Army Corps of Engineers published a document in the **Federal Register** of February 21, 2012, a final notice concerning the reissuance of nationwide permits. On March 19, 2012, the U.S. Army Corps of Engineers published a correction to that final notice. This document contains additional corrections to the February 21, 2012, final notice.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW–CO–R, 441 G Street NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson at 202–761–4922 or by email at *david.b.olson@usace.army.mil* or access the U.S. Army Corps of Engineers Regulatory Home Page at *http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx*.

Corrections

In the **Federal Register** of February 21, 2012, in FR Doc. 2012–3687, the following corrections are made:

On page 10273, second column, correct the first sentence of NWP 15 to read as follows to reflect the fact that the U.S. Coast Guard authorizes bridges over navigable waters through permits issued under other statutory authorities, such as the General Bridge Act of 1946 (33 U.S.C. 525, 528, 530, and 533), instead of Section 9 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401): ''Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws.''

On page 10287, second column, correct the first sentence of paragraph (d)(2) of general condition 31 to read as follows: ''For all NWP activities that require pre-construction notification and result in the loss of greater than ½-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and, if appropriate, the NMFS).''

Dated: September 18, 2012.

James R. Hannon,

Chief, Operations and Regulatory Directorate of Civil Works.

[FR Doc. 2012–23388 Filed 9–20–12; 8:45 am]

BILLING CODE 3720–52–P

DEPARTMENT OF ENERGY

Notice of Availability of the Draft Environmental Impact Statement for the W.A. Parish Post-Combustion CO_2 Capture and Sequestration Project, Southeastern TX

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of availability and public hearings.

SUMMARY: DOE announces the availability of the *Draft Environmental Impact Statement for the W.A. Parish Post-Combustion Carbon Dioxide* (*CO_2*) *Capture and Sequestration Project* (DOE/EIS–0473D) for public review and comment, as well as the dates, locations, and times for two public hearings. The draft environmental impact statement (EIS) analyzes the potential environmental impacts of a project proposed by NRG Energy, Inc. (NRG), which was selected by DOE to receive financial assistance under the Clean Coal Power Initiative (CCPI) program. DOE's proposed action is to provide cost-shared funding to NRG under the CCPI. DOE proposes to provide NRG with up to $167 million of the overall project cost to support the construction and operation of NRG's W.A. Parish Post-Combustion CO_2 Capture and Sequestration Project (Parish PCCS Project). NRG's proposed project would demonstrate the commercial feasibility of a retrofit, commercial-scale CO_2 capture and compression system, coupled with use of the captured CO_2 for enhanced oil recovery (EOR) and ultimate sequestration. NRG would design and construct a system that would capture at least 90 percent of the CO_2 in an up to 250-megawatt equivalent (MWe) flue gas slipstream of the combustion exhaust gases from the existing 650-megawatt (MW) coal fired Unit 8 at NRG's W.A. Parish Plant in Fort Bend County, Texas. The captured CO_2 (up to 5,475 tons per day) would be transported approximately 80 miles in a new pipeline to be constructed by NRG. The CO_2 would be used for EOR and ultimately sequestered at the existing West Ranch oil field in Jackson County, Texas.

DATES: DOE invites the public to comment on the draft EIS during the public comment period, which ends November 5, 2012. DOE will consider all comments postmarked or received during the comment period in preparing the final EIS and will consider late comments to the extent practicable. In addition to receiving comments in writing and by email [See **ADDRESSES**], DOE will conduct two public hearings at which government agencies, private sector organizations, Native American tribes, and individuals are invited to present oral and written comments on the draft EIS. The public hearings will be held at the Thompsons Community Center, 134 Oilfield Road, Thompsons, Texas, on October 10, 2012, and at the Edna High School, 1303 W. Gayle Street, Edna, Texas, on October 11, 2012. Oral comments will be heard during the formal portion of the public hearings beginning at 7 p.m. The public is also invited to informal sessions beginning at 5 p.m. at the same locations to learn more about the project and DOE's proposed action. Representatives from DOE and NRG will be present at the informal sessions to discuss the proposed project, the CCPI program, and the EIS process. Displays and other information about DOE's proposed action and NRG's Parish PCCS Project will also be available.

ADDRESSES: Requests for paper or electronic copies of the draft EIS, requests to speak at the public hearings, or submission of written comments should be directed to: Mr. Mark W. Lusk, National Environmental Policy Act (NEPA) Document Manager, National Energy Technology Laboratory (NETL), 3610 Collins Ferry Road, M/S I07, P.O. Box 880, Morgantown, WV 26507–0880. Requests or comments can also be made by electronic mail to *Parish.EIS0473@netl.doe.gov;* by telephone (412) 386–7435, toll free 1–877–812–1569; or by fax (304) 285–4403.

The draft EIS is available on the NETL Web page at *http://www.netl.doe.gov/publications/others/nepa/index.html* and on the DOE NEPA Web page at *http://energy.gov/nepa/nepa-documents.htm.* Copies of the draft EIS will also be available at the locations listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Written comments on the draft EIS should be marked ''Parish PCCS Project'' and sent to Mark W. Lusk, NEPA document manager, by one of the methods listed above. Oral comments on the draft EIS can be provided during the public hearings scheduled for the dates and locations provided in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information about this project or the draft EIS, please contact Mr. Mark W. Lusk (see **ADDRESSES**). For general information on the DOE NEPA process, please contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), DOE, 1000 Independence Avenue SW., Washington, DC 20585; telephone (202) 586–4600; fax (202) 586–7031; or leave a toll free message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: DOE's proposed action is to provide financial assistance to NRG under the CCPI Program to support construction and operation of NRG's Parish PCCS Project. DOE would provide NRG with up to $167 million of the overall project cost, or about 20 percent of the estimated total costs. This funding would be used for project design and development, procurement of capital equipment, construction, CO_2 capture plant operations, and CO_2 monitoring during

the 35-month demonstration period of the CO_2 capture and compression system.

The proposed Parish PCCS Project would use an advanced amine-based CO_2 absorption technology to capture at least 90 percent of the CO_2 from an up to 250–MWe portion of the flue gas exhaust from Unit 8 of NRG's existing W.A. Parish Plant in Thompsons, Texas. The project would be designed to capture approximately 1.6 million tons of CO_2 per year from the Unit 8 exhaust that the facility would otherwise emit. The proposed CO_2 capture facility would be constructed within NRG's existing 4,880-acre W.A. Parish Plant in rural Fort Bend County near the small town of Thompsons, Texas. A new natural gas fired cogeneration plant, estimated to be 80 MW in size, would also be constructed on the plant property to produce the auxiliary power and steam needed for operation of the proposed CO_2 capture system.

The captured CO_2 would be compressed and transported via a new, approximately 80-mile long, 12-inch diameter underground pipeline to the existing West Ranch oil field in Jackson County, Texas, where it would be used for EOR and ultimately sequestered in geologic formations from 5,000 to 6,300 feet below ground surface. The proposed CO_2 pipeline route crosses sparsely populated rural and agricultural lands in Fort Bend, Wharton, and Jackson Counties and would be located along or within existing mowed and maintained utility rights-of-way for approximately 85 percent of its length. The West Ranch oil field is located near the town of Vanderbilt, Texas. Existing wells at the West Ranch oil field would be used (i.e., refurbished or deepened, as needed) to the extent practicable for the proposed project. Some new injection wells would be drilled in accordance with underground injection control regulations, and would be installed on existing well pads to the extent practicable.

Consistent with DOE's requirements under CCPI Round 3, NRG identified the following objectives for the Parish PCCS Project:

- Demonstration of advanced amine-based CO_2 absorption technology;
- Integration of a cogeneration plant into the project to meet the specific power and steam requirements of the CO_2 capture system;
- Demonstration of EOR with CO_2 sequestration in a nearby oil field; and
- Demonstration of a CO_2 monitoring program.

DOE prepared this EIS pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] 4321 *et seq.*) and in compliance with the Council on Environmental Quality implementing regulations for NEPA (40 Code of Federal Regulations (CFR) parts 1500 through 1508) and DOE's NEPA implementing procedures (10 CFR part 1021). Projects considered by DOE for possible CCPI funding originate as a private party's (e.g., electric power industry) application submitted to DOE in response to requirements specified in CCPI funding opportunity announcements. DOE's decision is to either accept or reject the project as proposed, including the proposed technology and the selected sites. However, DOE may require mitigation measures to reduce a project's potential impacts. Consequently, DOE's consideration of reasonable alternatives is limited to the technically acceptable application and the no action-alternative for each selected project.

Under the no-action alternative, DOE would not provide cost-shared funding for the proposed Parish PCCS Project. In the absence of DOE cost-shared funding, NRG could still elect to construct and operate the proposed project. Therefore, the DOE no-action alternative could result in one of two scenarios:

- The proposed Parish PCCS Project would not be built, or
- The proposed Parish PCCS Project would be built by NRG without benefit of DOE cost-shared funding.

DOE assumes that if NRG proceeded with project development in the absence of DOE cost-shared funding, the project would include the features, attributes, and impacts as described for the proposed project. However, without DOE participation, it is possible that the project would be canceled. Therefore, for the purposes of analysis in the draft EIS, the DOE no-action alternative is defined as the no-build alternative. This means that the project would not be built and environmental conditions would not change from the current baseline (i.e., no new construction, resource use, or CO_2 capture and storage would occur). Therefore, under the no-action alternative, the project technologies (i.e., large-scale CO_2 capture and geologic storage) may not be implemented in the near term. Consequently, timely commercialization of these technologies for large-scale, coal-fired electric generation facilities would be postponed and may not be realized. This scenario would not contribute to the CCPI goals to invest in the demonstration of advanced coal-based power generation technologies that capture the CO_2 emissions and either sequester them or put them to beneficial use.

The draft EIS analyzes the environmental consequences that may result from the proposed action and the no action alternative. Potential impacts identified during the scoping process and analyzed in the draft EIS relate to the following: Air quality and climate; greenhouse gases; geology; physiography and soils; groundwater; surface water; wetlands and floodplains; biological resources; cultural resources; land use and aesthetics; traffic and transportation; noise; materials and waste management; human health and safety; utilities; community services; socioeconomics; and environmental justice. DOE also intends to use the NEPA process and the analyses completed for the draft EIS to satisfy the requirements of Section 106 of the National Historic Preservation Act and DOE regulations regarding impacts to floodplains and wetlands.

DOE distributed copies of the draft EIS to Members of Congress; Native American tribal governments; federal, state, and local officials; and agencies, organizations, and individuals who may be interested or affected. Copies of the draft EIS are available for review at the George Memorial Library, 1001 Golfview Drive, Richmond, TX 77469; the Albert George Branch Library, 9230 Gene Street, Needville, TX 77461; the Wharton County Library, 1920 North Fulton Street, Wharton, TX 77488; and the Jackson County Memorial Library, 411 North Wells Street, Room 121, Edna, TX 77957. The draft EIS will also be available on the Internet at *http://www.netl.doe.gov/publications/others/nepa/index.html* or *http://energy.gov/nepa/nepa-documents.*

Issued in Washington, DC, on September 14, 2012.

Mark J. Matarrese,

Director, Office of Environment, Security, Safety & Health, Office of Fossil Energy.

[FR Doc. 2012–23320 Filed 9–20–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee (EAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these

meetings be announced in the **Federal Register**.

DATES: Monday, October 15, 2012, 1:15 p.m.–5:30 p.m., Tuesday, October 16, 2012, 8 a.m.–4:20 p.m.

ADDRESSES: Capital Hilton Hotel, 1001 16th Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; telephone: (202) 586–1060 or by email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure.

Tentative Agenda: The meeting of the EAC is expected to include discussion of the activities of the Energy Storage Technologies Subcommittee, the Smart Grid Subcommittee, the Transmission Subcommittee, and discussions of EAC Work Force issues and special Federal Energy Regulatory Commission (FERC) topics.

October 15, 2012

1:15 p.m.–1:45 p.m. Registration
1:45 p.m.–2:00 p.m. Welcome and Introductions
2:00 p.m.–2:20 p.m. Update on the Office of Electricity Delivery and Energy Reliability's 2012 Current Programs and Initiatives
2:20 p.m.–2:40 p.m. Transmission Institutional Issues
2:40 p.m.–3:00 p.m. Grid Tech Team—Objectives and Status
3:00 p.m.–3:20 p.m. EAC Discussion of Current DOE Programs and Special Initiatives
3:20 p.m.–3:30 p.m. Break
3:30 p.m.–4:40 p.m. Panel Discussion on Next Generation Energy Management Systems (EMS)
4:40 p.m.–5:20 p.m. EAC Member Discussion of Key EMS Issues
5:20 p.m.–5:30 p.m. Wrap up Day One
5:30 p.m. Adjourn Day One of Meeting

October 16, 2012

8:00 a.m.–8:45 a.m. EAC Transmission Subcommittee 2012–2013 Recommendations and Work Plan
8:45 a.m.–9:30 a.m. EAC Discussion and Decisions on Transmission Subcommittee Recommendations
9:30 a.m.–9:45 a.m. Break
9:45 a.m.–10:30 a.m. EAC Storage Subcommittee Report to Congress and Work Plan
10:30 a.m.–11:15 a.m. Session 1: EAC Discussion and Decision on Storage Subcommittee Report to Congress
11:15 a.m.–12:00 p.m. Special FERC Topics and Discussion
12:00 p.m.–1:15 p.m. Lunch on Your Own (Local Restaurants)
1:15 p.m.–1:45 p.m. Key Developments in the OE Smart Grid Program
1:45 p.m.–2:30 p.m. EAC Smart Grid Subcommittee Recommendations and Work Plan
2:30 p.m.–3:15 p.m. EAC Discussion and Decisions on Smart Grid 2012 Subcommittee Recommendations
3:15 p.m.–3:45 p.m. EAC Work Force
3:15 p.m.–3:45 p.m. EAC Discussion of Work Force Issues
4:00 p.m.–4:15 p.m. Public Comments (Must register to comment at time of check-in)
4:15 p.m.–4:20 p.m. Wrap Up of Meeting
4:20 p.m. Adjourn

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://www.oe.energy.gov/eac.htm.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Tuesday, October 16, 2012, but must register at the registration table in advance. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum. You may submit comments, identified by ''*Electricity Advisory Committee Open Meeting*'', by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. *Instructions:* All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://www.oe.energy.gov/eac.htm,* including any personal information provided.
- *Docket:* For access to the docket, to read background documents or comments received, go to *http://www.oe.energy.gov/eac.htm.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure. DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on September 17, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–23322 Filed 9–20–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP12–1033–000.
Applicants: Kern River Gas Transmission Company.
Description: 2012 Waiver of Jury Trial to be effective 10/14/2012.
Filed Date: 9/13/12.
Accession Number: 20120913–5028.
Comments Due: 5 p.m. ET 9/25/12.

Docket Numbers: RP12–1034–000.
Applicants: Husky Marketing and Supply Company, Husky Gas Marketing Inc.
Description: Joint Petition for Temporary Waiver of Capacity Release Regulations and Policies and Related Tariff Provisions and Request for Expedited Action of Husky Gas Marketing Inc. and Husky Marketing and Supply Company.
Filed Date: 9/13/12.
Accession Number: 20120913–5069.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: RP12–1035–000.
Applicants: Cheniere Creole Trail Pipeline, L.P.
Description: Semi Annual Fuel Charge Adjustment to be effective 11/1/2012.
Filed Date: 9/13/12.
Accession Number: 20120913–5072.
Comments Due: 5 p.m. ET 9/25/12.

Docket Numbers: RP12–1036–000.
Applicants: Petal Gas Storage, L.L.C.
Description: Filing to update Section 6.22.7 to be effective 10/14/2012.
Filed Date: 9/13/12.
Accession Number: 20120913–5075.
Comment Date: 5 p.m. ET 9/25/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 14, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary

[FR Doc. 2012–23298 Filed 9–20–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP12–985–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: Quarterly Fuel Adjustment Filing of MarkWest Pioneer, L.L.C.
Filed Date: 8/31/12.
Accession Number: 20120831–5054.
Comments Due: 5 p.m. e.t. 9/26/12.

Docket Numbers: RP12–1038–000.
Applicants: ANR Pipeline Company.
Description: Discount Type Adjustments to be effective 10/15/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5085.
Comments Due: 5 p.m. e.t. 9/26/12.

Docket Numbers: RP12–1039–000.
Applicants: Alliance Pipeline L.P.
Description: September 2012 Second Auction to be effective 9/14/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5132.
Comments Due: 5 p.m. e.t. 9/26/12.

Docket Numbers: RP12–1040–000.
Applicants: CenterPoint Energy Gas Transmission Comp.
Description: CEGT LLC—Fuel Tracker Filing Effective November 1, 2012 to be effective 11/1/2012.
Filed Date: 9/17/12.
Accession Number: 20120917–5026.
Comments Due: 5 p.m. e.t. 10/1/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: CP10–16–002.
Applicants: Cadeville Gas Storage LLC.
Description: Certificate amendment to make changes to pro forma tariff of Cadeville Gas Storage LLC.
Filed Date: 8/17/12.
Accession Number: 20120817–5013.
Comments Due: 5 p.m. e.t. 9/24/12.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 17, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–23338 Filed 9–20–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC12–140–000.
Applicants: LSP Energy Limited Partnership.
Description: Application for Order Authorizing the Disposition of Jurisdictional Facilities Under Section 203 of the Federal Power Act and Request for Waivers, Expedited Action and Shortened Comment Period of LSP Energy Limited Partnership.
Filed Date: 9/14/12.
Accession Number: 20120914–5105.
Comments Due: 5 p.m. e.t. 10/5/12.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG12–110–000.
Applicants: Crawfordsville Energy, LLC.
Description: Notice of Self-Certification as an Exempt Wholesale Generator of Crawfordsville Energy, LLC.
Filed Date: 9/14/12.
Accession Number: 20120914–5019.
Comments Due: 5 p.m. et 10/5/12.

Docket Numbers: EG12–111–000.
Applicants: Catalina Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Catalina Solar, LLC.
Filed Date: 9/14/12.
Accession Number: 20120914–5047.
Comments Due: 5 p.m. e.t. 10/5/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–3697–003.
Applicants: Southern California Edison Company.

Description: Formula Transmission Rate Informational Filing to be effective N/A.
Filed Date: 9/14/12.
Accession Number: 20120914–5033.
Comments Due: 5 p.m. e.t. 10/5/12.

Docket Numbers: ER11–40–004.
Applicants: Arizona Public Service Company.
Description: Rate Schedule No. 217 Compliance Filing, Diagrams to be effective 10/1/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5059.
Comments Due: 5 p.m. e.t. 10/5/12.

Docket Numbers: ER12–2622–000.
Applicants: New York Independent System Operator, Inc.
Description: Compliance—Order 719 MST 2.4 4.1 4.2 Aggregators—DSASP Op Rsrvs Rgltn Srvc Mrkts to be effective 4/1/2013.
Filed Date: 9/13/12.
Accession Number: 20120913–5079.
Comments Due: 5 p.m. e.t. 10/4/12.

Docket Numbers: ER12–2623–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–09–13 Amendment to Valley Electric Transition Agreement to be effective 11/13/2012.
Filed Date: 9/13/12.
Accession Number: 20120913–5106.
Comments Due: 5 p.m. e.t. 10/4/12.

Docket Numbers: ER12–2624–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Tariff Attachments O & P re Interconnection Customer Drawings in ISA/ICSAs to be effective 11/14/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5023.
Comments Due: 5 p.m. e.t. 10/5/12.

Docket Numbers: ER12–2625–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Resource's Capacity Supply Obligation to be effective 11/13/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5029.
Comments Due: 5 p.m. e.t. 10/5/12.

Docket Numbers: ER12–2626–000.
Applicants: Southern California Edison Company.
Description: Amended SGIA and DSA to 2250 Sequoia Ave Ontario Roof Top Solar Project to be effective 9/15/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5038.
Comments Due: 5 p.m. e.t. 10/5/12.

Docket Numbers: ER12–2627–000.
Applicants: Catalina Solar, LLC.
Description: Catalina Solar Baseline MBR Application Filing to be effective 11/15/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5072.
Comments Due: 5 p.m. e.t. 10/5/12.

Docket Numbers: ER12–2628–000.
Applicants: Nevada Power Company.
Description: Rate Schedule No. 131 Cost Reimbursement Letter Agmt-Colorado River Commission to be effective 9/11/2012.
Filed Date: 9/14/12.
Accession Number: 20120914–5091.
Comments Due: 5 p.m. e.t. 10/5/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 14, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–23339 Filed 9–20–12; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2011–0272; FRL–9522–7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; State and Federal Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before October 22, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2011–0272, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 9, 2011 (76 *FR* 26900) EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2011–0272, which is available for either public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket

that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: State and Federal Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators (Renewal).

ICR Numbers: EPA ICR Number 1899.07, OMB Control Number 2060–0422.

ICR Status: This ICR is scheduled to expire on September 30, 2012. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The State and Federal Emissions Guidelines for Hospital Medical/Infectious Waste Incinerators, (40 CFR part 60, subpart Ce, and 40 CFR part 62, subpart HHH).

Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 292 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of hospital/medical/or infectious waste incinerators.

Estimated Number of Respondents: 79.

Frequency of Response: Initially, occasionally, annually, and semiannually.

Estimated Total Annual Hour Burden: 60,080.

Estimated Total Annual Cost: $6,489,166, which includes $5,746,349 in labor costs, no capital/startup costs, and $742,817 in operation and maintenance (O&M) costs.

There is a decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The decrease is not due to any program changes. The most recently approved ICR (ICR 1899.06) estimated the total burden associated with the regulation by adding together the burdens and costs from the ICR for the existing standard (ICR 1899.05) and the revised standard (ICR 2335.02); portions of the rule requirements and burden activities in ICRs 1899.06 and 2335.02 overlap. This ICR updates all estimates and removes any duplicate burdens.

There is no capital/startup cost associated with this ICR, which is a decrease from the most recently approved ICR. There are also changes in the O&M costs in this ICR compared to the previous ICR. These changes occurred because the most recently-revised standard has been in effect for more than three years and the requirements are different during initial compliance as compared to on-going compliance. This ICR does not include the costs and burden for conducting initial compliance tests and notifications. Additionally, this ICR assumes that all sources have already purchased monitoring and testing equipment to comply with the standard.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–23282 Filed 9–20–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2011–0274; FRL–9522–8]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for the Wood Building Products Surface Coating Industry (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before October 22, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2011–0274, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 9, 2011 (76 *FR* 26900), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2011–0274, which is available for public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: NESHAP for the Wood Building Products Surface Coating Industry (Renewal).

ICR Numbers: EPA ICR Number 2034.05, OMB Control Number 2060–0510.

ICR Status: This ICR is scheduled to expire on September 30, 2012. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart QQQQ.

Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 109 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of wood building products surface coating facilities.

Estimated Number of Respondents: 232.

Frequency of Response: Initially, occasionally, and semiannually.

Estimated Total Annual Hour Burden: 75,771.

Estimated Total Annual Cost: $7,554,577, which includes $7,276,177 in labor costs, no capital/startup costs, and $278,400 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is no change in the burden hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

There is an increase in costs for both the respondents and the Agency from the most recently approved ICR. The increase in burden cost is due to an increase in labor rates. This ICR uses updated labor rates from the Bureau of Labor Statistics to calculate burden costs.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–23286 Filed 9–20–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9005–2]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 09/10/2012 Through 09/14/2012

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

SUPPLEMENTARY INFORMATION: Starting October 1, 2012, EPA will not accept paper copies or CDs of EISs for filing purposes; all submissions on or after October 1, 2012 must be made through e-NEPA.

While this system eliminates the need to submit paper or CD copies to EPA to meet filing requirements, electronic submission does not change requirements for distribution of EISs for public review and comment. To begin using e-NEPA, you must first register with EPA's electronic reporting site—*https://cdx.epa.gov/epa_home.asp*

EIS No. 20120302, Final EIS, HUD, CA, Alice Griffith Redevelopment Project, Redevelopment of the #4-Arce ''Project Site'' for 1,200 New Dwelling Units, Retail Development, Open Space and Associated Infrastructure, City and County of San Francisco, CA, *Review Period Ends:* 10/22/2012, *Contact:* Eugene Flannery 415–701–5598.

EIS No. 20120303, Draft EIS, DOE, TX, W.A. Parish Post-Combustion CO2 Capture and Sequestration Project, Funding, Fort Bend, Wharton, and Jackson Counties, TX, *Comment Period Ends:* 11/05/2012, *Contact:* Mark J. Matarrese 202–586–0491.

EIS No. 20120304, Final EIS, USFS, 00, Mountain Pine Beetle Response Project, Implementing Multiple Resource Management Activities, Black Hills National Forest, Custer, Fall River, Lawrence, Meade, and Pennington Counties, SD and Crook and Weston Counties, WY, *Review Period Ends:* 10/22/2012, *Contact:* Katie Van Alstyne 605–343–1567.

Amended Notices

EIS No. 20110108, Draft EIS, USFS, OR, WITHDRAWAL- Kapka Butte Sno-Park Project, Proposal to Build a New Sno-Park to Provide more High-Elevation Parking for Winter Recreationist, Bend-Ft. Rock Ranger District, Deschutes National Forest, Deschutes County, OR, *Comment Period Ends:* 06/30/2011, *Contact:* Beth Peer 541–383–4769. Revision to FR Notice Published 06/03/2011; Officially Withdrawn by the Preparing Agency

Dated: September 19, 2012.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2012–23354 Filed 9–20–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 12–1467]

Notice of Debarment

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') debars Jonathan M. Slaughter from the schools and libraries universal service support mechanism (or ''E-Rate Program'') for a period of three years. The Bureau takes this action to protect the E-Rate Program from waste, fraud, and abuse.

DATES: Debarment commences on the date Mr. Jonathan M. Slaughter receives the debarment letter or October 22, 2012, whichever date comes first, for a period of three years.

FOR FURTHER INFORMATION CONTACT: Joy M. Ragsdale, Attorney Advisor, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4–C330, 445 12th Street SW., Washington, DC 20554. Joy Ragsdale may be contacted by telephone at (202) 418–1697 or by email at *Joy.Ragsdale@fcc.gov.* If Ms. Ragsdale is unavailable, you may contact Ms. Theresa Cavanaugh, Chief, Investigations and Hearings Division, by telephone at (202) 418–1420 and by email at *Theresa.Cavanaugh@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Bureau debarred Mr. Jonathan M. Slaughter from the schools and libraries service support mechanism for a period of three years pursuant to 47 CFR 54.8. Attached is the debarment letter, DA 12–1467, which was mailed to Mr. Slaughter and released on September 10, 2012. The complete text of the notice of debarment is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at *http://www.fcc.gov.* The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY–B420, Washington, DC 20554, telephone (202) 488–5300 or (800) 378–3160, facsimile (202) 488–5563, or via email *http://www.bcpiweb.com.*

Federal Communications Commission.

Theresa Z. Cavanaugh,

Chief, Investigations and Hearings Division, Enforcement Bureau.

September 10, 2012
DA 12–1467

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND EMAIL

Mr. Jonathan M. Slaughter, No. 13660–002
FCI Yazoo City Low
Federal Correctional Institution
P.O. Box 5000
Yazoo City, MS 39194
Re: Notice of Debarment
File No. EB–12–IH–0050

Dear Mr. Slaughter:

The Federal Communications Commission (Commission) hereby notifies you that, pursuant to Section 54.8 of its rules, you are prohibited from participating in activities associated with or relating to the schools and libraries universal service support mechanism (E-Rate program) for three years from either the date of your receipt of this Notice of Debarment, or of its publication in the **Federal Register**, whichever is earlier in time (Debarment Date).[1]

On May 9, 2012, the Commission's Enforcement Bureau (Bureau) sent you a Notice of Suspension and Initiation of Debarment Proceeding (Notice of Suspension)[2] that was published in the **Federal Register** on May 24, 2012.[3] The Notice of Suspension suspended you from participating in activities associated with or relating to the E-Rate program. It also described the basis for initiating debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

As discussed in the Notice of Suspension, on September 29, 2011, you pled guilty to converting approximately $892,000 in E-Rate checks, payable to six schools and 14 school districts located in 13 states, to your personal use while you were the owner and president of E-Rate Consulting Services, LLC (ECS).[4] Between May 2006 and January 2009, you deposited those E-Rate funds into your ECS bank account for your personal use instead of transmitting them to your clients.[5] Pursuant to Section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.[6]

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to your suspension or its scope, or to your proposed debarment or its scope, no later than 30 calendar days from either the date of your receipt of the Notice of Suspension or of its publication in the **Federal Register**, whichever date occurred first.[7] The Commission did not receive any such opposition from you.

For the foregoing reasons, you are debarred from participating in activities associated with or related to the E-Rate program for three years from the Debarment Date.[8] During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.[9]

Sincerely,
Theresa Z. Cavanaugh,
Chief, Investigations and Hearings Division, Enforcement Bureau
cc: Johnnay Schrieber, Universal Service Administrative Company (via email)
Rashann Duvall, Universal Service Administrative Company (via email)
Andrew O. Schiff, Assistant United States Attorney, United States Department of Justice (via email)

[1] 47 C.F.R. § 54.8(g); see also 47 C.F.R. § 0.111 (delegating authority to the Enforcement Bureau to resolve universal service suspension and debarment proceedings).

[2] Letter from Theresa Z. Cavanaugh, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Jonathan M. Slaughter, Notice of Suspension and Initiation of Debarment Proceeding, 27 FCC Rcd 5091 (Enf. Bur. 2012) (Attachment 1).

[3] 77 Fed. Reg. 31010 (May 24, 2012).

[4] *United States* v. *Jonathan Slaughter,* Case No. 2:11cr162–MEF–01, Plea Agreement at 3–5 (M.D. Ala. 2011) (Plea Agreement); see Appendix.

[5] *Id.* at 4–5.

[6] 47 C.F.R. § 54.8(c).

[7] 47 C.F.R. §§ 54.8 (e)(3), (4). Any opposition had to be filed no later than June 13, 2012.

[8] Id. §§ 54.8(e)(5), (g).

[9] Id. §§ 54.8(a)(1), (5), (d).

APPENDIX

ECS' clients	State	Total amount converted
Dermott Public School District	Arkansas	$6,809.24
Citrus County School District	Florida	678,288.69
Eckerd Halfway House/E-Ku Sumee	Florida	5,670
Hendry County School District	Florida	39,031.19
Kuna Joint School District	Idaho	3,523.67
Middleton School District #134	Idaho	4,299.25
The Winchendon School	Massachusetts	8,316.00
Northwood Children's Services	Minnesota	24,797.66
Prairie Academy	Minnesota	4,673.99
Poplar Bluff School District	Missouri	7,672.77
Red Cloud Community School District	Nebraska	2,254.52
SAU 41—Hollis Brookline Schools	New Hampshire	1,765.18
Beaufort County School District	North Carolina	9,730.00
Middle Ohio Education	Ohio	23.01
Penns Valley Area School District	Pennsylvania	10,966.83
Bedford County School District	Tennessee	23,215.94
Banquete Independent School District	Texas	18,655.72
Cleburne Independent School District	Texas	7,231.32
Leander Independent School District	Texas	31,872.31
Teague Independent School District	Texas	3,190.56
TOTAL		891,987.85

[FR Doc. 2012–23267 Filed 9–20–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Applicant Background Questionnaire

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501 *et seq.*, the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The 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 PRA. On June 25, 2012 (77 FR 37906), the FDIC solicited public comment for a 60-day period on renewal of the following information collection: Applicant Background Questionnaire (OMB No. 3064–0138). No comments were received. Therefore, the FDIC hereby gives notice of submission of its request for renewal to OMB for review.

DATES: Comments must be submitted on or before October 22, 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:* Leneta G. Gregorie (202–898–3719), Counsel, Room NYA–5050, 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 a.m. and 5 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: Leneta G. Gregorie, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collection of Information

Title: Applicant Background Questionnaire.

OMB Number: 3064–0138.

Form No.: FDIC 2100/14.

Form Number: FDIC 2100/14.

Frequency of Response: On occasion.

Affected Public: FDIC job applicants who are not current FDIC employees.

Estimated Number of Respondents: 30,000.

Estimated Time per Response: 3 minutes.

Total Annual Burden: 1,500 hours.

General Description of Collection: The FDIC Applicant Background Questionnaire is completed voluntarily by FDIC job applicants who are not current FDIC employees. Responses to questions on the survey provide information on gender, age, disability, race/national origin, and to the applicant's source of vacancy announcement information. Data is used by the Office of Minority and Women Inclusion and the Human Resources Branch to evaluate the effectiveness of various recruitment methods used by the FDIC to ensure that the agency meets workforce diversity objectives.

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. 2012–23273 Filed 9–20–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation has been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: September 17, 2012.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10458	Truman Bank	St. Louis	MO	9/14/2012

[FR Doc. 2012–23269 Filed 9–20–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2012–N–XX]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Agency.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Agency (FHFA) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2010 seventh round review cycle under the FHFA's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to FHFA.

DATES: Bank members selected for the review cycle under the FHFA's community support requirements regulation must submit completed Community Support Statements to FHFA on or before November 5, 2012.

ADDRESSES: Bank members selected for the 2010 seventh round review cycle under the FHFA's community support requirements regulation must submit completed Community Support Statements to FHFA either by hard-copy mail at the Federal Housing Finance Agency, Ninth Floor, Housing Mission and Goals (DHMG), 400 Seventh Street SW., Washington, DC 20024, or by electronic mail at *hmgcommunity supportprogram@fhfa.gov.*

FOR FURTHER INFORMATION CONTACT: Rona Richardson, Administrative Office Manager, Housing Mission and Goals (DHMG), Federal Housing Finance Agency, by telephone at 202–649–3224, by electronic mail at *Rona.Richardson@FHFA.gov,* or by hard-copy mail at the Federal Housing Finance Agency, Ninth Floor, 400 Seventh Street SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by FHFA must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.,* and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, FHFA has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria FHFA must apply in evaluating a member's community support performance. *See* 12 CFR part 1290. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 1290.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 1290.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 1290.3(c).

Under the rule, FHFA selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 1290.2(a). FHFA will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to FHFA by the November 5, 2012 deadline prescribed in this notice. 12 CFR 1290.2(b)(1)(ii) and (c). On or before October 5, 2012, each Bank will notify the members in its district that have been selected for the 2010 seventh round community support review cycle that they must complete and submit to

FHFA by the deadline a Community Support Statement. 12 CFR 1290.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form (OMB No. 2590–0005), which also is available on the FHFA's Web site: *http://www.fhfa.gov/webfiles/2924/FHFAForm060.pdf*. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

FHFA has selected the following members for the 2010 seventh round community support review cycle:

Federal Home Loan Bank of Boston—District 1

First New England Federal Credit Union	East Hartford	Connecticut.
Bankers' Bank Northeast	Glastonbury	Connecticut.
Ledge Light Federal Credit Union	Groton	Connecticut.
Prudential Bank & Trust, FSB	Hartford	Connecticut.
Connex Credit Union	North Haven	Connecticut.
Dime Bank	Norwich	Connecticut.
Eastern Federal Bank	Norwich	Connecticut.
Workers Federal Credit Union	Stafford Springs	Connecticut.
Connecticut Community Bank, N.A	Westport	Connecticut.
360 Federal Credit Union	Windsor Locks	Connecticut.
Seaboard Federal Credit Union	Bucksport	Maine.
NorState Federal Credit Union	Madawaska	Maine.
Norway Savings Bank	Norway	Maine.
University Credit Union	Orono	Maine.
Sebasticook Valley Federal Credit Union	Pittsfield	Maine.
Infinity Federal Credit Union	Portland	Maine.
New Dimensions Federal Credit Union	Waterville	Maine.
Avon Co-operative Bank	Avon	Massachusetts.
Belmont Savings Bank	Belmont	Massachusetts.
Industrial Credit Union	Boston	Massachusetts.
Bridgewater Savings Bank	Bridgewater	Massachusetts.
Eastern Corporate Federal Credit Union	Burlington	Massachusetts.
Polish National Credit Union	Chicopee	Massachusetts.
Boston Firefighters Credit Union	Dorchester	Massachusetts.
Fall River Municipal Credit Union	Fall River	Massachusetts.
Holbrook Co-operative Bank	Holbrook	Massachusetts.
Lenox National Bank	Lenox	Massachusetts.
Enterprise Bank and Trust Company	Lowell	Massachusetts.
M/A-Com Federal Credit Union	Lowell	Massachusetts.
Luso Federal Credit Union	Ludlow	Massachusetts.
Brotherhood Credit Union	Lynn	Massachusetts.
Digital Federal Credit Union	Marlborough	Massachusetts.
Melrose Co-operative Bank	Melrose	Massachusetts.
The Village Bank	Newton	Massachusetts.
Northmark Bank	North Andover	Massachusetts.
Luso-American Credit Union	Peabody	Massachusetts.
Quincy Credit Union	Quincy	Massachusetts.
Bridgewater Credit Union	Raynham	Massachusetts.
Sharon Credit Union	Sharon	Massachusetts.
Winter Hill Bank, FSB	Somerville	Massachusetts.
The Braintree Co-Operative Bank	South Braintree	Massachusetts.
MassMutual Federal Credit Union	Springfield	Massachusetts.
Taunton Federal Credit Union	Taunton	Massachusetts.
RTN Federal Credit Union	Waltham	Massachusetts.
Webster First Federal Credit Union	Webster	Massachusetts.
Westport Federal Credit Union	Westport	Massachusetts.
Mutual Federal Savings Bank of Plymouth County	Whitman	Massachusetts.
Winchester Savings Bank	Winchester	Massachusetts.
AllCom Credit Union	Worcester	Massachusetts.
Commerce Bank & Trust Company	Worcester	Massachusetts.
Bellwether Community Credit Union	Manchester	New Hampshire.
Members First Credit Union of New Hampshire	Manchester	New Hampshire.
Pawtucket Credit Union	Pawtucket	Rhode Island.
Bank of America Rhode Island, N.A	Providence	Rhode Island.
Centreville Savings Bank	West Warwick	Rhode Island.
Community National Bank	Derby	Vermont.
New England Federal Credit Union	Williston	Vermont.

Federal Home Loan Bank of New York—District 2

Affinity Federal Credit Union	Bedminster	New Jersey.
Liberty Bell Bank	Cherry Hill	New Jersey.
Grand Bank, National Association	Hamilton	New Jersey.
Enterprise National Bank New Jersey	Kenilworth	New Jersey.
Central Jersey Bank, National Association	Long Branch	New Jersey.
Hudson City Savings Bank	Paramus	New Jersey.
Harvest Community Bank	Pennsville	New Jersey.
Roselle Savings Bank	Roselle	New Jersey.

Bank of Akron	Akron	New York.
Capital Bank & Trust Company	Albany	New York.
Marathon National Bank of New York	Astoria	New York.
Seneca Federal Savings & Loan Association	Baldwinsville	New York.
Bethpage Federal Credit Union	Bethpage	New York.
Putnam County Savings Bank	Brewster	New York.
First American International Bank	Brooklyn	New York.
Carthage Federal Savings & Loan Association	Carthage	New York.
Community Bank, National Association	Dewitt	New York.
Lake Shore Savings Bank	Dunkirk	New York.
American Community Bank	Glen Cove	New York.
Alternatives Federal Credit Union	Ithaca	New York.
CFCU Community Credit Union	Ithaca	New York.
Bank Leumi USA	New York	New York.
Interaudi Bank	New York	New York.
Metropolitan National Bank	New York	New York.
Progressive Credit Union	New York	New York.
Shinhan Bank America	New York	New York.
Gotham Bank of New York	New York City	New York.
Hudson Heritage Federal Credit Union	Newburgh	New York.
Oceanside Christopher Federal Credit Union	Oceanside	New York.
The North Country Savings Bank	Ogdensburg	New York.
Alliance Bank, National Association	Oneida	New York.
Hudson Valley Federal Credit Union	Poughkeepsie	New York.
Ridgewood Savings Bank	Ridgewood	New York.
Reliant Community Credit Union	Sodus	New York.
Hamptons State Bank	Southampton	New York.
Empower Federal Credit Union	Syracuse	New York.
Geddes Federal Savings & Loan Association	Syracuse	New York.
Northern Federal Credit Union	Watertown	New York.
Hudson Valley Bank, National Association	Yonkers	New York.
Bank of St. Croix, Inc.	Christiansted	Virgin Islands.
HSBC Bank USA, National Association	McLean	Virginia.

Federal Home Loan Bank of Pittsburgh—District 3

AIG Federal Savings Bank	Wilmington	Delaware.
People First Federal Credit Union	Allentown	Pennsylvania.
Meridian Bank	Berwyn	Pennsylvania.
Embassy Bank For The Lehigh Valley	Bethlehem	Pennsylvania.
Bucks County Bank	Doylestown	Pennsylvania.
The Fidelity Deposit and Discount Bank	Dunmore	Pennsylvania.
Lafayette Ambassador Bank	Easton	Pennsylvania.
First Resource Bank	Exton	Pennsylvania.
Huntingdon Savings Bank, PASA	Huntingdon	Pennsylvania.
Huntingdon Valley Bank	Huntingdon Valley	Pennsylvania.
Jonestown Bank and Trust Company	Jonestown	Pennsylvania.
Commercial Bank and Trust of Pennsylvania	Latrobe	Pennsylvania.
Susquehanna Bank	Lititz	Pennsylvania.
The National Bank of Malvern	Malvern	Pennsylvania.
Gateway Bank of Pennsylvania	McMurray	Pennsylvania.
Members 1st Federal Credit Union	Mechanicsburg	Pennsylvania.
The First National Bank of Mercersburg	Mercersburg	Pennsylvania.
Swineford National Bank	Middleburg	Pennsylvania.
Milton Savings Bank	Milton	Pennsylvania.
Royal Bank America	Narberth	Pennsylvania.
First National Bank & Trust Company of Newtown	Newtown	Pennsylvania.
East River Bank	Philadelphia	Pennsylvania.
Port Richmond Savings	Philadelphia	Pennsylvania.
Ukrainian Selfreliance Federal Credit Union	Philadelphia	Pennsylvania.
United Savings Bank	Philadelphia	Pennsylvania.
Fidelity Bank, PaSB	Pittsburgh	Pennsylvania.
Quaint Oak Bank	Southampton	Pennsylvania.
Citadel Federal Credit Union	Thorndale	Pennsylvania.
TruMark Financial Credit Union	Trevose	Pennsylvania.
Penn Liberty Bank	Wayne	Pennsylvania.
Merck, Sharp & Dohme Federal Credit Union	West Point	Pennsylvania.
Affinity Bank of Pennsylvania	Wyomissing	Pennsylvania.
STAR USA Federal Credit Union	Charleston	West Virginia.
The United Federal Credit Union	Morgantown	West Virginia.
One Community Credit Union	Parkersburg	West Virginia.
Jefferson Security Bank	Shepherdstown	West Virginia.
West Virginia Federal Credit Union	South Charles	West Virginia.

Federal Home Loan Bank of Atlanta—District 4

First National Bank of Central Alabama	Aliceville	Alabama.

Red Mountain Bank	Birmingham	Alabama.
Secure First Credit Union	Birmingham	Alabama.
SevisFirst Bank	Birmingham	Alabama.
SouthPoint Bank	Birmingham	Alabama.
Premier Bank of the South	Cullman	Alabama.
Farmers Exchange Bank	Louisville	Alabama.
First Metro Bank	Muscle Shoals	Alabama.
Hometown Bank of Alabama	Oneonta	Alabama.
Farmers and Merchants Bank	Piedmont	Alabama.
First Bank of The South	Rainsville	Alabama.
West Alabama Bank & Trust	Reform	Alabama.
Bank Independent	Sheffield	Alabama.
First Southern State Bank	Stevenson	Alabama.
State Bank and Trust	Winfield	Alabama.
EuroBank	Boca Raton	Florida.
Paradise Bank	Boca Raton	Florida.
First America Bank	Bradenton	Florida.
Sunrise Bank	Cocoa Beach	Florida.
Biscayne Bank	Coconut Grove	Florida.
Nature Coast Bank	Crystal River	Florida.
Community Bank of Broward	Dania Beach	Florida.
Mainstreet Community Bank of Florida	Deland	Florida.
Englewood Bank	Englewood	Florida.
First Community Bank of Southwest Florida	Fort Myers	Florida.
Reliance Bank, FSB	Fort Myers	Florida.
Beach Community Bank	Fort Walton Beach	Florida.
The Oculina Bank	Fort Pierce	Florida.
American Enterprise Bank of Florida	Jacksonville	Florida.
Jacksonville Firemen's Credit Union	Jacksonville	Florida.
Keys Federal Credit Union	Key West	Florida.
Achieva Credit Union	Largo	Florida.
City County Credit Union of Fort Lauderdale	Margate	Florida.
Lafayette State Bank	Mayo	Florida.
Florida Bus Bank	Melbourne	Florida.
BAC Florida Bank	Miami	Florida.
Executive National Bank	Miami	Florida.
Great Florida Bank	Miami	Florida.
U.S. Century Bank	Miami	Florida.
Alarion Bank	Ocala	Florida.
Tyndall Federal Credit Union	Panama City	Florida.
Sunshine State Federal Savings & Loan Association	Plant City	Florida.
Freedom Bank of America	St. Petersburg	Florida.
Pilot Bank	Tampa	Florida.
Tampa Bay Federal Credit Union	Tampa	Florida.
Patriot Bank	Trinity	Florida.
First Choice Credit Union	West Palm Beach	Florida.
Flagler Bank	West Palm Beach	Florida.
CenterState Bank of Florida, National Association	Winter Haven	Florida.
Atlanta Business Bank	Atlanta	Georgia.
First National Bank of Decatur County	Bainbridge	Georgia.
Hamilton State Bank	Braselton	Georgia.
Hometown Community Bank	Braselton	Georgia.
Atlantic National Bank	Brunswick	Georgia.
Flint River National Bank	Camilla	Georgia.
First National Bank of Polk County	Cedartown	Georgia.
Southern Bank and Trust	Clarkesville	Georgia.
Mountain Valley Community Bank	Cleveland	Georgia.
First Madison Bank & Trust	Colbert	Georgia.
PeoplesSouth Bank	Colquitt	Georgia.
Synovus Bank	Columbus	Georgia.
Southeastern Bank	Darien	Georgia.
Farmers State Bank	Dublin	Georgia.
Heritage Bank	Jonesboro	Georgia.
Legacy State Bank	Loganville	Georgia.
Highland Commercial Bank	Marietta	Georgia.
George D. Warthen Bank	Sandersville	Georgia.
Waycross Bank & Trust	Waycross	Georgia.
PlantersFirst	Cordele	Georgia.
Aberdeen Proving Ground	Aberdeen	Maryland.
The Harbor Bank of Maryland	Baltimore	Maryland.
Educational Systems Employees Federal Credit Union	Bladensburg	Maryland.
CNB	Centreville	Maryland.
First Peoples Community Federal Credit Union	Cumberland	Maryland.
Freedom of Maryland Federal Credit Union	East-Aberdeen	Maryland.
Howard Bank	Ellicott City	Maryland.
Washington Telephone Federal Credit Union	Kensington	Maryland.

Congressional Bank	Potomac	Maryland.
Capital Bank, National Association	Rockville	Maryland.
Energy Federal Credit Union	Rockville	Maryland.
National Institute of Health Federal Credit Union	Rockville	Maryland.
Farmers and Merchants Bank	Upperco	Maryland.
The Farmers Bank of Willards	Willards	Maryland.
Bank of Commerce	Charlotte	North Carolina.
Latino Community Credit Union	Durham	North Carolina.
Four Oaks Bank & Trust Company	Four Oaks	North Carolina.
Nantahala Bank & Trust Company	Franklin	North Carolina.
Alliance Bank Trust Company	Gastonia	North Carolina.
Premier Federal Credit Union	Greensboro	North Carolina.
Parkway Bank	Lenoir	North Carolina.
Bank of Carolinas	Mocksville	North Carolina.
North State Bank	Raleigh	North Carolina.
Roanoke Rapids Savings Bank, SSB	Roanoke Rapids	North Carolina.
Providence Bank	Rocky Mount	North Carolina.
Jackson Savings Bank, SSB	Sylva	North Carolina.
Tarboro Savings Bank, SSB	Tarboro	North Carolina.
Security Federal Bank	Aiken	South Carolina.
First Citizens Bank and Trust Company, Inc	Columbia	South Carolina.
South Carolina Community Bank	Columbia	South Carolina.
Dedicated Community Bank	Darlington	South Carolina.
Independence National Bank	Greenville	South Carolina.
Palmetto State Bank	Hampton	South Carolina.
Heritage Community Bank	Hartsville	South Carolina.
CoastalStates Bank	Hilton Head	South Carolina.
Tidelands Bank	Mount Pleasant	South Carolina.
Palmetto Heritage Bank & Trust	Pawleys Island	South Carolina.
Highlands Union Bank	Abingdon	Virginia.
Burke & Herbert Bank & Trust Company	Alexandria	Virginia.
Common Wealth One Federal Credit Union	Alexandria	Virginia.
Hew Federal Credit Union	Alexandria	Virginia.
The First National Bank of Altavista	Altavista	Virginia.
Arlington Virginia Federal Credit Union	Arlington	Virginia.
Bank of Clarke County	Berryville	Virginia.
Sonabank, National Association	Charlottesville	Virginia.
URW Community Federal Credit Union	Danville	Virginia.
Bank of Floyd	Floyd	Virginia.
Trupoint Bank	Grundy	Virginia.
MainStreet Bank	Herndon	Virginia.
The First Bank and Trust Company	Lebanon	Virginia.
Central Virginia Federal Credit Union	Lynchburg	Virginia.
The Bank of Marion	Marion	Virginia.
River Community Bank, N.A	Martinsville	Virginia.
Virginia Company Bank	Newport News	Virginia.
Northern Star Credit Union, Inc	Portsmouth	Virginia.
WashingtonFirst Bank	Reston	Virginia.
HomeTown Bank	Roanoke	Virginia.
Member One Federal Credit Union	Roanoke	Virginia.
Essex Bank	Tappahannock	Virginia.
Bank @LANTEC	Virginia Beach	Virginia.
The Fauquier Bank	Warrenton	Virginia.
Dupont Community Credit Union	Waynesboro	Virginia.

Federal Home Loan Bank of Cincinnati—District 5

Auburn Banking Company	Auburn	Kentucky.
Heritage Bank	Burlington	Kentucky.
United Citizens Bank of Southern Kentucky	Columbia	Kentucky.
Elkton Bank & Trust Company	Elkton	Kentucky.
First Federal Savings Bank of Frankfort	Frankfort	Kentucky.
Kentucky Employees Credit Union	Frankfort	Kentucky.
Commercial Bank of Grayson	Grayson	Kentucky.
The First National Bank of Grayson	Grayson	Kentucky.
1st Trust Bank, Inc	Hazard	Kentucky.
Hyden Citizens Bank	Hyden	Kentucky.
Citizens Guaranty Bank	Irvine	Kentucky.
Citizens Bank & Trust Company	Jackson	Kentucky.
Lewisburg Banking Company	Lewisburg	Kentucky.
Kue Federal Credit Union	Lexington	Kentucky.
University of Kentucky Federal Credit Union	Lexington	Kentucky.
First National Bank & Trust	London	Kentucky.
Kemba Louisville Credit Union	Louisville	Kentucky.
Louchem Federal Credit Union	Louisville	Kentucky.
Republic Bank & Trust Company	Louisville	Kentucky.

River City Bank	Louisville	Kentucky.
Stock Yards Bank & Trust Company	Louisville	Kentucky.
Citizens Bank	Morehead	Kentucky.
Kentucky Bank	Paris	Kentucky.
PBK Bank, Inc	Richmond	Kentucky.
Citizens Union Bank of Shelbyville	Shelbyville	Kentucky.
United Bank & Trust Company	Versailles	Kentucky.
Bank of The Mountains, Inc	West Liberty	Kentucky.
Alliance Banking Company	Winchester	Kentucky.
Winchester Federal Bank	Winchester	Kentucky.
North Akron Savings Bank	Akron	Ohio.
Ohio University Credit Union	Athens	Ohio.
Baltic State Bank	Baltic	Ohio.
Bartlett Farmers Bank	Bartlett	Ohio.
Best Reward Credit Union	Brook Park	Ohio.
Cinco Family Financial Center Credit Union	Cincinnati	Ohio.
Foundation Bank	Cincinnati	Ohio.
New Horizons Credit Union, Inc	Cincinnati	Ohio.
The Cincinnatus Savings & Loan Company	Cincinnati	Ohio.
KeyBank, National Association	Cleveland	Ohio.
Columbus Metro Federal Credit Union	Columbus	Ohio.
MidState Educators Credit Union	Columbus	Ohio.
Western Credit Union, Inc.	Columbus	Ohio.
The Union Bank Company	Columbus Grove	Ohio.
Emerald Bank	Dublin	Ohio.
Powerco Credit Union	Gahanna	Ohio.
First Service Federal Credit Union	Groveport	Ohio.
Hardin Community Federal Credit Union	Kenton	Ohio.
Day Air Credit Union	Kettering	Ohio.
The Marblehead Bank	Marblehead	Ohio.
Marion Community Credit Union	Marion	Ohio.
Lake National Bank	Mentor	Ohio.
River Valley Credit Union	Miamisburg	Ohio.
CES Credit Union, Inc	Mount Vernon	Ohio.
Miami University Community Federal Credit Union	Oxford	Ohio.
Desco Federal Credit Union	Portsmouth	Ohio.
Glass City Federal Credit Union	Toledo	Ohio.
First Place Bank	Warren	Ohio.
Seven Seventeen Credit Union	Warren	Ohio.
The First National Bank of Wellston	Wellston	Ohio.
Twin Valley Bank	West Alexandria	Ohio.
Woodsfield Savings Bank	Woodsfield	Ohio.
Alcoa Tennessee Federal Credit Union	Alcoa	Tennessee.
FSG Bank, National Association	Chattanooga	Tennessee.
Southeast Financial Credit Union	Franklin	Tennessee.
Sumner Bank & Trust	Gallatin	Tennessee.
Heritage Community Bank	Greeneville	Tennessee.
American Security Bank & Trust Company	Hendersonville	Tennessee.
Community Bank of the Cumberlands	Jamestown	Tennessee.
American Trust Bank of East Tennessee	Knoxville	Tennessee.
Knoxville TVA Employees Credit Union	Knoxville	Tennessee.
UT Federal Credit Union	Knoxville	Tennessee.
Citizens Bank of Lafayette	Lafayette	Tennessee.
Peoples Bank of the South	LaFollette	Tennessee.
First National Bank	Lenoir City	Tennessee.
First Commerce Bank	Lewisburg	Tennessee.
Peoples Bank & Trust Company	Manchester	Tennessee.
Security Federal Savings Bank	McMinnville	Tennessee.
McKenzie Banking Company	McKenzie	Tennessee.
Homeland Community Bank	McMinnville	Tennessee.
Financial, FSB	Memphis	Tennessee.
Landmark Community Bank	Memphis	Tennessee.
Community National Bank of the Lakeway Area	Morristown	Tennessee.
Bank of Fayette County	Moscow	Tennessee.
Civic Bank & Trust	Nashville	Tennessee.
InsBank	Nashville	Tennessee.
Nashville Bank and Trust Company	Nashville	Tennessee.
Bank of Ripley	Ripley	Tennessee.
Hardin County Bank	Savannah	Tennessee.
Peoples State Bank of Commerce	Trenton	Tennessee.
Ascend Federal Credit Union	Tullahoma	Tennessee.
First State Bank	Union City	Tennessee.
Cheyenne State Bank	Cheyenne	Wyoming.

Federal Home Loan Bank of Indianapolis—District 6

Bloomfield Savings Bank	Bloomfield	Indiana.

Members Choice Federal Credit Union	Bloomington	Indiana.
Community State Bank	Brook	Indiana.
Hendricks County Bank & Trust Company	Brownsburg	Indiana.
State Bank Burnettsville	Burnettsville	Indiana.
First Farmers Bank & Trust Company	Converse	Indiana.
Bank of Indiana, National Association	Dana	Indiana.
Evansville Federal Credit Union	Evansville	Indiana.
Pinnacle Credit Union	Fort Wayne	Indiana.
Professional Federal Credit Union	Fort Wayne	Indiana.
STAR Financial Bank	Fort Wayne	Indiana.
Springs Valley Bank & Trust Company	French Lick	Indiana.
The Garrett State Bank	Garrett	Indiana.
Eli Lilly Federal Credit Union	Indianapolis	Indiana.
First Internet Bank of Indiana	Indianapolis	Indiana.
Farmers State Bank of Mentone	Mentone	Indiana.
Citizens Bank	Mooresville	Indiana.
Tri-County Bank & Trust Company	Roachdale	Indiana.
Advance Financial Federal Credit Union	Schererville	Indiana.
Teachers Credit Union	South Bend	Indiana.
Home National Bank of Thorntown	Thorntown	Indiana.
Merchants Bank & Trust Company	West Harrison	Indiana.
Centier Bank	Whiting	Indiana.
University of Michigan Credit Union	Ann Arbor	Michigan.
Cornerstone Community Financial Federal Credit Union	Auburn Hills	Michigan.
Genisys Credit Union	Auburn Hills	Michigan.
FinancialEdge Community Credit Union	Bay City	Michigan.
The Blissfield State Bank	Blissfield	Michigan.
Byron Bank	Byron Center	Michigan.
CSB Bank	Capac	Michigan.
Exchange State Bank	Carsonville	Michigan.
Central Macomb Community Credit Union	Clinton Towns	Michigan.
Southern Michigan Bank & Trust	Coldwater	Michigan.
First National Bank of Crystal Falls	Crystal Falls	Michigan.
Upper Peninsula State Bank	Escanaba	Michigan.
State Bank Savings of Frankfort	Frankfort	Michigan.
West Michigan Bank & Trust Company	Frankfort	Michigan.
First Community Bank of Harbor Springs	Harbor Springs	Michigan.
Peninsula Bank	Ishpeming	Michigan.
G.W. Jones Exchange Bank	Marcellus	Michigan.
Chemical Bank	Midland	Michigan.
Isabella Bank	Mount Pleasant	Michigan.
Chief Pontiac Federal Credit Union	Pontiac	Michigan.
E & A Credit Union	Port Huron	Michigan.
Catholic Federal Credit Union	Saginaw	Michigan.
The Shelby State Bank	Shelby	Michigan.
Choiceone Bank	Sparta	Michigan.
Berrien Teachers Credit Union	St. Joseph	Michigan.
Traverse City State Bank	Traverse City	Michigan.
Bestsource Credit Union	Waterford	Michigan.

Federal Home Loan Bank of Chicago—District 7

Algonquin State Bank, National Association	Algonquin	Illinois.
State Bank of the Lakes	Antioch	Illinois.
Meadows Credit Union	Arlington Heights	Illinois.
The First National Bank of Ava	Ava	Illinois.
Barrington Bank & Trust Company, National Association	Barrington	Illinois.
1st MidAmerica Credit Union	Bethalto	Illinois.
1st Equity Bank Northwest	Buffalo Grove	Illinois.
Illiana Financial Credit Union	Calumet City	Illinois.
MidAmerica National Bank	Canton	Illinois.
Busey Bank	Champaign	Illinois.
University of Illinois Employees Credit Union	Champaign	Illinois.
American Union Savings and Loan Association	Chicago	Illinois.
Builders Bank	Chicago	Illinois.
Cole Taylor Bank	Chicago	Illinois.
Devon Bank	Chicago	Illinois.
BMO Harris Bank, National Association	Chicago	Illinois.
International Bank of Chicago	Chicago	Illinois.
Metropolitan Capital Bank	Chicago	Illinois.
Park Federal Savings Bank	Chicago	Illinois.
Cissna Park State Bank	Cissna Park	Illinois.
The Clay City Banking Company	Clay City	Illinois.
State Bank of Davis	Davis	Illinois.
The First National Bank of Dwight	Dwight	Illinois.
National Bank of Earlville	Earlville	Illinois.

Suburban Bank & Trust Company	Elmhurst	Illinois.
Flora Savings Bank	Flora	Illinois.
Franklin Bank	Franklin	Illinois.
State Bank	Freeport	Illinois.
National Bank	Hillsboro	Illinois.
Farmers State Bank of Hoffman	Hoffman	Illinois.
Community Trust Bank	Irvington	Illinois.
First Midwest Bank	Itasca	Illinois.
First Community Bank of Joliet	Joliet	Illinois.
NuMark Credit Union	Joliet	Illinois.
Kenney Bank & Trust	Kenney	Illinois.
Baytree National Bank and Trust Company	Lake Forest	Illinois.
MidCountry Bank	Metropolis	Illinois.
Midwest Bank of Western Illinois	Monmouth	Illinois.
Peoples National Bank, National Association	Mt. Vernon	Illinois.
Hawthorne Credit Union	Naperville	Illinois.
Plaza Bank, Norridge, Illinois	Norridge	Illinois.
First Federal Savings Bank	Ottawa	Illinois.
Citizens Equity First Credit Union	Peoria	Illinois.
First Bankers Trust Company, National Association	Quincy	Illinois.
The First National Bank of Raymond	Raymond	Illinois.
Rockford Bank and Trust Company	Rockford	Illinois.
American Eagle Bank	South Elgin	Illinois.
Providence Bank, L.L.C	South Holland	Illinois.
American Heartland Bank and Trust	Sugar Grove	Illinois.
First Neighbor Bank, National Association	Toledo	Illinois.
North Adams State Bank	Ursa	Illinois.
The First Trust & Savings Bank of Watseka, IL	Watseka	Illinois.
Iroquois Federal Savings & Loan Association	Watseka	Illinois.
White Hall Bank	White Hall	Illinois.
The Business Bank	Appleton	Wisconsin.
Fox Communities Credit Union	Appleton	Wisconsin.
Unity Bank	Augusta	Wisconsin.
The American National Bank of Beaver Dam	Beaver Dam	Wisconsin.
The First National Bank and Trust Company	Beloit	Wisconsin.
The Farmers & Merchant Bank	Berlin	Wisconsin.
Fox River State Bank	Burlington	Wisconsin.
Citizens State Bank	Cadott	Wisconsin.
Denmark State Bank	Denmark	Wisconsin.
Security Financial Bank	Durand	Wisconsin.
Union Bank & Trust Company	Evansville	Wisconsin.
Hometown Bank	Fond du Lac	Wisconsin.
Hartford Savings Bank	Hartford	Wisconsin.
Farmers and Merchants Bank of Kendall	Kendall	Wisconsin.
Altra Federal Credit Union	La Crosse	Wisconsin.
Citizens State Bank of La Crosse	La Crosse	Wisconsin.
State Bank Financial	La Crosse	Wisconsin.
Livingston State Bank	Livingston	Wisconsin.
Capitol Bank	Madison	Wisconsin.
Madison Credit Union	Madison	Wisconsin.
The Park Bank	Madison	Wisconsin.
Premier Community Bank	Marion	Wisconsin.
Forward Financial Bank, SSB	Marshfield	Wisconsin.
Bay View Federal Savings & Loan Association	Milwaukee	Wisconsin.
North Milwaukee State Bank	Milwaukee	Wisconsin.
Farmers Savings Bank	Mineral Point	Wisconsin.
Alliance Bank	Mondovi	Wisconsin.
The Necedah Bank	Necedah	Wisconsin.
Lakeview Credit Union	Neenah	Wisconsin.
Farmers Exchange Bank	Neshkoro	Wisconsin.
State Bank of Newburg	Newburg	Wisconsin.
Community State Bank	Norwalk	Wisconsin.
University of Wisconsin (UW) Oshkosh Credit Union	Oshkosh	Wisconsin.
Northwoods Community Credit Union	Park Falls	Wisconsin.
Foundations Bank	Pewaukee	Wisconsin.
Timberwood Bank	Tomah	Wisconsin.
Community State Bank	Union Grove	Wisconsin.
Citizens First Bank	Viroqua	Wisconsin.
Waumandee State Bank	Waumandee	Wisconsin.
Integrity First Bank	Wausau	Wisconsin.

Federal Home Loan Bank of Des Moines—District 8

The National Bank	Moline	Illinois.
River Valley Credit Union	Ames	Iowa.
First Whitney Bank and Trust	Atlantic	Iowa.

Quad City Bank and Trust Company	Bettendorf	Iowa.
Success Bank	Bloomfield	Iowa.
Blue Grass Savings Bank	Blue Grass	Iowa.
First Federal Credit Union	Cedar Rapids	Iowa.
Exchange State Bank	Collins	Iowa.
State Savings Bank	Creston	Iowa.
East Dubuque Savings Bank	Dubuque	Iowa.
Community Bank	Dunlap	Iowa.
Security Savings Bank	Eagle Grove	Iowa.
Central State Bank	Elkader	Iowa.
Employees Credit Union	Estherville	Iowa.
Iowa State Bank and Trust Company of Fairfield, IA	Fairfield	Iowa.
Glenwood State Bank	Glenwood	Iowa.
First National Bank	Greenfield	Iowa.
Home State Bank	Jefferson	Iowa.
Security Savings Bank	Larchwood	Iowa.
Malvern Trust & Savings Bank	Malvern	Iowa.
Farmers & Merchants Savings Bank	Manchester	Iowa.
Members First Community Credit Union	Marshalltown	Iowa.
Pinnacle Bank	Marshalltown	Iowa.
First Citizens National Bank	Mason City	Iowa.
Northwoods State Bank	Mason City	Iowa.
First State Bank	Nashua	Iowa.
Raccoon Valley Bank	Perry	Iowa.
Pilot Grove Savings Bank	Pilot Grove	Iowa.
Frontier Bank	Rock Rapids	Iowa.
Citizens State Bank	Sheldon	Iowa.
The First National Bank of Farragut	Shenandoah	Iowa.
Pinnacle Bank Sioux City	Sioux City	Iowa.
Community State Bank	Spencer	Iowa.
MetaBank	Storm Lake	Iowa.
Security Trust & Savings Bank	Storm Lake	Iowa.
Walcott Trust and Savings Bank	Walcott	Iowa.
First Bank	West Des Moines	Iowa.
The First National Bank of West Union	West Union	Iowa.
Security Bank Minnesota	Albert Lea	Minnesota.
Avon State Bank	Avon	Minnesota.
Mid Minnesota Federal Credit Union	Baxter	Minnesota.
KleinBank	Big Lake	Minnesota.
Bridgewater Bank	Bloomington	Minnesota.
United Bankers' Bank	Bloomington	Minnesota.
First National Bank of Buhl	Buhl	Minnesota.
First Security Bank	Byron	Minnesota.
Maple Bank	Champlin	Minnesota.
Community Bank Corporation	Chaska	Minnesota.
Members Cooperative Credit Union	Cloquet	Minnesota.
Choice Financial Savings Bank	Comfrey	Minnesota.
First Advantage Bank	Coon Rapids	Minnesota.
Duluth Teachers Credit Union	Duluth	Minnesota.
American Investors Bank and Mortgage	Eden Prairie	Minnesota.
Crown Bank	Edina	Minnesota.
Tradition Capital Bank	Edina	Minnesota.
American State Bank of Erskine	Erskine	Minnesota.
The Miners National Bank of Eveleth	Eveleth	Minnesota.
Spire Federal Credit Union	Falcon Heights	Minnesota.
Falcon National Bank	Foley	Minnesota.
Financial Security Bank	Kerkhoven	Minnesota.
Lakeview Bank	Lakeville	Minnesota.
Lowry State Bank	Lowry	Minnesota.
Premier Bank	Maplewood	Minnesota.
Gateway Bank	Mendota Heights	Minnesota.
Equity Bank	Minnetonka	Minnesota.
Signature Bank	Minnetonka	Minnesota.
Ormsby State Bank	Ormsby	Minnesota.
Peoples State Bank of Plainview	Plainview	Minnesota.
First Alliance Credit Union	Rochester	Minnesota.
First Security Bank—Sleepy Eye	Sleepy Eye	Minnesota.
BankCherokee	St. Paul	Minnesota.
Saint Paul Federal Credit Union	St. Paul	Minnesota.
The First National Bank in Wadena	Wadena	Minnesota.
Wadena State Bank	Wadena	Minnesota.
Plaza Park State Bank	Waite Park	Minnesota.
Arsenal Credit Union	Arnold	Missouri.
Bank of Bloomsdale	Bloomsdale	Missouri.
Branson Bank	Branson	Missouri.
Focus Bank	Charleston	Missouri.

First Community Credit Union	Chesterfield	Missouri.
Providence Bank	Columbia	Missouri.
The Corder Bank	Corder	Missouri.
Peoples Bank	Cuba	Missouri.
Reliance Bank	Des Peres	Missouri.
Century Bank of the Ozarks	Gainesville	Missouri.
Tri-County Trust Company	Glasgow	Missouri.
The Hamilton Bank	Hamilton	Missouri.
The Bank of Houston	Houston	Missouri.
First Financial Credit Union	Jefferson City	Missouri.
H&R Block Bank	Kansas City	Missouri.
American Trust Bank	Kirksville	Missouri.
Town & Country Bank of Missouri	La Grange	Missouri.
Lone Summit Bank	Lake Lotawana	Missouri.
B & L Bank	Lexington	Missouri.
Mid America Bank	Linn	Missouri.
The Bank of Macks Creek	Macks Creek	Missouri.
United Credit Union	Mexico	Missouri.
Bank of Minden	Mindenmines	Missouri.
Bank of Cairo and Moberly	Moberly	Missouri.
RCSBank	New London	Missouri.
West Community Credit Union	O'Fallon	Missouri.
Saint Clair County State Bank	Osceola	Missouri.
Platte Valley Bank of Missouri	Platte City	Missouri.
Wells Bank of Platte City	Platte City	Missouri.
Sterling Bank	Poplar Bluff	Missouri.
Great Southern Bank	Reeds Spring	Missouri.
Citizens Bank of Newburg	Rolla	Missouri.
Central Bank of Missouri	Sedalia	Missouri.
Mid-Missouri Bank	Springfield	Missouri.
OakStar Bank, National Association	Springfield	Missouri.
Health Care Family Credit Union	St. Louis	Missouri.
St. Louis Community Credit Union	St. Louis	Missouri.
1st Advantage Bank	St. Peters	Missouri.
St. Louis Bank	Town and Country	Missouri.
First Security Bank	Union Star	Missouri.
Putnam County State Bank	Unionville	Missouri.
First Financial Bank	Aneta	North Dakota.
The Union Bank	Beulah	North Dakota.
Capital Credit Union	Bismarck	North Dakota.
American Federal Bank	Fargo	North Dakota.
Gate City Bank	Fargo	North Dakota.
State Bank & Trust	Fargo	North Dakota.
VISIONBank	Fargo	North Dakota.
Bank of Glen Ullin	Glen Ullin	North Dakota.
Dakota Community Bank & Trust, National Association	Hebron	North Dakota.
United Community Bank of North Dakota	Leeds	North Dakota.
State Bank of Alcester	Alcester	South Dakota.
One American Bank	Centerville	South Dakota.
Farmers State Bank	Faith	South Dakota.
Farmers State Bank	Iroquois	South Dakota.
Valley Exchange Bank	Lennox	South Dakota.
First Bank & Trust of Milbank	Milbank	South Dakota.
Black Hills Federal Credit Union	Rapid City	South Dakota.
Highmark Federal Credit Union	Rapid City	South Dakota.
Heartland State Bank	Redfield	South Dakota.
First Bank & Trust	Sioux Falls	South Dakota.
Minnwest Bank Sioux Falls	Sioux Falls	South Dakota.
Wells Fargo Bank, N.A	Sioux Falls	South Dakota.

Federal Home Loan Bank of Dallas—District 9

Chambers Bank	Danville	Arkansas.
Signature Bank of Arkansas	Fayetteville	Arkansas.
First Service Bank	Greenbrier	Arkansas.
Farmers Bank	Hamburg	Arkansas.
Arkansas Federal Credit Union	Jacksonville	Arkansas.
Heritage Bank, National Association	Jonesboro	Arkansas.
First Delta Bank	Marked Tree	Arkansas.
McGehee Bank	McGehee	Arkansas.
Home Bank of Arkansas	Portland	Arkansas.
Warren Bank & Trust Company	Warren	Arkansas.
Campus Federal Credit Union	Baton Rouge	Louisiana.
Farmers-Merchants Bank &Trust Company	Breaux Bridge	Louisiana.
Colfax Banking Company	Colfax	Louisiana.
Caldwell Bank & Trust	Columbia	Louisiana.

The Cottonport Bank	Cottonport	Louisiana.
First National Bank in DeRidder	DeRidder	Louisiana.
Tri-Parish Bank	Eunice	Louisiana.
Southern Heritage Bank	Jonesville	Louisiana.
The Vernon Bank	Leesville	Louisiana.
Marion State Bank	Marion	Louisiana.
Metairie Bank and Trust Company	Metairie	Louisiana.
Gulf Coast Bank & Trust Company	New Orleans	Louisiana.
First Federal Savings & Loan Association	Aberdeen	Mississippi.
Copiah Bank, N.A	Hazlehurst	Mississippi.
Planters Bank & Trust Company	Indianola	Mississippi.
First American National Bank	Luka	Mississippi.
Hope Community Credit Union	Jackson	Mississippi.
Holmes County Bank & Trust Company	Lexington	Mississippi.
Navigator Credit Union	Pascagoula	Mississippi.
First National Bank of Picayune	Picayune	Mississippi.
Beal Bank USA	Las Vegas	Nevada.
Western Bank	Alamogordo	New Mexico.
Western Bank	Artesia	New Mexico.
Western Commerce Bank	Carlsbad	New Mexico.
The Citizens Bank	Farmington	New Mexico.
Los Alamos National Bank	Los Alamos	New Mexico.
First State Bank	Abilene	Texas.
First National Bank of Anderson	Anderson	Texas.
Libertad Bank, SSB	Austin	Texas.
United Heritage Credit Union	Austin	Texas.
University Federal Credit Union	Austin	Texas.
Velocity Credit Union	Austin	Texas.
Citizens National Bank At Brownwood	Brownwood	Texas.
First State Bank	Chico	Texas.
Coleman County State Bank	Coleman	Texas.
Columbus State Bank	Columbus	Texas.
Preston State Bank	Dallas	Texas.
One World Bank	Dallas	Texas.
Veritex Community Bank, National Association	Dallas	Texas.
Your Federal Credit Union	Dallas	Texas.
State Bank of De Kalb	De Kalb	Texas.
North Texas Bank, National Association	Decatur	Texas.
Greater South Texas Bank	Falfurrias	Texas.
Sage Capital Bank, National Association	Gonzales	Texas.
HBank Texas	Grapevine	Texas.
State National Bank of Groom	Groom	Texas.
Hamlin National Bank	Hamlin	Texas.
Haskell National Bank	Haskell	Texas.
First Financial Bank	Hereford	Texas.
Bank of Houston	Houston	Texas.
Capital Bank	Houston	Texas.
Golden Bank, National Association	Houston	Texas.
Green Bank, National Association	Houston	Texas.
Members Choice Credit Union	Houston	Texas.
MemberSource Credit Union	Houston	Texas.
Patriot Bank	Houston	Texas.
Post Oak Bank, National Association	Houston	Texas.
Preferred Bank, FSB	Houston	Texas.
Tradition Bank	Houston	Texas.
Huntington State Bank	Huntington	Texas.
Tejas Bank	Iraan	Texas.
Sovereign Bank, National Association	Irving	Texas.
The Jacksboro National Bank	Jacksboro	Texas.
Texas National Bank of Jacksonville	Jacksonville	Texas.
Texas Dow Employees Credit Union	Lake Jackson	Texas.
Laredo Federal Credit Union	Laredo	Texas.
AIMBank	Littlefield	Texas.
Arrowhead Bank	Llano	Texas.
Llano National Bank	Llano	Texas.
Peoples Bank	Lorenzo	Texas.
Marfa National Bank	Marfa	Texas.
Bank of Commerce	McLean	Texas.
Incommons Bank, National Association	Mexia	Texas.
The Liberty National Bank in Paris	Paris	Texas.
Security State Bank	Pearsall	Texas.
LegacyTexas Bank	Plano	Texas.
Share Plus Federal Bank	Plano	Texas.
First Financial Bank, National Association	San Angelo	Texas.
USAA Federal Savings Bank	San Antonio	Texas.
The City National Bank of San Saba	San Saba	Texas.

First Commercial Bank, National Association	Seguin	Texas.
Peoples State Bank	Shepherd	Texas.
First State Bank	Spearman	Texas.
First NB of Throckmorton	Throckmorton	Texas.
Texstar National Bank	Universal City	Texas.
Uvalde National Bank	Uvalde	Texas.
Texas Star Bank	Van Alstyne	Texas.
Fidelity Bank of Texas	Waco	Texas.
Wallis State Bank	Wallis	Texas.
Fidelity Bank	Wichita Falls	Texas.

Federal Home Loan Bank of Topeka—District 10

Pine River Valley Bank	Bayfield	Colorado.
Steele Street Bank & Trust	Denver	Colorado.
Bank of Estes Park	Estes Park	Colorado.
Bank of Colorado	Fort Collins	Colorado.
Cache Bank and Trust	Greeley	Colorado.
First American State Bank	Greenwood Village	Colorado.
Gunnison Bank & Trust Company	Gunnison	Colorado.
Front Range Bank	Lakewood	Colorado.
The First National Bank of Las Animas	Las Animas	Colorado.
Colorado Credit Union	Littleton	Colorado.
Advantage Bank	Loveland	Colorado.
Integrity Bank & Trust	Monument	Colorado.
The Pueblo Bank and Trust Company	Pueblo	Colorado.
Equitable Savings & Loan Association	Sterling	Colorado.
Legacy Bank	Wiley	Colorado.
American Bank of Baxter Springs	Baxter Springs	Kansas.
Great American Bank	De Soto	Kansas.
The Farmers State Bank	Fairview	Kansas.
Patriots Bank	Garnett	Kansas.
First National Bank	Goodland	Kansas.
Bank of Hays	Hays	Kansas.
Morrill & Janes Bank & Trust	Hiawatha	Kansas.
Bank of Holyrood	Holyrood	Kansas.
First State Bank	Kansas City	Kansas.
Lyons Federal Bank	Lyons	Kansas.
United Bank & Trust	Marysville	Kansas.
The Farmers Bank	Osborne	Kansas.
Bank VI	Salina	Kansas.
Sunflower Bank, National Association	Salina	Kansas.
Community National Bank	Seneca	Kansas.
Community Bank of Wichita, Inc	Wichita	Kansas.
Mid American Credit Union	Wichita	Kansas.
West Plains Bank	Ainsworth	Nebraska.
Security State Bank	Ansley	Nebraska.
Archer Cooperative Credit Union Archer	Archer	Nebraska.
State Bank of Bartley	Bartley	Nebraska.
Pathway Bank	Cairo	Nebraska.
Cedar Rapids State Bank	Cedar Rapids	Nebraska.
Columbus United Federal Credit Union	Columbus	Nebraska.
Five Points Bank	Grand Island	Nebraska.
Banner County Bank	Harrisburg	Nebraska.
The State Bank of Hildreth	Hildreth	Nebraska.
First State Bank	Hordville	Nebraska.
First State Bank Nebraska	Lincoln	Nebraska.
First Bank and Trust Company	Minden	Nebraska.
Platte Valley Bank	North Bend	Nebraska.
American National Bank	Omaha	Nebraska.
Four Points Federal Credit Union	Omaha	Nebraska.
State Bank of Riverdale	Riverdale	Nebraska.
The Jones National Bank & Trust Company	Seward	Nebraska.
Iowa-Nebraska State Bank	South Sioux City	Nebraska.
Countryside Bank	Unadilla	Nebraska.
First National Bank of Wahoo	Wahoo	Nebraska.
Community Bank	Alva	Oklahoma.
American National Bank	Ardmore	Oklahoma.
Citizens Bank & Trust Company	Ardmore	Oklahoma.
The First Security Bank	Beaver	Oklahoma.
First Bethany Bank & Trust	Bethany	Oklahoma.
The First State Bank	Boise City	Oklahoma.
Patriot Bank	Broken Arrow	Oklahoma.
The Farmers Bank	Carnegie	Oklahoma.
The First National Bank of Coweta	Coweta	Oklahoma.
Bank of Cushing	Cushing	Oklahoma.

F&M Bank	Edmond	Oklahoma.
The First National Bank of Fletcher	Fletcher	Oklahoma.
Bank of Grove	Grove	Oklahoma.
The Idabel National Bank	Idabel	Oklahoma.
The Eastman National Bank	Newkirk	Oklahoma.
Coppermark Bank	Oklahoma City	Oklahoma.
Frontier State Bank	Oklahoma City	Oklahoma.
Municipal Employees Credit Union of Oklahoma	Oklahoma City	Oklahoma.
Oklahoma Employees Credit Union	Oklahoma City	Oklahoma.
Quail Creek Bank, National Association	Oklahoma City	Oklahoma.
Valliance Bank	Oklahoma City	Oklahoma.
Century Bank of Oklahoma	Pryor	Oklahoma.
McClain Bank	Purcell	Oklahoma.
Oklahoma Heritage Bank	Roff	Oklahoma.
Bank of the Wichitas	Snyder	Oklahoma.
BOKF, NA	Tulsa	Oklahoma.
Freedom Bank of Oklahoma	Tulsa	Oklahoma.
Oklahoma Central Credit Union	Tulsa	Oklahoma.
SpiritBank, National Association	Tulsa	Oklahoma.
Tulsa National Bank	Tulsa	Oklahoma.
First State Bank	Waynoka	Oklahoma.

Federal Home Loan Bank of San Francisco—District 11

Mission Bank (AZ)	Kingman	Arizona.
Arizona State Credit Union	Phoenix	Arizona.
First Corporate Credit Union	Phoenix	Arizona.
RepublicBankAz, NA	Phoenix	Arizona.
The Biltmore Bank of Arizona	Phoenix	Arizona.
Altier Credit Union	Tempe	Arizona.
TruWest Credit Union	Tempe	Arizona.
National Bank of Arizona	Tucson	Arizona.
Foothill Federal Credit Union	Arcadia	California.
Uniti Bank	Buena Park	California.
First California Bank	Camarillo	California.
Matadors Community Credit Union	Chatsworth	California.
Premier America Credit Union	Chatsworth	California.
Tri Counties Bank	Chico	California.
American Continental Bank	City of Industry	California.
United Pacific Bank	City of Industry	California.
Coronado First Bank	Coronado	California.
Commercial Bank of California	Costa Mesa	California.
First Northern Bank of Dixon	Dixon	California.
Rabobank, National Association	El Centro	California.
Pan Pacific Bank	Fremont	California.
United Security Bank	Fresno	California.
The Community Credit Union of Southern Humboldt	Garberville	California.
California Credit Union	Glendale	California.
NuVision Federal Credit Union	Huntington Beach	California.
Regents Bank, National Association	La Jolla	California.
Operating Engineers Local Union #3 Federal Credit Union	Livermore	California.
Banamex USA	Los Angeles	California.
California United Bank	Los Angeles	California.
Grandpoint Bank	Los Angeles	California.
Hanmi Bank	Los Angeles	California.
Manufacturers Bank	Los Angeles	California.
Pacific Resource Credit Union	Los Angeles	California.
ProAmerica Bank	Los Angeles	California.
1st Capital Bank	Monterey	California.
Independence Bank	Newport Beach	California.
Citizens Business Bank	Ontario	California.
Kaiser Federal Bank	Pasadena	California.
LA Financial Federal Credit Union	Pasadena	California.
Pasadena Service Federal Credit Union	Pasadena	California.
Bank of the Sierra	Porterville	California.
Plumas Bank	Quincy	California.
Bourns Employees Federal Credit Union	Riverside	California.
First National Bank of Southern California	Riverside	California.
Premier Service Bank	Riverside	California.
Security Bank of California	Riverside	California.
American River Bank	Sacramento	California.
The Merchants National Bank of Sacramento	Sacramento	California.
Home Bank of California	San Diego	California.
Mission Federal Credit Union	San Diego	California.
North Island Financial Credit Union	San Diego	California.
America California Bank	San Francisco	California.

Mission National Bank	San Francisco	California.
New Resource Bank	San Francisco	California.
Oceanic Bank	San Francisco	California.
Mega Bank	San Gabriel	California.
Founders Community Bank	San Luis Obispo	California.
Mission Community Bank	San Luis Obispo	California.
First American Trust, FSB	Santa Ana	California.
National 1st Credit Union	Santa Clara	California.
First Community Bank	Santa Rosa	California.
Redwood Credit Union	Santa Rosa	California.
Mother Lode Bank	Sonora	California.
Priority One Credit Union	South Pasadena	California.
Liberty Bank	South San Francisco	California.
Travis Credit Union	Vacaville	California.
Community Business Bank	West Sacramento	California.
Credit Union of Southern California	Whittier	California.
Friendly Hills Bank	Whittier	California.
I.L.W.U. Credit Union	Wilmington	California.
Sutter Community Bank	Yuba City	California.
Kirkwood Bank of Nevada	Las Vegas	Nevada.
Service1st Bank of Nevada	Las Vegas	Nevada.
Heritage Bank of Nevada	Reno	Nevada.
Federal Home Loan Bank of Seattle—District 12		
Alaska Pacific Bank	Juneau	Alaska.
First Hawaiian Bank	Honolulu	Hawaii.
Hawaii National Bank	Honolulu	Hawaii.
Idaho Banking Company	Boise	Idaho.
Farmers National Bank	Buhl	Idaho.
Bank of Idaho	Idaho Falls	Idaho.
The Bank of Baker	Baker	Montana.
Flathead Bank of Bigfork	Bigfork	Montana.
Yellowstone Bank	Laurel	Montana.
Montana First Credit Union	Missoula	Montana.
Valley Bank of Ronan	Ronan	Montana.
1st Bank	Sidney	Montana.
Central Williamette Community Credit Union	Albany	Oregon.
WAUNA Federal Credit Union	Clatskanie	Oregon.
Citizens Bank	Corvallis	Oregon.
Century Bank	Eugene	Oregon.
Summit Bank	Eugene	Oregon.
Oregon Pacific Bank	Florence	Oregon.
Advantis Credit Union	Portland	Oregon.
OnPoint Community Credit Union	Portland	Oregon.
State Bank of Southern Utah	Cedar City	Utah.
Lewiston State Bank	Lewiston	Utah.
Weber State Credit Union	Ogden	Utah.
Rock Canyon Bank	Orem	Utah.
American Bank of Commerce	Provo	Utah.
Central Bank	Provo	Utah.
Security Service Federal Credit Union	Salt Lake City	Utah.
CIT Bank	Salt Lake City	Utah.
First Utah Bank	Salt Lake City	Utah.
Liberty Bank	Salt Lake City	Utah.
Hometown National Bank	Longview	Washington.
Washington Business Bank	Olympia	Washington.
Salal Credit Union	Seattle	Washington.
Numerica Credit Union	Spokane	Washington.
Washington Trust Bank	Spokane	Washington.
Columbia State Bank	Tacoma	Washington.
Harborstone Credit Union	Tacoma	Washington.
Boeing Employees' Credit Union	Tukwila	Washington.
First Northern Bank of Wyoming	Buffalo	Wyoming.
Warren Federal Credit Union	Cheyenne	Wyoming.
Western Vista Federal Credit Union	Cheyenne	Wyoming.
State Bank	Green River	Wyoming.
Bank of Jackson Hole	Jackson	Wyoming.
Central Bank & Trust	Lander	Wyoming.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before October 5, 2012, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members

selected for community support review in the 2010 seventh round review cycle. 12 CFR 1290.2(b)(2)(ii). In reviewing a member for community support compliance, FHFA will consider any public comments it has received concerning the member. 12 CFR 1290.2(d). To ensure consideration by FHFA, comments concerning the community support performance of members selected for the 2010 seventh round review cycle must be delivered to FHFA, either by hard-copy mail at the Federal Housing Finance Agency, Ninth Floor, Housing Mission and Goals (DHMG), 400 Seventh Street SW., Washington, DC 20024, or by electronic mail to *hmgcommunitysupportprogram@fhfa.gov* on or before the November 5, 2012 deadline for submission of Community Support Statements.

Dated: September 14, 2012.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2012–23334 Filed 9–20–12; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), pursuant to 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR part 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 20, 2012.

ADDRESSES: You may submit comments, identified by FR Y–12 or FR Y–12A, by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street, NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/boarddocs/reportforms/review.cfm* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal(s)

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed 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;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal to Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, the Following Reports

Report title: Consolidated Bank Holding Company Report of Equity Investments in Nonfinancial Companies, and the Annual Report of Merchant Banking Investments Held for an Extended Period.

Agency form number: FR Y–12, FR Y12A, respectively.

OMB control number: 7100–0300.

Frequency: FR Y–12: quarterly or semi-annually, FR Y–12A: annually.

Reporters: Bank holding companies (BHCs), financial holding companies (FHCs) and savings and loan holding companies (SLHCs).

Estimated annual reporting hours: FR Y–12: 2,112 hours, FR Y–12A: 126 hours.

Estimated average hours per response: FR Y–12: 16.5 hours, FR Y–12A: 7 hours.

Number of respondents: FR Y–12: 34, FR Y–12A: 18.

General description of report: This collection of information is mandatory pursuant to Section 5(c) of the Bank Holding Company Act (12 U.S.C.

1844(c)) and Section 10 of the Home Owners Loan Act (12 U.S.C. 1467a(b)). The FR Y–12 data are not considered confidential, however, a BHC or SLHC may request confidential treatment pursuant to Sections (b)(4) of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)). The FR Y–12A data are considered confidential pursuant to sections (b)(4) and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).

Abstract: The FR Y–12 collects information from certain domestic BHCs and SLHCs on their equity investments in nonfinancial companies on four schedules: Type of Investments, Type of Security, Type of Entity within the Banking Organization, and Nonfinancial Investment Transactions during Reporting Period. The FR Y–12A collects data from financial holding companies (FHCs) which hold merchant banking investments that are approaching the end of the holding period permissible under Regulation Y. These data serve as an important risk-monitoring device for FHCs active in this business line by allowing supervisory staff to monitor an FHC's activity between review dates. They also serve as an early warning mechanism to identify FHCs whose activities in this area are growing rapidly and therefore warrant special supervisory attention.

Board of Governors of the Federal Reserve System, September 17, 2012.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2012–23268 Filed 9–20–12; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Council on Alzheimer's Research, Care, and Services

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. The Advisory Council will discuss recommendations made in May, as well as ideas and topics for future recommendations.

DATES: *Meeting Date:* October 15, 2012 from 9 a.m. to 4:30pm EDT.

ADDRESSES: The meeting will be held at the U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 800, Washington, DC 20201.

Comments: Time is allocated on the agenda to hear public comments. In lieu of oral comments, formal written comments may be submitted for the record to Helen Lamont, Ph.D., OASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov*. Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Helen Lamont, Ph.D. (202) 690–7996, *Helen.lamont@hhs.gov*. Note: Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put ''October 15 meeting attendance'' in the Subject line by Friday, October 5, 2012, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Attendees who wish to make public comments should include that information in the email. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice.

SUPPLEMENTARY INFORMATION: Topics of the Meeting: The Advisory Council will discuss recommendations made in May, as well as ideas and topics for future recommendations.

Procedure and Agenda: This meeting is open to the public.

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: September 14, 2012.

Donald Moulds,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2012–23391 Filed 9–20–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times and Dates: 8:30 a.m.–4 p.m., October 16, 2012; 8:30 a.m.–11:30 a.m., October 17, 2012.

Place: CDC, 4770 Buford Highway, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 75 people.

Purpose: The Secretary, Department of Health and Human Services (HHS) and by delegation, the Director, CDC and Administrator, NCEH/ATSDR, are authorized under Section 301(42 U.S.C. 241) and Section 311(42 U.S.C. 243) of the Public Health Service Act, as amended, to: (1) Conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments; (2) assist states and their political subdivisions in the prevention of infectious diseases and other preventable conditions and in the promotion of health and well being; and (3) train state and local personnel in health work. The BSC, NCEH/ATSDR provides advice and guidance to the Secretary, HHS; the Director, CDC and Administrator, ATSDR; and the Director, NCEH/ATSDR, regarding program goals, objectives, strategies, and priorities in fulfillment of the agency's mission to protect and promote people's health. The board provides advice and guidance that will assist NCEH/ATSDR in ensuring scientific quality, timeliness, utility, and dissemination of results. The board also provides guidance to help NCEH/ATSDR work more efficiently and effectively with its various constituents and to fulfill its mission in protecting America's health.

Matters To Be Discussed: The agenda items for the BSC Meeting on October 16–17, 2012, will include NCEH/ATSDR Office of the Director updates: ATSDR Reorganization, Asthma, Lead and Healthy Homes Program and NCEH/ATSDR Strategic Planning; update on the Lead Program; presentation on surveillance and epidemiology after emergency events; and updates by BSC Federal Expert members on current activities at the National Institute for Occupational Safety and Health, U.S. Department of Energy, National Institute for Environmental

Health Services and the U.S. Environmental Protection Agency.

Agenda items are subject to change as priorities dictate.

Supplementary Information: The public comment period is scheduled on Tuesday, October 16, 2012, from 3:15 p.m. until 3:30 p.m., and on Wednesday, October 17, 2012, from 10 a.m. until 10:15 a.m.

Contact Person for More Information: Sandra Malcom, Committee Management Specialist, NCEH/ATSDR, CDC, 4770 Buford Highway, Mail Stop F–61, Chamblee, Georgia 30345; telephone 770/488–0575, Fax: 770/488–3377; Email: *smalcom@cdc.gov.* The deadline for notification of attendance is October 12, 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 17, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2012–23392 Filed 9–20–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–2567, CMS–10425, CMS–10417, CMS–10428, CMS–1500 (02/12), and CMS–1500 (08/05)]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension without change of a currently approved collection. *Title of Information Collection:* Deficiencies and Plan of Correction (CMS–2567) and Supporting Regulations contained in 42 CFR 488.18, 488.26, and 488.28. *Use:* Section 1864(a) of the Social Security Act requires that the Secretary use state survey agencies to conduct surveys to determine whether health care facilities meet Medicare and Clinical Laboratory Improvement Amendments participation requirements. The CMS–2567 form is the means by which the survey findings are documented. This section of the law further requires that compliance findings resulting from these surveys be made available to the public within 90 days of such surveys. The CMS–2567 form is the vehicle for this disclosure. The regulations at 42 CFR 488.18 require that state survey agencies document all deficiency findings on a statement of deficiencies and plan of correction, which is the CMS–2567. 42 CFR 488.26 and 488.28 further delineate how compliance findings must be recorded and that CMS prescribed forms must be used.

The form is also used by health care facilities to document their plan of correction and by CMS, the states, facilities, purchasers, consumers, advocacy groups, and the public as a source of information about quality of care and facility compliance.

Form Number: CMS–2567 (OCN 0938–0391). *Frequency:* Yearly and occasionally. *Affected Public:* Private Sector (Business or other for-profit and not-for-profit institutions). *Number of Respondents:* 62,000. *Total Annual Responses:* 62,000. *Total Annual Hours:* 134,540. (For policy questions regarding this collection contact Angela Mason-Elbert at 410–786–8279. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Evaluation of Patient Satisfaction and Experience of Care for Medicare Beneficiaries with End-Stage Renal Disease (ESRD): Impact of the ESRD Prospective Payment System (PPS) and ESRD Quality Incentive Program (QIP) ; *Use:* The Medicare Prescription Drug Improvement, and Modernization Act of 2003 (MMA) required the Secretary of Health and Human Services (HHS) to submit to Congress a report detailing the elements and features for the design and implementation of a bundled End-Stage Renal Disease Prospective Payment System, specifying that such a system should include the bundling of separately billed drugs, clinical laboratory tests, and other items ''to maximum extent feasible''. The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) directed the Secretary of HHS to implement a payment system under which a single payment is made to a provider of services or a renal dialysis facility for renal dialysis services in lieu of any other payment. The ESRD PPS combines composite rate dialysis services with separately billable services under a single payment adjusted to reflect patient differences in resource needs or case-mix. The MIPPA also stipulated the development of quality incentives for the ESRD program. CMS has established the End-Stage Renal Disease Quality Incentive Program (ESRD QIP) to address this provision of the legislation.

In order to assess the impact of the final rule (76 FR 627) on ESRD beneficiary experiences, satisfaction, and health outcomes, CMS is requesting OMB approval to obtain input on the effect of the final rule on our ESRD beneficiaries. The purpose of this data collection effort is to assess beneficiary satisfaction and experience of care in terms of access to services, quality of care, outcomes, and cost. This will be measured through telephone surveys with ESRD beneficiaries and through interviews with key stakeholders in the renal health care community. The information obtained from both the beneficiary respondents and key stakeholders will be used to provide an initial reporting of the ESRD PPS/QIP's effects on beneficiary satisfaction and experience of care and to inform the Centers for Medicare & Medicaid Services (CMS) of the impact of the ESRD PPS/QIP on patient satisfaction and experience of care, including unintended consequences, for consideration of future modification of the programs.

Subsequent to the publication of the 60-day **Federal Register** notice (77 FR 27777), the annual burden hours have decreased from 1,287 to 662. Early cognitive interview findings of the ESRD Beneficiary Survey submitted during the 60 day notice exhibited respondent complaints that the survey was too long and some participants had to hang up early because they were feeling sick. Medicare beneficiaries with end stage renal disease (ESRD) are very sick and unable to remain cognitively aware for 30 minutes. The ESRD Beneficiary Survey was significantly shortened so that the time necessary to interview a single participant was reduced from 30 to 15 minutes. *Form Number:* CMS–10425 (OCN: 0938–New); *Frequency:* Yearly; *Affected*

Public: Individuals. *Number of Respondents:* 2,540. *Number of Responses:* 2,540. *Total Annual Hours:* 662. (For policy questions regarding this collection contact Steve Blackwell at 410–786–6852. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Fee-for-Service Prepayment Medical Review; *Use:* The information required under this collection is requested by Medicare contractors to determine proper payment or if there is a suspicion of fraud. Medicare contractors request the information from providers or suppliers submitting claims for payment from the Medicare program when data analysis indicates aberrant billing patterns or other information which may present a vulnerability to the Medicare program. In addition, we are specifically soliciting public comments on the information collection burden that is associated with the currently approved information collection request. *Form Number:* CMS–10417 (OMB 0938–0969); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 2,220,434; *Total Annual Responses:* 2,220,434; *Total Annual Hours:* 1,105,560. (For policy questions regarding this collection contact Debbie Skinner at 410–786–7480. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title:* Pre-Existing Condition Insurance Plan (PCIP) Authorization to Share Personal Health Information; *Use:* On March 23, 2010, the President signed into law H.R. 3590, the Patient Protection and Affordable Care Act (Affordable Care Act), Public Law 111–148. Section 1101 of the law establishes a ''temporary high risk health insurance pool program'' (which has been named the Pre-Existing Condition Insurance Plan, or PCIP) to provide health insurance coverage to currently uninsured individuals with pre-existing conditions. The law authorizes HHS to carry out the program directly or through contracts with states or private, non-profit entities.

Reapproval of this package is being requested as a result of CMS, in its administration of the PCIP program, serving as a covered entity under the Health Insurance Portability and Accountability Act (HIPAA). Without a valid authorization, the PCIP program is unable to disclose information, with respect to an applicant or enrollee, about the status of an application, enrollment, premium billing or claim, to individuals of the applicant's or enrollee's choosing. The HIPAA Authorization Form has been modeled after CMS' Medicare HIPAA Authorization Form (OMB control number 0938–0930) and is used by applicants or enrollees to designate someone else to communicate with PCIP about their protected health information (PHI).

Unless permitted or required by law, the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (§ 164.508) prohibits CMS' PCIP program (a HIPAA covered entity) from disclosing an individual's protected health information without a valid authorization. In order to be valid, an authorization must include specified core elements and statements.

CMS will make available to PCIP applicants and enrollees a standard, valid authorization to enable beneficiaries to communicate with PCIP about their personal health information. This is a critical tool because the population the PCIP program serves is comprised of individuals with pre-existing conditions who may be incapacitated and need an advocate to help them apply for or receive benefits from the program. This standard authorization will simplify the process of requesting information disclosure for beneficiaries and minimize the response time for the PCIP program.

Each individual will be asked to complete the form which will include providing the individual's name, PCIP account number (if known), date of birth, what personal health information they agree to share, the length of time the individual agrees their personal health information can be shared, the names and addresses of the third party the individual wants PCIP to share their personal health information with, and an attestation that the individual is giving PCIP permission to share their personal health information with the third party listed in the form. This completed form will be submitted to the PCIP benefits administrator, GEHA, which contracts with CMS.

We estimate that it will take approximately 15 minutes per applicant to complete and submit a HIPAA Authorization Form to the PCIP program.

The federally-run PCIP program operates in 23 states plus the District of Columbia and receives an average of 35,000 enrollment applications per year. To estimate the number of PCIP applicants and enrollees who may complete an authorization, we looked at the percentage of individuals who request an authorization in Medicare as a baseline. Medicare estimates 3% of its population will submit an authorization per year. However, since the PCIP program caters to an exclusive population comprised of individuals who have one or more pre-existing conditions, we believe it is likely we could receive double the percentage estimated by Medicare. Accordingly, PCIP estimates 6% (or 2,100) of its applicants and enrollees may submit an authorization per year.

It is estimated that up to 2,100 applicants and enrollees may submit an authorization annually. There is no cost to PCIP beneficiaries to request, complete, submit, or have the authorization form processed by PCIP. It should take approximately 15 minutes for a beneficiary to complete the authorization form. 15 minutes multiplied by 2,100 beneficiaries equals 525 hours. *Form Number:* CMS–10428 (OCN#: 0938–1161); *Frequency:* Reporting—Once; *Affected Public:* individuals or households; *Number of Respondents:* 2,100; *Total Annual Responses:* 2,100; *Total Annual Hours:* 525. (For policy questions regarding this collection contact Laura Dash at 410–786–8623. For all other issues call 410–786–1326.)

5. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Health Insurance Common Claims Form and Supporting Regulations at 42 CFR Part 424, Subpart C; *Use:* The Form CMS–1500 answers the needs of many health insurers. It is the basic form prescribed by CMS for the Medicare program for claims from physicians and suppliers. The Medicaid State Agencies, CHAMPUS/TriCare, Blue Cross/Blue Shield Plans, the Federal Employees Health Benefit Plan, and several private health plans also use it; it is the de facto standard ''professional'' claim form.

Medicare carriers use the data collected on the CMS–1500 and the CMS–1490S to determine the proper amount of reimbursement for Part B medical and other health services (as listed in section 1861(s) of the Social Security Act) provided by physicians and suppliers to beneficiaries. The CMS–1500 is submitted by physicians/suppliers for all Part B Medicare. Serving as a common claim form, the CMS–1500 can be used by other third-party payers (commercial and nonprofit health insurers) and other federal programs (e.g., CHAMPUS/TriCare, Railroad Retirement Board (RRB), and Medicaid).

However, as the CMS–1500 displays data items required for other third-party payers in addition to Medicare, the form is considered too complex for use by

beneficiaries when they file their own claims. Therefore, the CMS–1490S (Patient's Request for Medicare Payment) was explicitly developed for easy use by beneficiaries who file their own claims. The form can be obtained from any Social Security office or Medicare carrier.

Most recently, the National Uniform Claim Committee (NUCC) has revised the CMS–1500. The NUCC began revision work on the 1500 Claim Form, version 02/12 in 2009. The goal of this work was to align the paper form with some of the changes in the electronic Health Care Claim: Professional (837), 005010X222 Technical Report Type 3 (5010) and 005010X222A1 Technical Report Type 3 (5010A1). During the revision work, consideration was given to different approaches to revising the form. The NUCC decided to proceed with making ''minor changes'' to the current form, which was defined as no physical changes to the existing form lines or underlying layout of the form. Once the CMS–1500 (02/12) has been approved, the CMS–1500 (08/05) will be discontinued after a form runoff period during which both the CMS–1500 (08/05) and the CMS–1500 (02/12) can be used. *Form Number:* CMS–1500(02/12), CMS–1490–S (OMB#: 0938-New); *Frequency:* Reporting—On occasion; *Affected Public:* State, Local, or Tribal Government, Business or other-for-profit, Not-for-profit institutions; *Number of Respondents:* 1,448,346; *Total Annual Responses:* 988,005,045; *Total Annual Hours:* 21,418,336. (For policy questions regarding this collection contact Claudette Sikora at 410–786–5618. For all other issues call 410–786–1326.)

6. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Health Insurance Common Claims Form and Supporting Regulations at 42 CFR Part 424, Subpart C; *Form Number:* CMS–1500(08/05), CMS–1490–S (OMB#: 0938–0999); *Use:* The Form CMS–1500 answers the needs of many health insurers. It is the basic form prescribed by CMS for the Medicare program for claims from physicians and suppliers. The Medicaid State Agencies, CHAMPUS/TriCare, Blue Cross/Blue Shield Plans, the Federal Employees Health Benefit Plan, and several private health plans also use it; it is the de facto standard ''professional'' claim form.

Medicare carriers use the data collected on the CMS–1500 and the CMS–1490S to determine the proper amount of reimbursement for Part B medical and other health services (as listed in section 1861(s) of the Social Security Act) provided by physicians and suppliers to beneficiaries. The CMS–1500 is submitted by physicians/suppliers for all Part B Medicare. Serving as a common claim form, the CMS–1500 can be used by other third-party payers (commercial and nonprofit health insurers) and other Federal programs (e.g., CHAMPUS/TriCare, Railroad Retirement Board (RRB), and Medicaid).

However, as the CMS–1500 displays data items required for other third-party payers in addition to Medicare, the form is considered too complex for use by beneficiaries when they file their own claims. Therefore, the CMS–1490S (Patient's Request for Medicare Payment) was explicitly developed for easy use by beneficiaries who file their own claims. The form can be obtained from any Social Security office or Medicare carrier. *Frequency:* Reporting—On occasion; *Affected Public:* State, Local, or Tribal Government, Business or other-for-profit, Not-for-profit institutions; *Number of Respondents:* 1,448,346; *Total Annual Responses:* 988,005,045; *Total Annual Hours:* 21,418,336. (For policy questions regarding this collection contact Claudette Sikora at 410–786–5618. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on October 22, 2012. OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974, Email: *OIRA_submission@omb.eop.gov.*

Dated: September 18, 2012.

Martique Jones,

Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2012–23365 Filed 9–20–12; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–B–1270]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before December 20, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1270, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

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

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

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Tipton County, Indiana, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.in.gov/dnr/water/6497.htm*	
City of Tipton	Tipton County Courthouse, 101 East Jefferson Street, Tipton, IN 46072.
Town of Sharpsville	Town Hall, 124 South Main Street, Sharpsville, IN 46068.
Town of Windfall	Town Hall, 210 South Independence Street, Windfall, IN 46076.
Unincorporated Areas of Tipton County	Tipton County Courthouse, 101 East Jefferson Street, Tipton, IN 46072.
White County, Indiana, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.in.gov/dnr/water/6648.htm*	
City of Monticello	White County Government Center, 110 North Main Street, Monticello, IN 47960.
Town of Brookston	White County Government Center, 110 North Main Street, Monticello, IN 47960.
Town of Monon	White County Government Center, 110 North Main Street, Monticello, IN 47960.
Unincorporated Areas of White County	White County Government Center, 110 North Main Street, Monticello, IN 47960.
Miami County, Kansas, and Incorporated Areas	
Maps Available for Inspection Online at: *www.ksda.gov/structures/?cid=1985*	
City of Fontana	City Hall, 204 East North Street, Fontana, KS 66026.
City of Louisburg	City Hall, 5 South Peoria Street, Suite 105, Louisburg, KS 66053.
City of Osawatomie	City Hall, 439 Main Street, Osawatomie, KS 66064.
City of Paola	City Hall, 19 East Peoria Street, Paola, KS 66071.
Unincorporated Areas of Miami County	Miami County Administration Building, 201 South Pearl Street, Suite 201, Paola, KS 66071.
Hancock County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.bakeraecom.com/index.php/kentucky/hancock/*	
City of Hawesville	City Hall, 395 Main Street, Hawesville, KY 42348.
City of Lewisport	City Hall, 405 Second Street, Lewisport, KY 42351.

Community	Community map repository address
Unincorporated Areas of Hancock County	Hancock County Administration Building, 225 Main Cross Street, Hawesville, KY 42348.
Wayne County, Michigan (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/RomulusPMR/SitePages/Home.aspx*	
City of Dearborn Heights	6045 Fenton Street, Dearborn Heights, MI 48127.
City of Romulus	11111 Wayne Road, Romulus, MI 48174.
City of Taylor	25605 Northline Road, Taylor, MI 48180.
City of Westland	36601 Ford Road, Westland, MI 48185.
Township of Huron	22950 Huron River Drive, New Boston, MI 48164.
Delaware County, Ohio, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/DelawareCoOH/SitePages/Home.aspx*	
City of Delaware	City Hall, Planning and Zoning Department, 1 South Sandusky Street, 2nd Floor, Delaware, OH 43015.
Unincorporated Areas of Delaware County	Code Compliance Building, 50 Channing Street, South Wing, Delaware, OH 43015.
Mason County, West Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/wv.htm*	
City of Point Pleasant	City Hall, 400 Viand Street, Point Pleasant, WV 25550.
Town of Hartford	Town Hall, 133 2nd Street, Hartford, WV 25247.
Town of Henderson	Town Hall, 1 Railroad Street, Henderson, WV 25106.
Town of Leon	Town Hall, 136 Main Street, Leon, WV 25123.
Town of Mason	Office of the Mayor, 656 2nd Street, Mason, WV 25260.
Town of New Haven	City Hall, 218 5th Street, New Haven, WV 25265.
Unincorporated Areas of Mason County	Mason County Courthouse, 200 6th Street, Point Pleasant, WV 25550.
Wood County, West Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/wv.htm*	
City of Parkersburg	City Hall, 1 Government Square, Parkersburg, WV 26101.
City of Vienna	City Hall, 609 29th Street, Vienna, WV 26105.
City of Williamstown	City Hall, 100 West 5th Street, Williamstown, WV 26187.
Town of North Hills	North Hills Municipal Court, 176 North Hills Drive, Parkersburg, WV 26101.
Unincorporated Areas of Wood County	Wood County Courthouse, 1 Court Square, Parkersburg, WV 26101.

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

Dated: September 3, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–23349 Filed 9–20–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–B–1267]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before December 20, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1267 to Luis

Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

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

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

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Tuscaloosa County, Alabama, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.adeca.alabama.gov/Divisions/owr/floodplain/Pages/County-Status.aspx*	
City of Northport	City Hall, 3500 McFarland Boulevard, Northport, AL 35476.
City of Tuscaloosa	City Hall, 2201 University Boulevard, Tuscaloosa, AL 35401.
Town of Brookwood	Town Hall, 15689 Highway 216, Brookwood, AL 35444.
Town of Coaling	Town Hall, 11281 Stephens Loop Road, Coaling, AL 35449.
Town of Coker	Town Hall, 11549 Eisenhower Drive, Coker, AL 35452.
Town of Lake View	Town Hall, 21289 Phyllis Drive, Lake View, AL 35111.
Town of Moundville	Town Hall, 410 Market Street, Moundville, AL 35474.
Town of Vance	Town Hall, 18336 Highway 11 North, Vance, AL 35490.
Town of Woodstock	Town Hall, 28513 Highway 5, Woodstock, AL 35188.
Unincorporated Areas of Tuscaloosa County	Tuscaloosa County Public Works Department, 2810 35th Street, Tuscaloosa, AL 35401.
Franklin County, Florida, and Incorporated Areas	
Maps Available for Inspection Online at: *http://portal.nwfwmdfloodmaps.com*	
City of Apalachicola	City Hall, 1 Bay Avenue, Apalachicola, FL 32320.
City of Carrabelle	City Hall, 1001 Gray Avenue, Carrabelle, FL 32322.
Unincorporated Areas of Franklin County	Franklin County Planning and Building Department, 34 Forbes Street, Suite 1, Apalachicola, FL 32320.
Hillsborough County, Florida, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.bakeraecom.com/index.php/florida/hillsborough*	
Unincorporated Areas of Hillsborough County	Hillsborough County Department of Planning and Growth Management, 5701 East Hillsborough Avenue, Suite 1140, Tampa, FL 33610.
Jefferson County, Florida, and Incorporated Areas	
Maps Available for Inspection Online at: *http://portal.nwfwmdfloodmaps.com*	
City of Monticello	City Hall, 245 South Mulberry Street, Monticello, FL 32344.
Unincorporated Areas of Jefferson County	Jefferson County Courthouse, 1 Courthouse Circle, Monticello, FL 32344.

Community	Community map repository address
Wakulla County, Florida, and Incorporated Areas	
Maps Available for Inspection Online at: *http://portal.nwfwmdfloodmaps.com*	
City of Sopchoppy	City Hall, 105 Municipal Avenue, Sopchoppy, FL 32358.
City of St. Marks	City Hall, 788 Port Leon Drive, Saint Marks, FL 32355.
Unincorporated Areas of Wakulla County	Wakulla County Planning and Zoning Department, 3095 Crawfordville Highway, Crawfordville, FL 32327.
Champaign County, Illinois, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/ChampaignIL*	
City of Champaign	City Hall, 102 North Neil Street, Champaign, IL 61820.
City of Urbana	City Hall, 400 South Vine Street, Urbana, IL 61801.
Unincorporated Areas of Champaign County	Champaign County Administrative Building, 1776 East Washington Street, Urbana, IL 61802.
Village of Bondville	Village Hall, 102 South Walnut Street, Bondville, IL 61815.
Village of Broadlands	Village Hall, 107 Lincoln Street, Broadlands, IL 61816.
Village of Fisher	Village Office, 100 East School Street, Fisher, IL 61843.
Village of Ivesdale	Village Hall, 406 Third Street, Ivesdale, IL.
Village of Mahomet	Administrative Offices, 503 East Main Street, Mahomet, IL 61853.
Village of Rantoul	Village Hall, 333 South Tanner Street, Rantoul, IL 61866.
Village of Royal	Village Hall, 101 West Main Street, Royal, IL 61871.
Village of Sadorus	Village Hall, 115 West Market Street, Sadorus, IL 61872.
Village of Sidney	Village Hall, 221 South David Street, Sidney, IL 61877.
Village of St. Joseph	Village Hall, 207 East Lincoln Street, St. Joseph, IL 61873.
Macomb County, Michigan (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/ShelbyPMR/SitePages/Home.aspx*	
Charter Township of Shelby	Building Department, 52700 Van Dyke Avenue, Shelby Township, MI 48316.
Township of Macomb	Town Hall, 54111 Broughton Road, Macomb, MI 48042.
Township of Washington	Township Office, 57900 Van Dyke Avenue, Washington, MI 48094.
Jefferson County, New York (All Jurisdictions)	
Maps Available for Inspection Online at: *www.rampp-team.com/ny.htm*	
Town of LeRay	LeRay Municipal Offices, 8650 LeRay Street, Evans Mills, NY 13637.
Village of Black River	Village Office, 107 Jefferson Place, Black River, NY 13612.
Weber County, Utah, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.bakeraecom.com/index.php/utah/weber-county/*	
City of Ogden	City Hall, 2549 Washington Boulevard, Ogden, UT 84401.

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

Dated: September 3, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–23361 Filed 9–20–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Declaration for Free Entry of Returned American Products

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration for Free Entry of Returned American Products (CBP Form 3311). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before November 20, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC. 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of

International Trade, 799 9th Street NW., 5th Floor, Washington, DC. 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Declaration of Free entry of Returned American Products.

OMB Number: 1651–0011.

Form Number: CBP Form 3311.

Abstract: CBP Form 3311, *Declaration for Free Entry of Returned American Products,* is used by importers and their agents when duty-free entry is claimed for a shipment of returned American products under the Harmonized Tariff Schedules of the United States. This form serves as a declaration that the goods are American made and that (a) They have not been advanced in value or improved in condition while abroad, (b) were not previously entered under a Temporary Importation Under Bond provision, and (c) drawback was never claimed and/or paid. CBP Form 3311 is authorized by 19 CFR 10.1, 10.5, 10.6, 10.66, 10.67, 12.41, 123.4, 142.11, 143.21, 143.23, 143.25 and is accessible at. *http://forms.cbp.gov/pdf/CBP_Form_3311.pdf.*

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 3311.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Number of Responses per Respondent: 35.

Estimated Number of Total Annual Responses: 420,000.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 42,000.

Dated: September 17, 2012.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2012–23280 Filed 9–20–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5601–N–37]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address

(including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925–3047; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1801 Pennsylvania Ave. NW., 4th Floor, Washington, DC 20006: 202–254–5522; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (These are not toll-free numbers).

Dated: September 13, 2012.

Ann Marie Oliva,

Deputy Assistant Secretary for Special Needs (Acting).

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 09/21/2012

Suitable/Available Properties

Building

Alabama

Travel Trailer
Horseshoe Bend Nat'l Park
Daviston AL 36256
Landholding Agency: Interior
Property Number: 61201230013
Status: Unutilized
Comments: Off-site removal only; 20'2''W x 40'L; empty; fair conditions; wheels, tires, & axle must be replaced; located in restricted area; contact Interior for details on property & accessibility

Arkansas

Winnesburg Radio Station
SW Side of State Hwy 18 & County Rd.
Cash AR 72421
Landholding Agency: GSA
Property Number: 54201230013
Status: Excess
GSA Number: 7–B–AR–0577
Comments: 9'8″ x 15'5″; storage/office; fair conditions; need repairs

California

Terrace Kitchen/Clubhouse
Yosemite Nat'l Park-Curry Village
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230003
Status: Unutilized
Comments: UPDATE Off-site removal only; removal maybe improbable due to location/condition; extensive deterioration; Hanta virus; need remediation & repairs; 1,067sf. rock-fall zone; alternative method to access

Terrace Restroom
Yosemite Nat'l Park-Curry Village
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230004
Status: Unutilized
Comments: UPDATE: Off-site removal only; removal maybe improbable due to location/condition; extensive deterioration; Hanta virus; need remediation & repairs; 514 sf.; rock-fall zone; alternative method to access

Tressider House
Yosemite Nat'l Park-Curry Village
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230005
Status: Unutilized
Comments: UPDATE: Off-site removal only; removal maybe improbable due to location/condition; extensive deterioration; Hanta virus; need remediation & repairs; 1,018 sf.; rock-fall zone; alternative method to access

Rock Restroom
Yosemite Nat'l Park-Curry Village
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230006
Status: Unutilized
Comments: UPDATE: Off-site removal only; removal maybe improbable due to location/condition; extensive deterioration; Hanta virus; need remediation & repairs; 558 sf.; rock-fall zone; alternative method to access

Nob Hill Shower House
Yosemite Nat'l Park
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230007
Status: Unutilized
Comments: UPDATE: Off-site removal only; removal maybe improbable due to location/condition; moderate conditions; Hanta virus; need remediation & repairs; 2,673 sf.; rock-fall zone; alternative method to access

19 Buildings
Duplex Cabins
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230009
Status: Unutilized
Directions: 30A/B,31A/B,50A/B,51A/B,52A/B,53A/B,54A/B,60A/B,62A/B,63A/B,65A/B,70A/B,71A/B,72A/B,73A/B,74A/B,75A/B,76A/B,80A/B
Comments: UPDATE: Off-site removal only; removal maybe improbable due to location/condition; extensive deterioration; Hanta virus; need remediation & repairs; 513 sf.; rock-fall zone; alternative method to access

33 Buildings
Duplex Cabins
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61201230010
Status: Unutilized
Directions: 214–218,223–229,236–247,250–251,254,257–270,273,275–282,286–299
Comments: UPDATE: Off-site removal only; removal maybe improbable due to location/condition; extensive deterioration; Hanta virus; need remediation & repairs; 342sf. rock-fall zone; alternative method to access

OX Office & Ranch House
Mojave Nat'l Preserve
Cima CA 92309
Landholding Agency: Interior
Property Number: 61201230016
Status: Excess
Comments: Off-site removal only; 720sf. & 1,500sf. respectively; trailers; extensive deterioration & potential Hanta virus infestation; remediation required to safety occupy; contact Interior for more details

Florida

4 Structures
142 Keeper's Cottage Way
Cape San Blas FL 32456
Landholding Agency: GSA
Property Number: 54201230008
Status: Surplus
GSA Number: 4–D–FL–1265AA
Directions: Cape San Blas Lighthouse, Keeper's Quarters A, Keeper's Quarter B, & an Oil/Storage Shed
Comments: UPDATE: Originally published on 8/24/2012. Availability extended to 11/06/2012 due to subsequent posting of outreach notice on 9/07/12. Off-site removal only, must remain together; eligible as Historic & conveyed w/a historic covenant; transferee must maintain structures in accordance w/covenant; repairs needed, contact GSA for details.

Land

Missouri

SWPA-Jenkins Antenna Site
Barry County
Jenkins MO
Landholding Agency: GSA
Property Number: 54201230011
Status: Surplus
GSA Number: 7–B–MO–0696
Comments: 0.06 acres; surrounded by 5.18 acre easement that will be lifted when property is conveyed out of Fed. inventory; access to property by appt. only

Utah

BLM Kanab Field Office
318 N. 100 East
Kanab UT 84741
Landholding Agency: GSA
Property Number: 54201230012
Status: Surplus
GSA Number: 7–I–UT–0528
Directions: Includes 6,192 sf. office bldg.; 4,800 sf. warehouse; 1,120 sf. storage/shed on property
Comments: 2.8 acre w/three bldgs.; access to property by appt. only; friable asbestos; remediation needed

Unsuitable Properties Building

Alaska

Bldg. 1425
Fire Island Communication Facility
N/A AK

Landholding Agency: GSA
Property Number: 54201230014
Status: Excess
GSA Number: 9–J–AK–0841
Comments: Property located on small offshore island
Reasons: Not accessible by road

California

Aiken Mine Trailer
Mojave Nat'l Preserve
Baker CA
Landholding Agency: Interior
Property Number: 61201230012
Status: Excess
Comments: Documented deficiencies; severe structural damage; entire roof destroyed; exterior & interior vandalized beyond repair; wiring stripped; floors severe damaged; economical infeasible to repair
Reasons: Extensive deterioration

Parcel 13
Sec. 23rd Ave. & unnamed road W. of Penn. Ave
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77201230028
Status: Underutilized
Comments: Located w/in the controlled perimeter of a military installation at NBVC where public access denied & no alternative method w/out compromising nat'l security
Reasons: Secured Area

Marshalling Yard
E. of Patterson Rd., N. of 23rd Ave.
Port Huneme CA 93043
Landholding Agency: Navy
Property Number: 77201230029
Status: Underutilized
Comments: Located w/in a controlled perimeter of a DoD installation where public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Minnesota

Hautamaki Property
Voyageurs Nat'l Park
St. Louis County MN
Landholding Agency: Interior
Property Number: 61201230014
Status: Excess
Comments: Property located on small offshore island
Reasons: Not accessible by road

Pavek Property
Voyageurs Nat'l Park
Dove Bay MN
Landholding Agency: Interior
Property Number: 61201230015
Status: Excess
Comments: Property located on small off-shore island
Reasons: Not accessible by road

Wyoming

Bldg. 1200
1105 Wyoming Street
FE Warren AFB WY 82005
Landholding Agency: Air Force
Property Number: 18201230006
Status: Underutilized
Comments: Located on restricted military installation; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Land

California

Parcel 12
NEC Track 13 & Lehman Rd.
Port Hueneme CA 93043
Landholding Agency: Navy
Property Number: 77201230027
Status: Underutilized
Comments: Located within a controlled perimeter of a DoD installation where public access is denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

[FR Doc. 2012–22989 Filed 9–20–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID: BSEE–2012–0006; OMB Number 1014–0008]

Information Collection Activities: Well Control and Production Safety Training, Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-day Notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under Subpart O, ''Well Control and Production Safety Training.'' This notice also provides the public a second opportunity to comment on the revised paperwork burden of these regulatory requirements.

DATES: You must submit comments by October 22, 2012.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0008). Please provide a copy of your comments to BSEE by any of the means below.

- *Electronically:* go to *http://www.regulations.gov.* In the entry titled, ''Enter Keyword or ID,'' enter BSEE–2012–0006 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *nicole.mason@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to: Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations Development Branch; Attention: Nicole Mason; 381 Elden Street, HE3313; Herndon, Virginia 20170–4817. Please reference 1014–0008 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Nicole Mason, Regulations Development Branch, (703) 787–1605, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart O, Well Control and Production Safety Training.

OMB Control Number: 1014–0008.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-use and easement, and pipeline right-of-way. Operations in the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 1332(6) of the OCS Lands Act requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.'' To carry out these responsibilities, BSEE has issued rules governing training requirements for certain personnel working on the OCS at 30 CFR part 250, subpart O, Well Control and Production Safety Training. Responses are mandatory or required to obtain or retain a benefit. No questions of a sensitive nature are asked. The BSEE protects information considered proprietary according to 30 CFR

250.197, *Data and information to be made available to the public or for limited inspection,* and 30 CFR part 252, *Outer Continental Shelf (OCS) Oil and Gas Information Program.*

The BSEE will use the information collected under subpart O regulations to ensure that workers on the OCS are properly trained with the necessary skills to perform their jobs in a safe and pollution-free manner. In some instances, BSEE will conduct oral interviews of offshore employees to evaluate the effectiveness of a company's training program. We do the oral interviews to gauge how effectively the companies are implementing their own training program. The BSEE will use the interview form and keep the information internally. This information is necessary to verify training compliance with the requirements.

Frequency: On occasion or annual.

Description of Respondents: Potential respondents comprise Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 2,919 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart O	Reporting & recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
1503(a), (c)	Develop training plans. Note: Existing lessees/respondents already have training plans developed. This number reflects development of plans for any new lessees.	105	2	210
1503(d)(1)	Upon request, provide BSEE with copies of training documentation for personnel involved in well control, deepwater well control, or production safety operations within the past 5 years.	10	130	1,300
1503(d)(2)	Upon request, provide BSEE with a copy of your training plan.	20	30	600
1507(b)	Employee oral interview conducted by BSEE	1	500	500
1507(c), (d); 1508; 1509	Written testing conducted by BSEE or authorized representative.	Not considered information collection under 5 CFR 1320.3(h)(7).		0
1510(b)	Revise training plan and submit to BSEE	60	5	300
250.1500–1510	General departure or alternative compliance requests not specifically covered elsewhere in subpart O.	3	3	9
Total Hour Burden			670	2,919

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour cost burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on April 16, 2012, we published a **Federal Register** notice (77 FR 22602) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR 250 regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received one comment in response to the **Federal Register** notice, but it was not germane to the paperwork burden of this collection.

Public Availability of Comments: 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.

Acting BSSE Information Collection Clearance Officer: Cheryl Blundon (703) 787–1607.

Dated: July 24, 2012.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2012–23387 Filed 9–20–12; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2012–N219; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Receipt of Application for Incidental Take Permit; Availability of Proposed Low-Effect Habitat Conservation Plan; Lake County Department of Public Works, Lake County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an application from Lake County Department of Public Works (applicant), for an incidental take permit (ITP) #TE83706A–0. The applicant requests a 5-year ITP under the Endangered Species Act of 1973, as amended (Act). We request public comment on the permit application and accompanying proposed habitat conservation plan (HCP), as well as on our preliminary determination that the plan qualifies as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by October 22, 2012.

ADDRESSES: If you wish to review the application and HCP, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

Email: northflorida@fws.gov. Use ''Attn: Permit number TE83706A–0'' as your message subject line.

Fax: David L. Hankla, Field Supervisor, (904) 731–3045, Attn.: Permit number TE83706A–0.

U.S. mail: David L. Hankla, Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE83706A–0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours at the above office address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

The applicant is requesting take of approximately 0.27 ac of occupied sand skink foraging and sheltering habitat incidental to construction of a roadway improvement, and seeks a 5-year permit. The 3.95-ac project is located on parcel #09–23–26–000400002700 within Sections 09 and 10, Township 23 South, Range 26 East, Lake County, Florida. The applicant proposes to mitigate for the take of the sand skink by the purchase of 0.54 mitigation credits within the Tiger Creek Conservation Bank.

Our Preliminary Determination

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we determined that the ITP is a ''low-effect'' project and qualifies for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). A low-effect HCP is one involving (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets these requirements, we will issue ITP #TE83706A–0. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If the requirements are met, we will issue the permit to the applicant.

Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: September 14, 2012.

David L. Hankla,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2012–23294 Filed 9–20–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2012–N219: FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Receipt of Application for Renewal of Incidental Take Permit #TE151087–0; Availability of Proposed Low-Effect Habitat Conservation Plan; Michael Richardson

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an application from Michael Richardson (applicant), for renewal of an incidental take permit (ITP; #TE151087–0) under the Endangered Species Act of 1973, as amended (Act). We request public comment on the permit application and accompanying proposed habitat conservation plan (HCP), as well as on our preliminary determination that the plan qualifies as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by October 22, 2012.

ADDRESSES: If you wish to review the application and HCP, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

Email: northflorida@fws.gov. Use ''Attn: Permit number TE151087–1'' as your message subject line.

Fax: David L. Hankla, Field Supervisor, (904) 731–3045, Attn.: Permit number TE151087–1.

U.S. mail: David L. Hankla, Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE151087–1, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours at the above office address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: 904–731–3121; email: *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

The applicant has been approved for take of approximately 2.2 acres (ac) of Florida scrub-jay (*Aphelocoma coerulescens*)—occupied habitat incidental to construction of an industrial facility, and seeks a 10-year extension on an existing permit. The 3.21-ac project is located on a 3.21-ac property (parcel numbers 25–36–23–50–00000.0–0004.00 and 25–36–23–50–00000.0–0005.00), within Section 23, Township 25 South, Range 36 East, Rockledge, Brevard County, Florida. The applicant's HCP describes the mitigation and minimization measures the applicant proposes to address the effects of the project to the Florida scrub-jay.

Our Preliminary Determination

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we determined that the ITP is a low-effect project and qualifies for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). The notice for this permit was published in the **Federal Register** on May 9, 2007 (72 FR 26407), and the ITP was issued on June 25, 2007. A low-effect HCP is one involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP extension application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets these requirements, we will issue the extension of the ITP. In June 2007 we determined issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP extension. If the requirements are met, we will issue the permit extension to the applicant.

Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: September 14, 2012.

David L. Hankla,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2012–23296 Filed 9–20–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[LLOR9300000.5100000.ER0000.LVRWH09H03200.HAG12–0267]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Pacific Connector Gas Pipeline Right-of-Way Grant in Oregon and Possible Land Use Plan Amendments

AGENCY: Bureau of Land Management, Interior; Forest Service, USDA.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended; the Federal Land Policy and Management Act of 1976 (FLPMA), as amended; and the National Forest Management Act of 1976 (NFMA), as amended, the Bureau of Land Management (BLM) Coos Bay,

Roseburg, and Medford Districts and the Klamath Falls Resource Area of the Lakeview District in Oregon and the Forest Service Umpqua, Rogue River, and Winema National Forests, Oregon, propose to amend their land management plans to make provision for the proposed Pacific Connector Gas Pipeline (Project) if the Project is authorized by the Federal Energy Regulatory Commission (FERC or the Commission). The BLM also proposes to respond to Pacific Connector LP's application for a right-of-way grant for the Project to occupy Federal lands. The FERC is the lead agency for preparation of an Environmental Impact Statement (EIS) for the proposed Pacific Connector Gas Pipeline (FERC Docket PF12–17), which includes the analysis for possible land use plan amendments.

DATES: This notice announces the opening of the scoping process the BLM and the Forest Service will use to gather input from the public and interested agencies concerning amendment of BLM and Forest Service land management plans and possible issuance of the right-of-way grant by the BLM. Your input will help the BLM, the Forest Service, and Commission staffs determine what issues to evaluate in the EIS that FERC is preparing for the Pacific Connector Gas Pipeline. Please note that your comments must be received by October 29, 2012, to receive full consideration in the preparation of the EIS.

You may submit comments either in written form or orally or both. You may submit your comments orally or in writing at public scoping meetings announced in the FERC's Notice of Intent published on August 13, 2012 (77 FR 48138), or at three additional public scoping meetings scheduled by the FERC as lead agency, in cooperation with the BLM and the Forest Service at the following times and locations:

October 9, 2012, 6:30 p.m., Mill Casino-Hotel, 3201 Tremont Ave., North Bend, OR 97459.

October 10, 2012, 6:30 p.m., Seven Feathers Casino Resort, 146 Chief Miwaleta Lane, Canyonville, OR 97417.

October 11, 2012, 6:30 p.m., Malin Community Park Hall, 2307 Front St., Malin, OR 97632.

ADDRESSES: The FERC is the lead agency for preparation of the EIS for the Pacific Connector Gas Pipeline so written comments on actions by the BLM or the Forest Service must be submitted through the FERC's comment process and within the timelines described in this notice so that they may be considered in preparation of the EIS.

There are three methods you can use to submit your comments to the FERC. In all instances, please reference the docket number for the Pacific Connector Gas Pipeline (PF12–17–000) 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.*

- *Web site: www.ferc.gov.* Use the eComment feature under the Documents & Filings link for brief, text-only comments on actions proposed by the BLM and the Forest Service. Use the eFiling feature under the Documents and Filings link for providing comments in a variety of formats by attaching them as a file with your submission. New eFiling users must 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.''
- *Mail:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington DC 20426.

Any comments submitted directly to the BLM and the Forest Service will be forwarded to the FERC for inclusion in the public record. Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that the entire text of your comments—including your personal identifying information—would be publicly available through the FERC elibrary system.

FOR FURTHER INFORMATION CONTACT: Holly Orr, BLM National Project Manager, 28910 Hwy 20 West, Hines, OR 97738; telephone: 541–573–4501; fax: 541–573–4411; email: *horr@blm.gov.* Wes Yamamoto, Forest Service Project Manager, Umpqua National Forest, Tiller Ranger Station, 27812 Tiller Trail Highway, Tiller, OR 97484; telephone: 541–825–3100; fax: 541–825–3110; email: *wyamamoto@fs.fed.us.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Section 313 of the 2005 Energy Policy Act requires the Forest Service and the BLM to cooperate with the Commission when considering aspects of an application for Federal authorization of natural gas pipelines. Section 372 of the 2005 Energy Policy Act directed the Secretary of Energy in consultation with the Secretaries of Agriculture, Interior, and Defense to coordinate all applicable Federal authorizations and environmental reviews relating to a proposed or existing utility facility, including an agreement to prepare a single environmental review document to be used as the basis for all Federal authorization decisions.

On Monday, August 13, 2012, the FERC published a Notice of Intent to prepare an EIS for the planned Jordan Cove Liquefaction and Pacific Connector Gas Pipeline projects in the **Federal Register** (77 FR 48138). The BLM and the Forest Service are cooperating agencies for preparation of this EIS. The EIS prepared by the FERC will address impacts of the Pacific Connector Gas Pipeline that occur on lands administered by the BLM and the Forest Service, including those associated with proposed land management plan amendments and possible issuance of the right-of-way grant.

The BLM and the Forest Service will consider the FERC EIS in their evaluation of proposed land management plan amendments. The BLM will also consider adoption of the FERC EIS in its evaluation of, and response to, the application for a right-of-way grant by Pacific Connector Gas Pipeline LP.

The BLM and the Forest Service have identified possible land management plan amendments that may be necessary to make provision for the Pacific Connector Gas Pipeline. The BLM and the Forest Service have jurisdiction by law for amendment of their land management plans. Unless otherwise noted in the description of the Proposed Action, these amendments would only apply to the Pacific Connector Gas Pipeline, and they would be implemented only if FERC authorizes the construction of the Project. The BLM has jurisdiction by law for response to the application by the proponents of the proposed Pacific Connector Gas Pipeline for a right-of-way grant to occupy Federal lands if the Commission authorizes the Project.

The Federal Land Policy and Management Act and National Forest Management Act require that actions on these Federal lands be consistent with the land management plans for the administrative units where the action would occur. In order for the Pacific Connector Gas Pipeline to proceed, the BLM must issue a right-of-way grant for occupancy of Federal lands by the

Project. The Forest Service must concur with issuance of the right-of-way grant for areas where the Pacific Connector Gas Pipeline crosses National Forest System lands. Proposed amendments of BLM and Forest Service land management plans would be implemented only if the Commission authorizes the Pacific Connector Gas Pipeline.

Additional information about the Pacific Connector Gas Pipeline is available from the Commission's Office of External Affairs, at 866–208–FERC, or on the FERC Web site (*www.ferc.gov*). On the FERC Web page, go to Documents & Filings and click on the eLibrary link. Then click on General Search, and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF12–17). 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 hosted by the Commission will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Purpose and Need for Action by the BLM and the Forest Service

The purpose of and need for the proposed action by the BLM is to respond to a right-of way grant application originally submitted by Pacific Connector on April 17, 2006, to construct, operate, maintain, and eventually decommission a natural gas pipeline that crosses lands and facilities administered by the BLM, the Bureau of Reclamation, and the Forest Service. In addition, there is a need for the BLM and the Forest Service to consider amending affected district and forest land management plans to make provision for the Pacific Connector right-of-way.

Proposed Actions of the BLM and the Forest Service

The proposed action of the BLM and the Forest Service has two components. First, the BLM would amend its Resource Management Plans (RMP) for the Coos Bay, Roseburg, and Medford Districts, and Klamath Falls Resource Area of the Lakeview District, while the Forest Service would amend its Land and Resource Management Plans (LRMP) for the Umpqua, Rogue River, and Winema National Forests to make provisions for the Pacific Connector Gas Pipeline. Second, in accordance with 43 CFR 2884.26, the BLM would issue a right-of-way grant in response to Pacific Connector's application for the Project to occupy Federal lands, with the written concurrence of the Forest Service and the Bureau of Reclamation. Each agency may submit specific stipulations, including mitigations, for inclusion in the right-of-way grant related to lands, facilities, and easements within their respective jurisdictions.

Amendment of Bureau of Land Management and Forest Service Land Management Plans

BLM/FS–1, Site-Specific Waiver of Management Recommendations for Survey and Manage Species on the BLM Coos Bay District, Roseburg District, Medford District, and Klamath Falls Resource Area of the Lakeview District RMPs, and the Umpqua National Forest, Rogue River National Forest, and Winema National Forest LRMPs: Applicable BLM district RMPs and Forest Service national forest LRMPs would be amended to exempt certain known sites within the area of the proposed Pacific Connector right-of-way grant from the Management Recommendations required by the 2001 ''Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines,'' as modified in July 2011. For known sites within the proposed right-of-way that cannot be avoided, the amendment would specify that the 2001 Management Recommendations for protection of known sites of Survey and Manage species would not apply. For known sites located outside the proposed right-of-way but with an overlapping protection buffer, only that portion of the buffer within the right-of-way would be exempt from the protection requirements of the Management Recommendations under the amendment. The Management Recommendations would remain in effect for that portion of the protection buffer that is outside of the right-of-way. The proposed amendment would not exempt the BLM or the Forest Service from the requirements of the 2001 Survey and Manage Record of Decision, as modified, to maintain species persistence for affected Survey and Manage species within the range of the northern spotted owl. This is a site-specific amendment applicable only to the Pacific Connector right-of-way and would not change future management direction at any other location.

Amendments of BLM Resource Management Plans

BLM–1, Site-Specific Exemption of Requirement to Protect Marbled Murrelet Habitat on the BLM Coos Bay and Roseburg Districts: The Coos Bay District and Roseburg District RMPs would be amended to waive the requirements to protect contiguous existing and recruitment habitat for marbled murrelets within the Pacific Connector right-of-way that is within 0.5 miles of occupied marbled murrelet sites, as mapped by the BLM. This is a site-specific amendment applicable only to the Pacific Connector right-of-way and would not change future management direction at any other location.

BLM–2, Site Specific Exemption of Requirement To Retain Habitat in Known Owl Activity Centers on the BLM Roseburg District: The RMP for the Roseburg District would be amended to exempt the Pacific Connector pipeline project from the requirement to retain habitat in Known Owl Activity Centers at three locations. This is a site-specific amendment applicable only to the Pacific Connector right-of-way and would not change future management direction at any other location.

BLM–3, Reallocation of Matrix Lands to Late Successional Reserves: The Roseburg District RMP would be amended to change the designation of approximately 409 acres from the Matrix land allocations to the Late Successional Reserves (LSR) land allocation in Sections 32 and 34, Township (T.) 29 ½ South (S.), Range (R.) 7 West (W.); and Section 1, T. 30 S., R. 7 W.,Willamette Meridian (W.M.), Oregon. This change in land allocation is proposed to mitigate the potential adverse impact of the Pacific Connector pipeline project on LSRs in the Roseburg District. The amendment would change future management direction for the lands reallocated from matrix lands to LSR.

BLM–4, Reallocation of Matrix Lands to Late Successional Reserves: The Coos Bay District RMP would be amended to

change the designation of approximately 454 acres from the matrix land allocations to the LSR land allocation in Sections 19 and 29 of T. 28 S., R. 10 W., W. M., Oregon. This change in land allocation is proposed to mitigate the potential adverse impact of the Pacific Connector pipeline project on LSRs in the Coos Bay District. The amendment would change future management direction for the lands reallocated from matrix lands to LSR.

Amendment of the Umpqua National Forest LRMP

NF–1, Site-Specific Amendment To Allow Removal of Effective Shade on Perennial Streams: The Umpqua National Forest LRMP would be amended to change the Standards and Guidelines for Fisheries (Umpqua National Forest LRMP, page IV–33, Forest-Wide) to allow the removal of effective shading vegetation where perennial streams are crossed by the Pacific Connector right-of-way. This change would potentially affect an estimated total of 3 acres of effective shading vegetation at approximately five perennial stream crossings in the East Fork of Cow Creek subwatershed from pipeline mileposts (MP) 109 to 110 in Sections 16 and 21, T. 32 S., R. 2 W., W. M., Oregon. This is a site-specific amendment that would apply only to the Pacific Connector right-of-way and would not change future management direction at any other location.

UNF–2, Site-Specific Amendment To Allow Utility Corridors in Riparian Areas: The Umpqua National Forest LRMP would be amended to change prescriptions C2–II (LRMP IV–173) and C2–IV (LRMP IV–177) to allow the Pacific Connector pipeline route to run parallel to the East Fork of Cow Creek for approximately 0.1 mile between about pipeline MPs 109.5 and 109.6 in Section 21, T. 32 S., R. 2 W., W. M., Oregon. This change would potentially affect approximately 1 acre of riparian vegetation along the East Fork of Cow Creek. This is a site-specific amendment that would apply only to the Pacific Connector right-of-way and would not change future management direction at any other location.

UNF–3, Site-Specific Amendment To Waive Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in All Management Areas: The Umpqua National Forest LRMP would be amended to waive limitations on the area affected by detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way. Standards and Guidelines for Soils (LRMP page IV–67) requires that not more than 20 percent of the project area have detrimental compaction, displacement, or puddling after completion of a project. This is a site-specific amendment that would apply only to the Pacific Connector right-of-way and would not change future management direction at any other location.

UNF–4, Reallocation of Matrix Lands to Late Successional Reserves: The Umpqua National Forest LRMP would be amended to change the designation of approximately 588 acres from the matrix land allocation to the LSR land allocation in Sections 7, 18, and 19, T. 32 S., R. 2 W., W. M., Oregon; and Sections 13 and 24, T. 32 S., R. 3 W., W. M., Oregon. This change in land allocation is proposed to partially mitigate the potential adverse impact of the Pacific Connector pipeline project on LSR 223 on the Umpqua National Forest. This amendment would change future management direction for the lands reallocated from matrix to LSR.

Amendment of the Rogue River National Forest LRMP

RRNF–1, Amendment to Provide for Energy Transmission: The Rogue River National Forest LRMP would be amended to establish a Forest Plan objective that states: ''While considering other multiple use values, the Forest shall facilitate and make provision for energy transmission via the Pacific Connector consistent with the Energy Policy Act of 2005, the Mineral Leasing Act, the Natural Gas Act, the Multiple Use Sustained Yield Act, and the National Forest Management Act.''

RRNF–2, Site-Specific Amendment of Visual Quality Objectives on the Big Elk Road: The Rogue River National Forest LRMP would be amended to change the Visual Quality Objective (VQO) where the Pacific Connector pipeline route crosses the Big Elk Road at about pipeline MP 161.4 in Section 16, T. 37 S., R. 4 E., W. M., Oregon, from Foreground Retention (Management Strategy 6, LRMP page 4–72) to Foreground Partial Retention (Management Strategy 7, LRMP page 4–86) and allow 10–15 years for amended visual quality objectives to be attained. The existing Standards and Guidelines for VQO in Foreground Retention where the Pacific Connector pipeline route crosses the Big Elk Road require that VQOs be met within 1 year of completion of the project and that management activities not be visually evident. This amendment would apply only to the Pacific Connector pipeline project in the vicinity of Big Elk Road and would not change future management direction for any other project.

RRNF–3, Site-Specific Amendment of Visual Quality Objectives on the Pacific Crest Trail: The Rogue River National Forest LRMP would be amended to change the VQO where the Pacific Connector pipeline route crosses the Pacific Crest Trail at about pipeline MP 168 in Section 32, T. 37 S., R. 5 E., W. M., Oregon, from Foreground Partial Retention (Management Strategy 7, LRMP page 4–86) to Modification (USDA Forest Service Agricultural Handbook 478) and to allow 15–20 years for amended VQOs to be attained. The existing Standards and Guidelines for VQOs in Foreground Partial Retention in the area where the Pacific Connector pipeline route crosses the Pacific Crest Trail require that visual mitigation measures meet the stated VQO within 3 years of the completion of the project and that management activities be visually subordinate to the landscape. This amendment would apply only to the Pacific Connector pipeline project in the vicinity of the Pacific Crest Trail and would not change future management direction for any other project.

RRNF–4, Site-Specific Amendment of Visual Quality Objectives Adjacent to Highway 140: The Rogue River National Forest LRMP would be amended to allow 10–15 years to meet the VQO of Middleground Partial Retention between Pacific Connector pipeline MPs 156.3 to 156.8 and 157.2 to 157.5 in Sections 11 and 12, T. 37 S., R. 3 E., W. M., Oregon. Standards and Guidelines for Middleground Partial Retention (Management Strategy 9, LRMP Page 4–112) require that VQOs for a given location be achieved within 3 years of completion of the project. Approximately 0.8 miles or 9 acres of the Pacific Connector right-of-way in the Middleground Partial Retention VQO visible at distances of 0.75 to 5 miles from State Highway 140 would be affected by this amendment. This amendment would apply only to the Pacific Connector pipeline project in Sections 11 and 12, T .37 S., R. 3 E., W. M., Oregon, and would not change future management direction for any other project.

RRNF–5, Site-Specific Amendment to Allow Utility Transmission Corridors in Management Strategy 26, Restricted Riparian Areas: The Rogue River National Forest LRMP would be amended to allow the Pacific Connector right-of-way to cross the Restricted Riparian land allocation. This would potentially affect approximately 2.5 acres of the Restricted Riparian Management Strategy at one perennial stream crossing on the South Fork of Little Butte Creek at about pipeline MP

162.45 in Section 15, T. 37 S., R. 4 E., W. M., Oregon. Standards and Guidelines for the Restricted Riparian land allocation prescribe locating transmission corridors outside of this land allocation (Management Strategy 26, LRMP page 4–308,). This amendment would apply only to the Pacific Connector pipeline right-of-way and would not change future management direction at any other location.

RRNF–6, Site-Specific Amendment To Waive Limitations on Detrimental Soil Conditions Within the Pacific Connector Right-of-Way in All Management Areas: The Rogue River National Forest LRMP would be amended to waive limitations on areas affected by detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way in all affected Management Strategies. Standards and Guidelines for detrimental soil impacts in affected Management Strategies require that no more than 10 percent of an activity area should be compacted, puddled, or displaced upon completion of project (not including permanent roads or landings). No more than 20 percent of the area should be displaced or compacted under circumstances resulting from previous management practices including roads and landings. Permanent recreation facilities or other permanent facilities are exempt (RRNF LRMP 4–41, 4–83, 4–97, 4–123, 4–177, 4–307). This is a site-specific amendment applicable only to the Pacific Connector right-of-way and would not change future management direction for at any other location.

RRNF–7, Reallocation of Matrix Lands to Late Successional Reserves: The Rogue River National Forest LRMP would be amended to change the designation of approximately 512 acres from the matrix land allocation to the LSR land allocation in Section 32, T. 36 S., R. 4 E., W. M., Oregon. This change in land allocation is proposed to partially mitigate the potential adverse impact of the Pacific Connector pipeline project on LSR 227 on the Rogue River National Forest. This amendment would change future management direction for the lands reallocated from Matrix to LSR.

Amendment of the Winema National Forest LRMP

WNF–1, Site-Specific Amendment To Allow Utility Corridors in Management Area 3: The Winema National Forest LRMP would be amended to change the Standards and Guidelines for Management Area 3 (MA–3) (LRMP page 4–103–4, Lands) to allow the 95-foot-wide Pacific Connector pipeline corridor in MA–3 from the Forest Boundary in Section 32, T. 37 S., R. 5 E., W. M., Oregon, to the Clover Creek Road corridor in Section 4, T. 38 S., R. 5 E., W. M., Oregon. Standards and Guidelines for MA–3 state that the area is currently an avoidance area for new utility corridors. This proposed new utility corridor is approximately 1.5 miles long and occupies approximately 17 acres. This is a site-specific amendment that would apply only to the Pacific Connector right-of-way and would not change future management direction at any other location.

WNF–2, Site-Specific Amendment of Visual Quality Objectives on the Dead Indian Memorial Highway: The Winema National Forest LRMP would be amended to allow 10–15 years to achieve the VQO of Foreground Retention where the Pacific Connector right-of-way crosses the Dead Indian Memorial Highway at approximately pipeline MP 168.8 in Section 33, T. 37 S., R. 5 E., W. M., Oregon. Standards and Guidelines for Scenic Management, Foreground Retention (LRMP 4–103, MA 3A, Foreground Retention) requires VQOs for a given location be achieved within 1 year of completion of the project. The Forest Service proposes to allow 10–15 years to meet the specified VQO at this location. This is a site-specific amendment that would apply only to the Pacific Connector pipeline project in the vicinity of the Dead Indian Memorial Highway and would not change future management direction for any other project.

WNF–3, Site-Specific Amendment of Visual Quality Objectives Adjacent to the Clover Creek Road: The Winema National Forest LRMP would be amended to allow 10–15 years to meet the VQO for Scenic Management, Foreground Partial Retention, where the Pacific Connector right-of-way is adjacent to the Clover Creek Road from approximately pipeline MP 170 to 175 in Sections 2, 3, 4, 11, and 12, T. 38 S., R. 5 E., and Sections 7 and 18, T. 38 S., R. 6 E., W. M., Oregon. This change would potentially affect approximately 50 acres. Standards and Guidelines for Foreground Partial Retention (LRMP, page 4–107, MA 3B) require that VQOs be met within 3 years of completion of a project. This is a site-specific amendment that would apply only to the Pacific Connector pipeline project in the vicinity of Clover Creek road and would not change future management direction for any other project.

WNF–4, Site-Specific Amendment To Waive Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in All Management Areas: The Winema National Forest LRMP would be amended to waive restrictions on detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way in all affected management areas. Standards and Guidelines for detrimental soil impacts in all affected management areas require that no more than 20 percent of the activity area be detrimentally compacted, puddled, or displaced upon completion of a project (LRMP page 4–73, 12–5). This is a site-specific amendment applicable only to the Pacific Connector right-of-way and would not change future management direction at any other location.

WNF–5, Site-Specific Amendment To Waive Limitations on Detrimental Soil Conditions within the Pacific Connector Right-of-Way in Management Area 8: The Winema National Forest LRMP would be amended to waive restrictions on detrimental soil conditions from displacement and compaction within the Pacific Connector right-of-way within the Management Area 8, Riparian Area (MA–8). This change would potentially affect approximately 0.5 mile or an estimated 9.6 acres of MA–8. Standards and Guidelines for Soil and Water, MA–8 require that not more than 10 percent of the total riparian zone in an activity area be in a detrimental soil condition upon the completion of a project (LRMP page 4–137, 2). This is a site-specific amendment applicable only to the Pacific Connector right-of-way and would not change future management direction at any other location.

Lead Agency

The Federal Energy Regulatory Commission is the lead agency for preparation of an EIS for the Pacific Connector Gas Pipeline.

Responsible Officials

The Secretary of the Interior has delegated authority to the BLM to potentially grant a right-of-way in response to Pacific Connector's application for natural gas transmission on Federal lands under the Mineral Leasing Act of 1920. The Responsible Official for the proposed amendments of the BLM RMPs and potential issuance of the right-of-way grant is the BLM Oregon/Washington State Director. The Responsible Official for the proposed amendment of Forest Service LRMPs is the Forest Supervisor of the Umpqua National Forest. In accordance with 36 CFR 219.17(b)(2), the Deciding Official for the Forest Service has elected to use the 1982 planning rule procedures to amend Forest Service LRMPs as provided in the transition procedures of the 2000 planning rule.

Nature of Decision To Be Made

If the BLM adopts the new FERC EIS for the Pacific Connector pipeline project (in Docket No. PF12–17–000), the BLM Oregon/Washington State Director will make the following decisions and determinations:

• Determine whether to amend the RMPs for the BLM Coos Bay, Roseburg, and Medford Districts and the Klamath Falls Resource Area of the Lakeview District as proposed or as described in an alternative to the Proposed Action; and

• Respond to the Pacific Connector application with concurrence of the Bureau of Reclamation and the Forest Service by issuing a right-of-way grant, granting the right-of-way with conditions, or denying the application.

If the Forest Service adopts the new FERC EIS for the Pacific Connector pipeline project (in Docket No. PF12–17–000), the Forest Supervisor of the Umpqua National Forest will make the following decisions and determinations:

• Decide whether to amend the LRMPs of the Umpqua, Rogue River, and Winema National Forests as proposed or as described in an alternative; and

• Determine the significance of the proposed amendments or alternatives in accordance with national forest planning regulation 36 CFR 219.10(f) (1982 procedures) using criteria in Forest Service Manual 1926.5.

Scoping Process: The BLM and the Forest Service seek public input on issues and planning criteria related to issuance of the Right-of-Way Grant. The BLM and the Forest Service seek public input on issues and planning criteria related to amendment of their district and forest land management plans related to the Pacific Connector pipeline project. All comments received related to actions of the BLM and the Forest Service will be considered in the preparation of land management plan amendments and issuance of a right-of-way grant for the Project.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Your comments should focus on the potential changes in the goods and services that are provided by affected BLM districts and National Forests, reasonable alternatives, and measures to avoid or lessen any adverse changes in the goods and services produced. The more specific your comments, the more useful they will be.

Currently Identified Issues Specific to Proposed BLM and Forest Service Land Management Plan Amendments

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the plan amendment process. Preliminary issues for the plan amendments have been identified by BLM and Forest Service personnel, Federal, State, and local agencies, and other stakeholders. The issues include:

• Effects of proposed amendments on Survey and Manage species and their habitat;

• Effects of proposed amendments on contiguous existing or recruitment habitat for marbled murrelets within 0.5 mile of occupied marbled murrelet sites;

• Effects of proposed amendments on habitat in Known Owl Activity Centers, and

• Effects of the proposed amendments on Late Successional Reserves.

Preliminary BLM and Forest Service planning criteria include:

• Evaluation of significance of proposed amendments to Forest Service LRMPs in the context of LRMP goals and objectives. Whether a plan amendment is significant is guided by several factors, including the timing and duration of the proposed change, the location and size of the project, and how the proposed change could alter multiple-use goals and objectives for long-term land and resource management.

• Likelihood of persistence of affected Survey and Manage species within the range of the northern spotted owl.

• Amount and quality of marbled murrelet habitat affected by construction and operation of the Pacific Connector pipeline project.

• Amount and quality of habitat in Known Owl Activity Centers affected by construction and operation of the Pacific Connector pipeline project.

• Functionality of LSRs.

• Impacts on Connectivity and Diversity Blocks on BLM lands.

Administrative Review of Bureau of Land Management and Forest Service Decisions To Amend Land Management Plans and Appeal of BLM Response to Right-of-Way Grant Application

Decisions by the BLM and the Forest Service to amend land management plans are subject to administrative review. In accordance with 36 CFR 219.59, the Forest Service has elected to use the administrative review procedures (otherwise known as protest procedures) of the BLM. Administrative objections to Forest Service land management plan amendment decisions and protests of BLM land management plan amendment decisions may be filed under the provisions of 43 CFR 1610.5–2. The BLM's decision on the application for a right-of-way grant may be appealed to the Interior Board of Land Appeals in accordance with 43 CFR part 4.

The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to object to the subsequent decision.

Michael S. Mottice,

Acting BLM State Director, Oregon/Washington.

Alice B. Carlton,

FS Forest Supervisor, Umpqua National Forest.

[FR Doc. 2012–23206 Filed 9–20–12; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES956000–L71300000–BK0000–LVTSM12M1660]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM-Eastern States office in Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management-Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The survey was requested by the Eastern States Jackson Field Office of the Bureau of Land Management.

The lands surveyed are:

Tallahassee Meridian, Florida

T. 16 and 17 S., R. 34 E.

The plat of survey represents the dependent resurvey of a portion of the South Boundary, a portion of the subdivisional lines, the surveys of a tract of land for the United States Coast Guard, and a tract of land for the National Aeronautics and Space Administration, in Section 32, and a tract of land for Volusia Country, in Sections 32 and 33, in Townships 16 and 17 South, Range 34 East, in the State of Florida, and was accepted August 24, 2012.

We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against the survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. 2012–23293 Filed 9–20–12; 8:45 am]

BILLING CODE 4310–GJ–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–856]

Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers, and Components Thereof; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 17, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Motorola Mobility LLC of Libertyville, Illinois; Motorola Mobility Ireland of Bermuda; and Motorola Mobility International Limited of Bermuda. A letter supplementing the complaint was filed on September 6, 2012. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communication devices, portable music and data processing devices, computers, and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,883,580 (''the '580 patent''); U.S. Patent No. 5,922,047 (''the '047 patent''); U.S. Patent No. 6,425,002 (''the '002 patent''); U.S. Patent No. 6,493,673 (''the '673 patent''); U.S. Patent No. 6,983,370 (''the '370 patent''); U.S. Patent No. 7,007,064 (''the '064 patent''); and U.S. Patent No. 7,383,983 (''the '983 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 14, 2012, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wireless communication devices, portable music and data processing devices, computers, and components thereof that infringe one or more of claims 1–3, 10–11, 13, and 15 of the '580 patent; claims 17 and 18 of the '047 patent; claims 1, 5, 6, and 11 of the '002 patent; claims 1, 9–11, and 50 of the '673 patent; claims 50–52 and 54 of the '370 patent; claims 1, 2, 5–7, and 9–13 of the '064 patent; and claims 1–4, 9, 12–14, 25–26, 31, 33–35, 37, 39, and 40 of the '983 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Motorola Mobility LLC, 600 North US Highway 45, Libertyville, IL 60048;

Motorola Mobility Ireland, Clarendon House, 2 Church Street, Hamilton HMCX, Bermuda;

Motorola Mobility International Limited, Clarendon House, 2 Church Street, Hamilton, HM11, Bermuda.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be

deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 18, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23328 Filed 9–20–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–770]

Certain Video Game Systems and Wireless Controllers 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 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 limited exclusion order and a cease and desist order against certain video game systems and wireless controllers and components thereof, imported by respondent Nintendo Co., Ltd., of Kyoto, Japan and Nintendo America, Inc. of Redmond, Washington (collectively, ''Nintendo'').

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–4737. 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).

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 August 31, 2012. Comments should address whether issuance of 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 limited exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 10, 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–786'') 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).

Issued: September 17, 2012.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23274 Filed 9–20–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–855]

Certain Sintered Rare Earth Magnets, Methods of Making Same and Products Containing Same: Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 17, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Hitachi Metals, Ltd. of Japan and Hitachi Metals North Carolina, Ltd. of China Grove, North Carolina. A letter supplementing the complaint was filed on September 5, 2012. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sintered rare earth magnets, methods of making same and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,461,565 (''the '565 patent''); U.S. Patent No. 6,491,765 (''the '765 patent''); U.S. Patent No. 6,527,874 (''the '874 patent''); and U.S. Patent No. 6,537,385 (''the '385 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 14, 2012, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain sintered rare earth magnets, methods of making same and products containing same that infringe one or more of claims 1–11 of the '565 patent; claims 1–4 and 11–16 of the '765 patent; claims 1–7 of the '874 patent; and claims 1–3 and 5–10 of the '385 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Hitachi Metals, Ltd., SEAVANS North Bldg., 2–1, Shibaura 1-chome Minato-ku, Tokyo 105–8614, Japan

Hitachi Metals North Carolina, Ltd., 1 Hitachi Metals Dr., China Grove, NC 28023

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Yantai Zhenghai Magnetic Material Co., Ltd., No. 22, Zhujiang Road, Economic Technology Development Zone, 264006 Yantai, China

Ningbo Jinji Strong Magnetic Material Co., Ltd., 176 South Yanwu Street, Jiangdong District, 315041 Ningbo, China

Earth-Panda Advance Magnetic Material Co., Ltd., Economic and Technology Development Zone, Lujiang County, 231512 Chaohu, China

Skullcandy, Inc., 724 S. El Camino Real, San Clemente, CA 92674

Beats Electronics, LLC, 2220 Colorado Ave., Santa Monica, CA 90404

Monster Cable Products, Inc., 455 Valley Dr., Brisbane, CA 94005

Bose Corp., The Mountain, Framingham, MA 01701

Callaway Golf Co., 2180 Rutherford Rd., Carlsbad, CA 92008

Taylor Made Golf Co., 5545 Fermi Ct., Carlsbad, CA 92008

Adidas America, Inc., 5055 N Greeley Ave., Portland, OR 97217

Milwaukee Electric Tool Corp,. 13135 W. Lisbon Rd., Brookfield, WI 53005

Techtronic Industries Co. Ltd., 24/F, CDW Building, 388 Castle Peak Road, Tsuen Wan, N.T., Hong Kong

DeWALT Industrial Tool Corp., 701 East Joppa Rd. TW425, Towson, MD 21286

Electro-Voice, Inc., 12000 Portland Ave. South, Burnsville, MN 55337

Shure Inc., 5800 West Touhy Ave., Niles, IL 60714–4608

AKG Acoustics GmbH, Lemböckgasse 21–25, A–1230 Vienna, Austria

Harman International Industries, 400 Atlantic Street, Suite 1500, Stamford, CT 06901

Maxon Precision Motors, Inc., 101 Waldron Rd., Fall River, MA 02720

Dr. Fritz Faulhaber GmBH & Co. KG, Daimlerstraβe 23/25, 71101 Schönaich, Germany

Micromo Electronics, Inc., 14881 Evergreen Ave., Clearwater, FL 33762

TELEX Communications, Inc., 12000 Portland Ave., Burnsville, MN 55337

Bosch Security Systems, Inc., 12000 Portland Ave., Burnsville, MN 55337

Electro-Optics Technology, Inc., 5835 Shugart Lane, Traverse City, MI 49684

Nexteer Automotive Corp., 3900 East Holland Rd., Saginaw, MI 48601

Bunting Magnetics Co., 500 S Spencer Rd., Newton, KS 67114–4109

Viona Corp., 16 Dorothy Dr., Syosset, NY 11791

Allstar Magnetics LLC, 6205 NE 63rd St., Vancouver, WA 98661

Dura Magnetics Inc., 5500 Schultz Dr., Sylvania, OH 43560

Integrated Magnetics, Inc., 11248 Playa Ct., Culver City, CA 90230

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 18, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23325 Filed 9–20–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–854]

Certain Two-Way Global Satellite Communication Devices, System and Components Thereof; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 17, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of BriarTek IP, Inc. of Alexandria, Virginia. A supplement to the complaint was filed on September 6, 2012. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain two-way global satellite communication devices, system and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,991,380 (''the '380 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commssion's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 14, 2012, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain two-way global satellite communication devices, system and components thereof that infringe one or more of claims 1, 2, 5, 10–12, and 34 of the '380 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors, 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

BriarTek IP, Inc., 3129 Mount Vernon Avenue, Alexandria, VA 22305.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

DeLorme Publishing Company, Inc., 2 Delorme Drive, Yarmouth, ME 04096;

DeLorme InReach LLC, 2 Delorme Drive, Yarmouth, ME 04096;

Yellowbrick Tracking Ltd., The Heli-Pad, Little Basset's Farm, Magpie Lane, Brentwood, Essex, CM13EA, UK.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be

deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the Administrative Law Judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 17, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23324 Filed 9–20–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Devices with Secure Communications Capabilities, Components Thereof, and Products Containing the Same,* DN 2913 the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of VirnetX, Inc. and Science Applications International Corporation on September 14, 2012. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain devices with secure communications capabilities, components thereof, and products containing the same. The complaint names as respondent Apple Inc. of Cupertino, CA.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2913'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 18, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–23332 Filed 9–20–12; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ) Docket No. 1603]

Interview Room Recording System Standard and License Plate Reader Standard Workshops

AGENCY: National Institute of Justice, DOJ.

ACTION: Notice of the Interview Room Recording System Standard and License Plate Reader Standard Workshops.

SUMMARY: The National Institute of Justice (NIJ) and the International Association of Chiefs of Police (IACP) are hosting two workshops in conjunction with the 119th Annual IACP Conference in San Diego CA. The focus of the workshops is the development of NIJ performance standards for Interview Room Recording Systems and License Plate Readers used by criminal justice agencies. Sessions are intended to inform manufacturers, test laboratories, certification bodies, and other interested parties of these standards development efforts. These workshops are being held specifically to discuss recent progress made toward the standards and to receive input, comments, and recommendations.

Space is limited at each workshop, and as a result, only 50 participants will be allowed to register for each session. We request that each organization limit their representatives to no more than two per organization. Exceptions to this limit may occur, should space allow. Participants planning to attend are responsible for their own travel arrangements.

Please access the following Web page to register for the Interview Room Video Systems workshop: *http://www.surveymonkey.com/s/2012_Interview_RM_wkshp.*

Please access the following Web page to register for the License Plate Reader workshop: *http://www.surveymonkey.com/s/2012_ALPR_wkshp.*

DATES: Both workshops will be held on Saturday, September 29, 2012. The Interview Room Recording System Standard session will take place from 10 to 11 a.m. The License Plate Reader Standard session will take place from 11 a.m. to noon.

Location: San Diego Convention Center, 111 West Harbor Drive, San Diego, CA 92101, Room 25A.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Ian Hamilton at *hamilton@theiacp.org* or visit *www.justnet.org.*

John H. Laub,

Director, National Institute of Justice.

[FR Doc. 2012–23345 Filed 9–20–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Claims and Payment Activities

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored Information Collection Request (ICR) titled, ''Claims and Payment Activities,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

DATES: Submit comments on or before October 22, 2012.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: Form ETA–5159 provides important program information on claims taking and benefit payment activities under Federal and State unemployment insurance laws. These data are needed for budget preparation and control, program planning and evaluation, personnel assignment, actuarial and program research, and for accounting to Congress and the public. This collection is authorized under the Social Security Act, 42 U.S.C. 503(a)(6) and the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96 section 2165(a)(3).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0010. The current approval is scheduled to expire on October 31, 2012; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on June 22, 2012 (77 FR 37717).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0010. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Claims and Payment Activities.

OMB Control Number: 1205–0010.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 3,180.

Total Estimated Annual Burden Hours: 9,540.

Total Estimated Annual Other Costs Burden: $0.

Dated: September 17, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–23303 Filed 9–20–12; 8:45 a.m.]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of September 3, 2012 through September 7, 2012.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,893	Asahi Kasei Spandex America, Inc., Express Employment Professionals.	Goose Creek, SC	August 14, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,702	Verizon Business Networks Services, Inc., Order Management Division.	Philadelphia, PA	June 8, 2011.
81,702A	Verizon Business Networks Services, Inc., Order Management Division.	Tampa, FL	June 8, 2011.
81,843	HTC America Innovation, Inc., Studio Engineering Group, HTC Corporation, Parker Staffing Services, etc..	Durham, NC	July 18, 2011.
81,888	Anvil Knitwear, Inc	Hamer, SC	August 6, 2011.
81,894	WS Packaging Group, Inc., Infinity Resources and All Season's Temporaries.	Franklin, PA	August 14, 2011.
81,897	Lowell Publishing Company, Graphic Art Department	Lowell, MA	August 15, 2011.
81,897A	Sentinel and Enterprise, Graphic Art Department	Fitchburg, MA	August 15, 2011.
81,899	Accuride Corporation, Nighthawk Security, Black Equipment and Franz Building Services.	Henderson, KY	August 15, 2011.
81,914	Telecast Fiber Systems, Belden, Manufacturing Division, Davis Companies, Business Knowledge, etc.	Worcester, MA	August 23, 2011.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,561	Helios USA	Milwaukee, WI.	
81,850	Hatteras Yachts and CABO Yachts, Brunswick Corporation, Aerotek	New Bern, NC.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,698	Lehigh Fabrication, Oakwood Capital, One Source Staffing, Contico Corp.	Whitehall, PA.	
81,706	Baker Hughes, Inc., Completions Division	Muncy, PA.	
81,817	Honeywell Metropolis Works, Honeywell International, Shaw Constructors, Qualex, Riley etc.	Metropolis, IL.	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA–W No.	Subject firm	Location	Impact date
81,864	IS One, Inc., E&R Industrial, New Process Gear, Magna Powertrain	East Syracuse, NY.	

I hereby certify that the aforementioned determinations were issued during the period of September 3, 2012 through September 7, 2012. These determinations are available on the Department's Web site *tradeact/taa/taa search form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: September 11, 2012.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2012–23284 Filed 9–20–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 2012.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 12th day of September 2012.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[17 TAA petitions instituted between 9/4/12 and 9/7/12]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
81934	Zenda Leather (Company)	Connelly Springs, NC	09/04/12	08/29/12
81935	ING—Account Managers and Administrative incl. off-site (home) workers frm (Workers).	Lewiston, ME	09/04/12	08/30/12
81936	Atmel Corporation (Workers)	Colorado Springs, CO	09/04/12	08/31/12
81937	Clearon Corporation (Union)	South Charleston, WV	09/05/12	09/04/12
81938	InterDent—Northwest Division (Company)	Vancouver, WA	09/05/12	09/04/12
81939	The Miller Company (Company)	Meriden, CT	09/05/12	09/04/12
81940	Omnova Solutions (State/One-Stop)	Columbus, MS	09/05/12	09/04/12
81941	United Health Group (State/One-Stop)	Sacramento, CA	09/05/12	08/16/12
81942	Ochoco Lumber Company dba Malheur Lumber Company (Company).	John Day, OR	09/06/12	08/24/12
81943	Verifications, Inc. (Workers)	Minnetonka, MN	09/06/12	09/05/12
81944	JMC Steel Group Wheatland Tube (Union)	Sharon, PA	09/06/12	09/05/12
81945	Pfizer, Inc. (State/One-Stop)	Groton, CT	09/06/12	09/05/12
81946	Verizon Business (Workers)	San Francisco, CA	09/06/12	08/30/12
81947	Enkeboll Design Company (The) (State/One-Stop)	Carson, CA	09/07/12	09/06/12
81948	Vacumet a Scholle Owned Company (Workers)	Morristown, TN	09/07/12	09/06/12
81949	SDL International (State/One-Stop)	Chicago, IL	09/07/12	09/06/12
81950	Fortis Plastics, LLC (Workers)	Wilmington, OH	09/07/12	09/06/12

[FR Doc. 2012–23285 Filed 9–20–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–80,374]

Stream Global Services, Inc., AdCenter, Beaverton, OR; Notice of a Revised Determination on Reconsideration

The initial investigation, initiated on August 17, 2011, resulted in a negative determination, issued on September 23, 2011, applicable to workers and former workers of Stream Global Services, Inc., Beaverton, Oregon. The determination was based on the Department's finding that the workers' firm did not produce an article, as required by the Trade Act of 1974, as amended.

As required by the Trade Adjustment Assistance Extension Act of 2011 (the TAAEA), the investigation was reopened for a reconsideration investigation to apply the requirements for worker group eligibility under chapter 2 of title II of the Trade Act of

1974, as amended by the TAAEA, to the facts of this petition. This investigation resulted in a negative determination, which was issued on January 25, 2012.

Pursuant to 29 CFR 90.18, an application for administrative reconsideration was filed on February 22, 2012. On April 27, 2012, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Stream Global Services, Inc., Beaverton, Oregon.

During the administrative reconsideration investigation, the Department received additional information that clarified that the worker group is Stream Global Services, Inc., AdCenter, Beaverton, Oregon (subject firm). The Department also confirmed that the workers' firm is engaged in activities related to the supply of call center support services, which includes a range of mediums including electronic mails, telephone calls, and electronic ''chat'' functions. Specifically, the subject worker group includes workers involved in employment related to the supply of customer relationship management and business process outsourcing services. The subject worker group does not include on-site leased workers.

Based on information provided during the administrative reconsideration investigation, the Department determines that the worker group eligibility criteria set forth in TAAEA has been met.

Section 222(a)(1) has been met because a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated.

Section 222(a)(2)(B) has been met because the workers' firm has shifted to a foreign country the supply of services like or directly competitive with the customer relationship management and business process outsourcing services supplied by the workers, which contributed importantly to worker group separations at Stream Global Services, Inc., AdCenter, Beaverton, Oregon.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Stream Global Services, Inc., AdCenter, Beaverton, Oregon, who are/were engaged in employment related to the supply of call center support services, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Stream Global Services, Inc., AdCenter, Beaverton, Oregon, who became totally or partially separated from employment on or after August 17, 2010, through two years from the date of certification, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 31st day of August, 2012.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–23283 Filed 9–20–12; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting Notice

Matter To Be Deleted From the Agenda of a Previously Announced Agency Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: September 18, 2012 (77 FR 57596).

TIME AND DATE: 8:30 a.m., Thursday, September 20, 2012.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTER TO BE DELETED: 1. Personnel (1). Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Board Secretary.

[FR Doc. 2012–23473 Filed 9–19–12; 4:15 pm]

BILLING CODE 7535–01–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Appointment of Members of Senior Executive Services Performance Review Board

AGENCY: Office of National Drug Control Policy [ONDCP].

ACTION: Notice of appointments.

SUMMARY: The following persons have been appointed to the ONDCP Senior Executive Service Performance Review Board: Mr. Jeffery J. Teitz, Ms. Martha Gagne, Mr. Robert W. Denniston, and Ms. Michelle C. Marx.

FOR FURTHER INFORMATION CONTACT: Please direct any questions to Edward H. Jurith, Senior General Counsel (202) 395–6709, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503.

Edward H. Jurith,

Senior Counsel.

[FR Doc. 2012–23281 Filed 9–20–12; 8:45 am]

BILLING CODE 3180–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2012–0190]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 531, ''Request for Taxpayer Identification Number.''

2. *Current OMB approval number:* 3150–0188.

3. *How often the collection is required:* One time from each applicant or individual to enable the Department of the Treasury to process electronic payments or collect debts owed to the Government.

4. *Who is required or asked to report:* All individuals doing business with the NRC, including contractors and recipients of credit, licenses, permits, and benefits.

5. *The number of annual respondents:* 300.

6. *The number of hours needed annually to complete the requirement or request:* 25 hours.

7. *Abstract:* The Debt Collection Improvement Act of 1996, requires that agencies collect taxpayer identification numbers (TINs) from individuals who do business with the Government, including contractors and recipients of credit, licenses, permits, and benefits.

The TIN will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury. The Department of the Treasury will use the TIN to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other government agencies. In addition, the TIN will be used to collect and report to the Department of the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

Submit, by November 20, 2012, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available document, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.*

The document will be available on the NRC's home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2012–0190.

You may submit your comments by any of the following methods: Electronic comments to: *http://www.regulations.gov* and search for Docket No. NRC–2012–0190. Mail comments to the NRC's Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC's Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–6258, or by email to: *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 17th day of September, 2012.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2012–23287 Filed 9–20–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2012–0178]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for the renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the required to be submitted:

1. *The title of the information collection:* NRC Form 790, Classification Record.
2. *Current OMB approval number:* 3150–0052.
3. *How often the collection is required:* On occasion.
4. *Who is required or asked to report:* NRC licensees, contractors, and certificate holders who classify and declassify NRC information.
5. *The number of annual respondents:* 1400.
6. *The number of hours needed annually to complete the requirements or request:* 70.
7. *Abstract:* Completion of the NRC Form 790 is a mandatory requirement for NRC licensees, contractors, and only certificate holder who classifies and declassifies NRC information in accordance with Executive Order 13526, ''Classified National Security Information,'' the Atomic Energy Act, and implementing directives.

Submit, by November 20, 2012, comments that address the following questions.

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the Information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD, 20852. OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2012–0178.

You may submit your comments by any of the following methods: (1) Electronic comments. Go to *http://www.regulations.gov* and search for Docket No. NRC–2012–0178; (2) email comments to the NRC's Clearance Officer, Tremaine Donnell (T–5–F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC's Clearance Officer, Tremaine Donnell (T–5 F53), Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–6258; or (3) email to: *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 17th day of September, 2012.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2012–23307 Filed 9–20–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–12–009; NRC–2012–0216]

Mr. James Chaisson; Confirmatory Order (Effective Immediately)

I

Mr. James P. Chaisson was employed from April 10, 2009, through April 30, 2010, as an area supervisor and lead radiographer for the Wyoming operations of Texas Gamma Ray, LLC (TGR or Licensee), whose corporate offices are located in Pasadena, Texas. TGR is the former holder of License No. 42–29303–01 issued on January 6, 2009, by the U.S. Nuclear Regulatory Commission (NRC or the Commission), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Part 34. The license authorized industrial radiographic operations in accordance with conditions specified therein. The license was terminated at the licensee's request on July 25, 2011.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on July 26, 2012, at the Wallace F. Bennett Federal Building, Salt Lake City, Utah.

II

From June 4, 2009, through November 30, 2010, the NRC conducted a safety and security inspection of the use of byproduct material for industrial radiographic operations conducted under TGR's former NRC license. In addition, the NRC's Office of Investigations (OI), Region IV, conducted two investigations (OI Report Nos. 04–2009–066 and 04–2011–034) to determine, in part, whether Mr. Chaisson: (1) Deliberately stored radiographic exposure devices at a location he knew was not authorized by TGR's radioactive material license, and (2) deliberately failed to implement NRC security requirements for the use, storage, and protection of licensed material for radiographic operations.

By letter dated February 23, 2012, the NRC informed Mr. Chaisson that the NRC was considering escalated enforcement action for an apparent violation of the NRC's deliberate misconduct rule, 10 CFR 30.10. The NRC offered Mr. Chaisson the opportunity to request a predecisional enforcement conference (PEC), or request alternative dispute resolution (ADR) with the NRC in an attempt to resolve issues associated with this matter. During a March 19, 2012, conference call between Mr. Chaisson and NRC staff, Mr. Chaisson indicated that he was not interested in a PEC or ADR. Mr. Chaisson stated that he would, however, submit a written response to the NRC's February 23rd letter. On March 26, 2012, Region IV received a written response from Mr. Chaisson postmarked March 23, 2012.

On May 15, 2012, the NRC issued an Order to Mr. Chaisson based on a review of all the available information including Mr. Chaisson's March 2012 letter and the results of the inspection and OI investigations. The NRC concluded that Mr. Chaisson twice engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1). First, Mr. Chaisson engaged in deliberate misconduct that caused Texas Gamma Ray, LLC (TGR), at the time an NRC licensee, to be in violation of License Condition 19 of its NRC Radioactive Material License, which required TGR to comply with NRC security requirements. Mr. Chaisson chose to store a radiographic exposure device at a leased facility on Elk Street in Rock Springs, Wyoming, even though he knew the facility did not comply with applicable NRC security requirements pertaining to the use, storage, and protection of licensed material. He periodically stored the radiographic exposure device at this location from December 2009 through April 30, 2010.

Second, by storing the radiographic exposure device at the Elk Street location, Mr. Chaisson engaged in deliberate misconduct that caused TGR, at the time an NRC licensee, to be in violation of License Condition 11 of its NRC Radioactive Material License, which required TGR to limit the storage of radioactive material approved on the license to temporary job sites in NRC jurisdiction. Specifically, Mr. Chaisson chose to store a radiographic exposure device at the leased facility on Elk Street in Rock Springs, Wyoming, even though he knew the facility was not an authorized storage location listed on the license.

The NRC's May 15, 2012, Order included the following requirements: (1) Mr. Chaisson was prohibited, for a 3 year period, from engaging in NRC-licensed activities that were conducted pursuant to a specific or general license issued by the NRC; (2) if Mr. Chaisson was currently involved in NRC-licensed activity as of the effective date of the Order, then Mr. Chaisson was required to immediately cease NRC-licensed activities and inform the NRC of the name, address, and telephone number of the employer, and provide a copy of the Order to that employer; and (3) Mr. Chaisson was required for a period of 1 year, after the 3-year period of prohibition had expired, within 20 days of acceptance of his first employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, to provide the name, address, and telephone number of the employer to the NRC's Director, Office of Enforcement.

Subsequent to the issuance of the NRC's May 15, 2012, Order, Mr. Chaisson requested to participate in the NRC's alternate dispute resolution (ADR) process. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement and resolving any differences regarding the dispute. On July 26, 2012, the NRC and Mr. Chaisson met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process.

III

In response to the NRC's offer, Mr. Chaisson requested use of the NRC's ADR process to resolve differences he had with the NRC. During that ADR session, a preliminary settlement agreement was reached. The elements of the agreement consisted of the following:

> Pursuant to the Nuclear Regulatory Commission Office of Enforcement's ADR program, the following are terms and conditions agreed upon in principle by Mr. James P. Chaisson, a former area supervisor and lead radiographer employed by Texas Gamma Ray LLC (TGR), and the Nuclear Regulatory Commission (NRC) relating to the 3-year ban imposed in the NRC's individual order (IA–12–009) to Mr. Chaisson dated May 15, 2012 (ML12137A311).
>
> Whereas the NRC's inspection and investigations of TGR and Mr. Chaisson determined that Mr. Chaisson, while employed by TGR in Rock Springs, Wyoming, deliberately failed to comply with NRC regulations and TGR's license by storing a radiographic exposure device at a location not authorized on the license. In addition, Mr. Chaisson deliberately failed to implement one of NRC's security-related requirements. Mr. Chaisson's actions constituted a violation of the NRC's deliberate misconduct rule, as defined under 10 CFR 30.10, which prohibits employees from engaging in deliberate misconduct which causes or would have caused if not detected, a licensee to be in violation of NRC requirements.
>
> Whereas the NRC and Mr. Chaisson have agreed to disagree on whether Mr. Chaisson engaged in deliberate misconduct as discussed in the Order (IA–12–009) issued to Mr. Chaisson dated May 15, 2012 (ML12137A311).
>
> Whereas the NRC considers deliberate violations by an individual in a position of authority (e.g., area supervisor or radiation

safety officer) to be a significant concern to the regulatory program and the NRC is interested in obtaining comprehensive corrective actions from Mr. Chaisson that would deter future deliberate violations and noncompliance with regulatory requirements.

Whereas these terms and conditions shall not be binding on either party until these terms and conditions are memorialized in an Order issued by the NRC to Mr. James P. Chaisson.

Therefore, the parties agree to the following terms and conditions:

A. Eighteen-Month Ban Followed by a Four-Year Limited Work Restriction

1. Mr. James P. Chaisson is prohibited for an eighteen-month period from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20. This means that during the eighteen-month prohibition period Mr. Chaisson is prohibited from performing, supervising, assisting or otherwise engaging in (1) Industrial radiographic operations in NRC jurisdiction for an Agreement State licensee that are conducted under a general license pursuant to 10 CFR 150.20; (2) industrial radiographic operations for an NRC licensee including but not limited to, radiography conducted under the authority of a license issued pursuant to 10 CFR part 34; and (3) any other licensed activity in NRC jurisdiction. This Confirmatory Order will supersede the Order previously issued to Mr. Chaisson dated May 15, 2012 (ML12137A311).

2. For a 4-year period after the eighteen-month ban has expired, Mr. Chaisson will notify NRC Region IV of any employment with an NRC licensee, within 3 days of each acceptance of employment with each NRC licensee. Mr. Chaisson will provide this notification by fax to the attention of the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, at the fax number 817–200–1188.

3. For a 4-year period after the 18-month ban has expired, in the situation where Mr. Chaisson works for an Agreement State licensee that provides notification to perform work in NRC jurisdiction, Mr. Chaisson shall personally, notify NRC Region IV in writing, each time prior to working in NRC's jurisdiction of the dates and specific location where he will be conducting NRC licensed activities. Notification will be made at least 3 days prior to working in NRC jurisdiction by fax to the Attention of the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, at the fax number 817–200–1188. Mr. Chaisson's notification must be independent of any notification required by the licensee pursuant to 10 CFR 150.20.

4. For a 4-year period after the 18-month ban has expired, Mr. Chaisson is prohibited from working for any NRC licensee as an Area Supervisor, Radiation Safety Officer, or in any other supervisory position (excluding radiographer) while in NRC jurisdiction. This includes the situation where Mr. Chaisson works for an Agreement State licensee performing work in NRC jurisdiction under reciprocity.

5. In order to ensure NRC licensees are aware of the limitations on Mr. Chaisson's NRC-licensed activities, for a 5½-year period from the date of this Confirmatory Order, Mr. Chaisson must provide, at least 3 days prior to starting work, a copy of the Order to employers who are NRC licensees. This includes Agreement State licensees who perform work in the NRC's jurisdiction under reciprocity.

B. Individual Training

1. Within 18 months of the date of this order, Mr. Chaisson shall successfully complete a 40-hour formal training course designed for qualifying radiation safety officers. The course must also include the requirements of the Increased Controls or Mr. Chaisson must attend a separate Increased Controls course. Within 10 days of completion of the required training, Mr. Chaisson shall provide a copy of the course completion certificates by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.

2. Within 18 months of the date of this order, Mr. Chaisson shall successfully complete a 40-hour formal training course for Non-Destructive Testing that meets or exceeds the requirements in 10 CFR 34.43. Within 10 days of completion of the required training, Mr. Chaisson shall provide a copy of the course completion certificates by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.

C. Written Article for NRC Review

Within 18 months of the date of this order, Mr. Chaisson agrees to submit an article by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, articulating the importance of compliance with NRC regulations and providing full and accurate information. The article may be included in a future newsletter issued by the Office of Federal and State Materials and Environmental Management Programs (FSME).

On August 30, 2012, Mr. James P. Chaisson consented to issuing this Order with the commitments, as described in Section V below. Mr. Chaisson further agreed that this Order is to be effective upon issuance and that he has waived his right to a hearing.

IV

Since Mr. Chaisson has agreed to the conditions as set forth in Item III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Mr. Chaisson's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Mr. Chaisson's commitments be confirmed by this Order. Based on the above and Mr. Chaisson's consent, this Confirmatory Order is immediately effective upon issuance.

V

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 30 and part 34, *it is hereby ordered, effective immediately, that:*

A. Eighteen-Month Ban Followed by Four-Year Limited Work Restrictions

1. Mr. James P. Chaisson is prohibited for an 18-month period from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20. This means that during the 18-month prohibition period Mr. Chaisson is prohibited from performing, supervising, assisting or otherwise engaging in (1) Industrial radiographic operations in NRC jurisdiction for an Agreement State licensee that are conducted under a

general license pursuant to 10 CFR 150.20; (2) industrial radiographic operations for an NRC licensee including but not limited to, radiography conducted under the authority of a license issued pursuant to 10 CFR part 34; and (3) any other licensed activity in NRC jurisdiction. This Confirmatory Order will supersede the Order previously issued to Mr. Chaisson dated May 15, 2012 (ML12137A311).

2. For a 4-year period after the 18-month ban has expired, Mr. Chaisson will notify NRC Region IV of any employment with an NRC licensee, within 3 days of each acceptance of employment with each NRC licensee. Mr. Chaisson will provide this notification by fax to the attention of the Director, Division of Nuclear Materials Safety; U.S. Nuclear Regulatory Commission, Region IV, at the fax number 817–200–1188.

3. For a 4-year period after the 18-month ban has expired, in the situation where Mr. Chaisson works for an Agreement State licensee that provides notification to perform work in NRC jurisdiction, Mr. Chaisson shall personally notify NRC Region IV in writing, each time prior to working in NRC's jurisdiction of the dates and specific location where he will be conducting NRC licensed activities. Notification will be made at least 3 days prior to working in NRC jurisdiction by fax to the Attention of the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, at the fax number 817–200–1188. Mr. Chaisson's notification must be independent of any notification required by the licensee pursuant to 10 CFR 150.20.

4. For a 4-year period after the 18-month ban has expired, Mr. Chaisson is prohibited from working for any NRC licensee as an Area Supervisor, Radiation Safety Officer, or in any other supervisory position (excluding radiographer) while in NRC jurisdiction. This includes the situation where Mr. Chaisson works for an Agreement State licensee performing work in NRC jurisdiction under reciprocity.

5. In order to ensure NRC licensees are aware of the limitations on Mr. Chaisson's NRC-licensed activities, for a 5½-year period from the date of this Confirmatory Order, Mr. Chaisson must provide, at least 3 days prior to starting work, a copy of the Order to employers who are NRC licensees. This includes Agreement State licensees who perform work in the NRC's jurisdiction under reciprocity.

B. Individual Training

1. Within 18 months of the date of this order, Mr. Chaisson shall successfully complete a 40-hour formal training course designed for qualifying radiation safety officers. The course must also include the requirements of the Increased Controls or Mr. Chaisson must attend a separate Increased Controls course. Within 10 days of completion of the required training, Mr. Chaisson shall provide a copy of the course completion certificates by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.

2. Within 18 months of the date of this order, Mr. Chaisson shall successfully complete a 40-hour formal training course for Non-Destructive Testing that meets or exceeds the requirements in 10 CFR 34.43. Within 10 days of completion of the required training, Mr. Chaisson shall provide a copy of the course completion certificates by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011.

C. Written Article for NRC Review

Within 18 months of the date of this order, Mr. Chaisson shall submit an article by mail to the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, articulating the importance of compliance with NRC regulations and providing full and accurate information. The article may be included in a future newsletter issued by the Office of Federal and State Materials and Environmental Management Programs (FSME).

Upon issuance of this Confirmatory Order, the Order Prohibiting Involvement in NRC-Licensed Activities, IA–12–009, dated May 15, 2012, is rescinded.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Chaisson of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than Mr. James P. Chaisson, may request a hearing within 20 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person (other than Mr. James P. Chaisson) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date this Confirmatory Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

A request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated at Rockville, MD, this 10th day of September 2012.

Roy P. Zimmerman,

Director, Office of Enforcement.

[FR Doc. 2012–23348 Filed 9–20–12; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0113]

Determining Technical Adequacy of Probabilistic Risk Assessment for Risk-Informed License Amendment Requests After Initial Fuel Load

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing its final Revision 3 to NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 19.1, ''Determining the Technical Adequacy of Probabilistic Risk Assessment for Risk-Informed License Amendment Requests after Initial Fuel Load.''

The NRC staff issues revisions to Standard Review Plan (SRP) sections to facilitate timely implementation of the current staff guidance and to facilitate reviews to amendments to licenses for operating reactors or for activities associated with review of applications for early site permits and combined licenses (COL) for the Office of New Reactors (NRO).

DATES: The effective date of this SRP update is October 22, 2012.

ADDRESSES: Please refer to Docket ID NRC–2012–0113 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC

possesses and are publicly available by any of the following methods:

• *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2010–0138. 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.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Final Revision 3 to NUREG–0800 is available in ADAMS under Accession No. ML12193A107.

• *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.

• The NRC posts its issued staff guidance on the NRC's external Web page (*http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/*).

FOR FURTHER INFORMATION CONTACT: Ms. Amy E. Cubbage, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2875; email: *Amy.Cubbage@nrc.gov.*

SUPPLEMENTARY INFORMATION: On May 22, 2012 (77 FR 30335), the NRC published for public comment the proposed Revision 3 to Section 19.1, ''Determining the Technical Adequacy of Probabilistic Risk Assessment for Risk-Informed License Amendment Requests After Initial Fuel Load'' (ADAMS Accession No. ML112990771). There were no comments received on the proposed revision. Hence the guidance is being issued final for use without any changes to the proposed guidance. The NRC staff will also incorporate Revision 3 of SRP Section 19.1 into the next revisions of Regulatory Guide 1.206, ''Combined License Applications for Nuclear Power Plants'' (ADAMS Accession No. ML070720184).

Congressional Review Act

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville, Maryland, this 14th day of September, 2012.

For the Nuclear Regulatory Commission.

Amy E. Cubbage,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2012–23347 Filed 9–20–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–10–ISFSI; ASLBP No. 12–922–01–ISFSI–MLR–BD01]

Northern States Power Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29,1972), and the Commission's regulations, *see* 10 CFR 2.105, 2.300, 2.313, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Northern States Power Company

(Prairie Island Nuclear Generating Plant, Independent Spent Fuel Storage Installation)

This proceeding involves an application by Northern States Power Company (NSPC) dated October 20, 2011, as supplemented February 29, 2012, for the renewal of its Special Nuclear Material License for forty years at the Prairie Island Nuclear Generating Plant Independent Spent Fuel Storage Installation located in Red Wing, Minnesota. In response to a Notice of Opportunity for Hearing published on June 25, 2012 (77 FR 37,937), the Prairie Island Indian Community (PIIC) filed a request for hearing on August 24, 2012.

On September 13, 2012, NSPC and the NRC Staff filed motions to extend filing deadlines. *See* Joint Motion to Extend Time for Responses and Reply to Responses to [PIIC's] Petition to Intervene (Sept. 13, 2012); NRC Staff Unopposed Motion for Extension of Time to Respond to [PIIC's] Petition to Intervene (Sept. 13, 2012). On the same day, the Secretary of the Commission referred PIIC's hearing request and supporting documents to me for appropriate action in accordance with 10 CFR 2.346(i). *See* Memorandum from Annette L. Vietti-Cook, Secretary of the Commission to E. Roy Hawkens, Chief Administrative Judge, Atomic Safety and Licensing Board Panel (Sept. 13, 2012).

The Board is comprised of the following administrative judges:

Michael M. Gibson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Robert B. Matthews, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 17th day of September 2012.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2012–23363 Filed 9–20–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0362]

Report on Waste Burial Charges: Changes in Decommissioning Waste Disposal Costs at Low-Level Waste Burial Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued for public comment a document entitled: NUREG–1307 Revision 15, ''Report on Waste Burial Charges: Changes in Decommissioning Waste Disposal Costs at Low-Level Waste Burial Facilities.''

DATES: Please submit comments by October 22, 2012. Comments received after this date will be considered if it is practical to do so, but the NRC staff 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–2010–0362. 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–2010–0362. 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: Jo Ann Simpson, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8388, email: *JoAnn.Simpson@.nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2010–0362 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–2010–0362.

• *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 (if that document is available in ADAMS) is provided the first time that a document is referenced. The NUREG–1307, Revision 15 is available electronically under ADAMS Accession No. ML12257A191.

• *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–2010–0362 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 posts all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

NUREG–1307, Revision 15, ''Report on Waste Burial Charges: Changes in Decommissioning Waste Disposal Costs at Low-Level Waste Burial Facilities.'' Draft Report for Comment incorporates updated information and expands on the NUREG–1307, Revision 14 report published in November 2010. NUREG–1307, Revision 15, also incorporates changes resulting from a reassessment of the assumptions used for the vendor waste disposal option for low-level waste.

Dated at Rockville, Maryland, this 14th day of September 2012.

For the Nuclear Regulatory Commission.

Richard H. Turtil,

Acting Chief, Financial Analysis and International Projects Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–23351 Filed 9–20–12; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–60; Order No. 1471]

Modified Norway Post Agreement

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to include a modified Norway Post Agreement within an existing competitive product. The modification includes an 18-month extension of the original agreement's term. This notice addresses procedural aspects of the filing.

DATES: *Comments are due:* September 24, 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 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 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. Contents of Filing
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

On September 13, 2012, the Postal Service filed a Notice, pursuant to 39 CFR 3015.5, stating that it has entered into a modification of an existing bilateral agreement for inbound competitive services with Posten Norge AS (Modified Norway Post Agreement).[1] The modification extends the original Norway Post Agreement by 18 months (from October 1, 2012 to March 31, 2014). Notice at 1.

The Postal Service seeks to have the Modified Norway Post Agreement included within the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 (MC2012–34) on the Competitive Products List. *Id.* at 1–2.

II. Contents of Filing

The Postal Service reviews the regulatory history of the establishment of the Inbound Competitive Multi-

[1] Notice of United States Postal Service of Filing Additional Functionally Equivalent Agreement, September 13, 2012 (Notice). The existing Norway Post Agreement was the subject of Docket No. CP2011–69.

Service Agreements with Foreign Operators 1 product and of the original Norway Post Agreement. *Id.* It also describes the Modified Norway Post Agreement, addresses its functional equivalency with the baseline agreement (filed in Docket No. CP2010–95), and identifies differences between the agreements. *Id.* at 3–4. The differences include the length of the agreements, the scope, and controlling law and dispute resolution methods. Specifically, the term of the Modified Norway Post Agreement is 18 months versus 2 years (and automatic renewal) for the baseline agreement. *Id.* at 4. The Modified Norway Post Agreement includes only inbound Air Parcel items, whereas the baseline agreement includes inbound air parcels plus inbound surface parcels and Express Mail Service (EMS). *Id.* In addition, in the Modified Norway Agreement the controlling law and dispute resolution methods are based on German law and arbitration, whereas U.S. federal law and several dispute resolution options govern the baseline agreement. *Id.* The Postal Service asserts that these differences do not detract from a finding of functional equivalency. *Id.*

The Notice includes four attachments. Attachment 1 is an application for non-public treatment of unredacted material. Attachment 2 is a redacted copy of the Governors' Decision No. 10–3.[2] Attachment 3A is a copy of the Modified Norway Post Agreement; Attachment 3B is a redacted copy of the original (Docket No. CP2011–69) Norway Post Agreement. Attachment 4 is the certified statement required by 39 CFR 3015.5(c)(2).

III. Commission Action

Notice of establishment of docket. The Commission establishes Docket No. CP2012–60 for consideration of matters raised by the Notice. The Commission appoints James F. Callow to serve as Public Representative in this docket.

Interested persons may submit comments on whether the Postal Service's filings in the captioned docket are consistent with the policies of 39 U.S.C. 3632, 3633 or 39 CFR part 3015. Comments are due no later than September 24, 2012. The public portions of this filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2012–60 for consideration of the matters raised in this docket.
2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments by interested persons in this proceeding are due no later than September 24, 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. 2012–23343 Filed 9–20–12; 8:45 am]

BILLING CODE 7710–FW–P

[2] The referenced Governors' Decision establishes prices and classifications for Inbound Competitive Multi-Service Agreements with Foreign Postal Operators, presents MCS language, and provides price formulas.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30204; File No. 812–13934]

Factor Advisors, LLC, et al.; Notice of Application

September 17, 2012.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit (a) Certain open-end management investment companies or series thereof to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

APPLICANTS: FactorShares Trust (the ''Trust''), Factor Advisors, LLC (''Factor Advisors''), and Quasar Distributors, LLC (the ''Distributor'').

DATES: *Filing Dates:* The application was filed on August 3, 2011, and amended on January 27, 2012, June 26, 2012, and September 11, 2012.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 9, 2012, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, Factor Advisor and the Trust, One Penn Plaza, 36th Floor, New York, NY 10019. Distributor, 615 East Michigan Street, 4th Floor, Milwaukee, Wisconsin 53202.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Sr., Senior Counsel at (202) 551–6868, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is registered under the Act as an open-end management investment company and is organized as a Delaware statutory trust. The Trust initially will offer three series identified in the application (''Initial Funds'') whose performance will correspond to the price and yield performance, before fees and expenses, of a specified securities index (''Underlying Index'').

2. Applicants request that the order apply to the Initial Funds and any additional series of the Trust and any other existing or future open-end

management investment companies or series thereof that seeks to track an Underlying Index (''Future Funds,'' and together with the Initial Funds, the ''Funds'').[1] Any Fund will be (a) advised by Factor Advisors or an entity controlling, controlled by or under common control with Factor Advisors (each, an ''Adviser''), and (b) seek investment returns that correspond to the price and yield performance, before fees and expenses, of a specified securities index.

3. Underlying Indexes may include: any domestic equity, foreign equity or fixed income index (respectively, a ''Domestic Index,'' ''Foreign Index'' or ''Fixed Income Index'') or combination thereof that is comprised solely of securities. Each Domestic Index is an index comprised of equity securities issued by one or more of the following categories of issuers: (i) Domestic issuers and (ii) non-domestic issuers meeting the requirements for trading in U.S. markets. Each Foreign Index is comprised of foreign equity securities. Each Fixed Income Index is comprised of domestic or foreign fixed income securities. Funds tracking Domestic, Foreign and Fixed Income Indexes are, respectively, ''Domestic Funds,'' ''Foreign Funds'' and ''Fixed Income Funds.'' Certain Funds may invest in both domestics and foreign securities (''Global Funds''). Underlying Indexes that include both long and short positions in securities are referred to as ''Long/Short Indexes.'' Funds based on Long/Short Indexes are ''Long/Short Funds.'' Underlying Indexes that use a 130/30 investment strategy are referred to as ''130/30 Indexes.'' Funds based on 130/30 Indexes are ''130/30 Funds.''

4. An Adviser registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') will serve as investment adviser to the Funds. The Adviser may enter into sub-advisory agreements with one or more investment advisers each of which will serve as a sub-adviser to a Fund (each, a ''Sub-adviser''). Each Sub-adviser will be registered under the Advisers Act. The Distributor is a broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act'') and will act as the principal underwriter and distributor for the Initial Funds.[2]

5. Each Fund will consist of a portfolio of securities and other instruments including cash (''Portfolio Investments'') selected to correspond to the performance of a specified Underlying Index.[3] No entity that creates, compiles, sponsors or maintains an Underlying Index will be an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person, of the Trust, a Fund, the Adviser, any Sub-adviser, or promoter of a Fund, or of the Distributor.

6. A Fund will utilize either a replication or representative sampling strategy to track its Underlying Index. A Fund using a replication strategy will invest in substantially all of the Component Securities in its Underlying Index in the same approximate proportions as in the Underlying Index. A Fund using a representative sampling strategy will hold some, but may not hold all, of the Component Securities of its Underlying Index. Applicants state that use of the representative sampling strategy may prevent a Fund from tracking the performance of its Underlying Index with the same degree of accuracy as would a Fund that invests in every Component Security of the Underlying Index. Applicants expect that each Fund will have a tracking error relative to the performance of its Underlying Index of less than 5 percent.

7. Each Fund will issue, on a continuous basis, Creation Units, which will typically consist of 25,000 to 100,000 Shares and have an initial price of at least $1,000,000. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into an agreement with the Distributor (''Authorized Participant''). The Distributor will be responsible for delivering the Fund's prospectus to those persons acquiring Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it. In addition, the Distributor will maintain a record of the instructions given to the applicable Fund to implement the delivery of its Shares. An Authorized Participant must be either (1) a ''Participating Party,'' (*i.e.*, a broker-dealer or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), a clearing house registered with the Commission, or (2) a participant in the Depository Trust Company (''DTC,'' and such participant, ''DTC Participant''), which, in either case, has signed a ''Participant Agreement'' with the Distributor.

8. The Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[4] On any given Business Day the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in a Fund's portfolio (including cash positions),[5] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[6] (c) ''to be announced'' transactions (''TBA Transactions''),[7] short positions,

[1] All entities that currently intend to rely on the order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the application. An Acquiring Fund (as defined below) my rely on the order only to invest in Funds and not in any other registered investment company.

[2] Applicants request that the order also apply to future distributors that comply with the terms and conditions of the application.

[3] Applicants represent that each Fund will invest at least 80% of its total assets in the component securities that comprise its Underlying Index (''Component Securities'') or, as applicable, depositary receipts or TBA Transactions (as defined below) representing Component Securities. Each Fund also may invest up to 20% of its total assets (the ''Asset Basket'') in a broad variety of other instruments, including securities not included in its Underlying Index, which the Adviser believes will help the Fund in tracking the performance of the Underlying Index.

[4] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[5] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for that Business Day.

[6] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[7] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction,

derivatives and other positions that cannot be transferred in kind[8] will be excluded from the Deposit Instruments and the Redemption Instruments;[9] (d) to the extent the Fund determines, on a given Business Day, to use a representative sampling of the Fund's portfolio;[10] or (e) for temporary periods, to effect changes in the Fund's portfolio as a result of the rebalancing of its Underlying Index (any such change, a ''Rebalancing''). If there is a difference between the net asset value (''NAV'') attributable to a Creation Unit and the aggregate market value of the Deposit Instruments or Redemption Instruments exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

9. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash;[11] (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Foreign Funds and Global Funds, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Foreign Fund or Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[12]

10. Each Business Day, before the open of trading on a the primary listing Exchange, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Instruments and the Redemption Instruments, as well as the estimated Cash Amount (if any), for that day. The list of Deposit Instruments and the list of Redemption Instruments will apply until new lists are announced on the following Business Day, and there will be no intra-day changes to the lists except to correct errors in the published lists.

11. Shares will be listed and traded on an Exchange. It is expected that one or more member firms of an Exchange will be designated to act as a market maker and maintain a market for Shares trading on the Exchange. Prices of Shares trading on an Exchange will be based on the current bid/ask market. Shares sold in the secondary market will be subject to customary brokerage commissions and charges.

12. Applicants expect that purchasers of Creation Units will include institutional investors, arbitrageurs, traders and other market participants. Exchange specialists or market makers also may purchase Creation Units for use in market-making activities. Applicants expect that secondary market purchasers of Shares will include both institutional investors and retail investors.[13] Applicants expect that the price at which Shares trade will be disciplined by arbitrage opportunities created by the option to continually purchase or redeem Creation Units at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

13. Shares will not be individually redeemable. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption orders must be placed by or through an Authorized Participant.

14. For the Long/Short Funds and 130/30 Funds, the Adviser will provide full portfolio holdings disclosure on a daily basis on the Funds publicly available website (the ''Website'') and has developed an ''IIV File,'' which it will use to disclose the Funds'' full portfolio holdings, including short positions. Before the opening of business on each Business Day, the Trust, Adviser or index receipt agent, will make the IIV File available by email upon request. Applicants state that given either the IIV File or the Website disclosure,[14] anyone will be able to know in real time the intraday value of the Long/Short Funds and 130/30 Funds.[15] With respect to the Long/Short Funds and 130/30 Funds, the investment characteristics of any financial instruments and short positions used to achieve short and long exposures will be described in sufficient detail for market participants to understand the principal investment strategies of the Funds and to permit informed trading of their Shares.

15. Neither the Trust nor any Fund will be advertised, marketed or otherwise held out as a traditional open-end investment company or a mutual fund. Instead, each Fund will be

the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date.

[8] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[9] Because these instruments will be excluded from the Deposit Instruments and the Redemption Instruments, their value will be reflected in the determination of the Cash Amount (defined below).

[10] A Fund may only use sampling for this purpose if the sample: (i) Is designed to generate performance that is highly correlated to the performance of the Fund's portfolio; (ii) consists entirely of instruments that are already included in the Fund's portfolio; and (iii) is the same for all Authorized Participants on a given Business Day.

[11] In determining whether a particular Fund will sell or redeem Creation Units entirely on a cash or in kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's or Sub-adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Units either on an all cash basis or in kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling portfolio holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in kind redemption. As a result, tax considerations may warrant in kind redemptions.

[12] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[13] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. DTC or DTC Participants will maintain records reflecting beneficial owners of Shares.

[14] The information on the Website will be the same as that disclosed to Authorized Participants in the IIV File, except that (1) the information provided on the Website will be formatted to be reader-friendly and (2) the portfolio holdings data on the Website will be calculated and displayed on a per Fund basis, while the information in the IIV File will be calculated and displayed on a per Creation Unit basis.

[15] The primary listing Exchange or another independent third party will disseminate, every 15 seconds during its regular trading hours, through the facilities of the Consolidated Tape Association, the Indicative Intra-Day Value (''IIV'') for each Fund, on a per Share basis.

marketed as an ''ETF,'' an ''investment company,'' a ''fund,'' or a ''trust.'' All marketing materials that describe the features or method of obtaining, buying or selling Creation Units or refer to redeemability, will prominently disclose that (1) Shares are not individually redeemable and that the owners of Shares may purchase or redeem Shares from the Fund in Creation Units only, and (2) the purchase and sale price of individual Shares trading on an Exchange may be below, at, or above the most recently calculated NAV for such Shares. The same approach will be followed in the shareholder reports and other investor educational materials issued or circulated in connection with the Shares. The Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to shareholders.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the owner, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Funds to register as open-end management investment companies and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units and redeem Creation Units from each Fund. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to buy and sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) Prevent dilution caused by certain riskless trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers, and (c) ensure an orderly distribution system of investment company shares by eliminating price competition from non-contract dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve Trust assets and will not result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because competitive forces will ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that the settlement of redemptions for the Foreign Funds will be contingent not only on the settlement cycle of the U.S. securities markets, but also on the delivery cycles in local markets for the underlying foreign securities held by the Foreign Funds. Applicants believe that under certain circumstances, the delivery cycles for transferring Portfolio Investments to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide for payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Investments of each Foreign Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[16] With respect to

[16] Applicants acknowledge that relief obtained from the requirements of section 22(e) will not affect any obligations applicants may have under rule 15c6–1 under the Exchange Act. Rule 15c6–1

Future Funds that are Foreign Funds, applicants seek the same relief from section 22(e) only to the extent that circumstances exist similar to those described in the application.

8. Applicants submit that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants state that allowing redemption payments for Creation Units of a Foreign Fund to be made within 14 calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants state that the SAI will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days, and the maximum number of days, up to 14 calendar days, needed to deliver the proceeds for each affected Foreign Fund. Applicants are not seeking relief from section 22(e) with respect to Foreign Funds that do not effect creations and redemptions of Creation Units in-kind.

Section 12(d)(1)

9. Section 12(d)(1)(A) of the Act, in relevant part, prohibits a registered investment company from acquiring securities of an investment company if such securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter or any other broker or dealer from selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request an exemption to permit management investment companies (''Acquiring Management Companies'') and unit investment trusts (''Acquiring Trusts'') registered under the Act that are not sponsored or advised by the Adviser and are not part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act, as the Funds (collectively, ''Acquiring Funds'') to acquire Shares beyond the limits of section 12(d)(1)(A). In addition, applicants seek relief to permit the Funds, the Distributor, and any broker-dealer that is registered under the Exchange Act to sell Shares to Acquiring Funds in excess of the limits of section 12(d)(1)(B).

11. Each Acquiring Management Company will be advised by an investment adviser within the meaning of section 2(a)(20)(A) of the Act (the ''Acquiring Fund Adviser'') and may be sub-advised by one or more investment advisers within the meaning of section 2(a)(20)(B) of the Act (each an ''Acquiring Fund Sub-adviser''). Any Acquiring Fund Adviser or Acquiring Fund Sub-adviser will be registered under the Advisers Act. Each Acquiring Trust will be sponsored by a sponsor (''Sponsor'').

12. Applicants submit that the proposed conditions to the requested relief adequately address the concerns underlying the limits in section 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees and overly complex fund structures. Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

13. Applicants believe that neither the Acquiring Funds nor any Acquiring Fund Affiliate would be able to exert undue influence over the Funds or any Fund Affiliates.[17] To limit the control that an Acquiring Fund may have over a Fund, applicants propose a condition prohibiting an Acquiring Fund Adviser or a Sponsor, any person controlling, controlled by, or under common control with the Acquiring Fund Adviser or Sponsor, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Acquiring Fund Adviser or Sponsor, or any person controlling, controlled by, or under common control with the Acquiring Fund Adviser or Sponsor (''Acquiring Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any Acquiring Fund Sub-adviser, any person controlling, controlled by or under common control with the Acquiring Fund Sub-adviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Acquiring Fund Sub-adviser or any person controlling, controlled by or under common control with the Acquiring Fund Sub-adviser (''Sub-adviser Group''). Applicants propose other conditions to limit the potential for undue influence over the Funds, including that no Acquiring Fund or Acquiring Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Acquiring Fund Adviser, Acquiring Fund Sub-adviser, Sponsor, or employee of the Acquiring Fund, or a person of which any such officer, director, member of an advisory board, Acquiring Fund Adviser, Acquiring Fund Sub-adviser, Sponsor, or employee is an affiliated person (except that any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

14. Applicants do not believe that the proposed arrangement involves excessive layering of fees. The board of directors or trustees of any Acquiring Management Company, including a majority of the disinterested directors or trustees, will find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Acquiring Management Company may invest. In addition, except as provided in condition 9, an Acquiring Fund Adviser or a trustee or Sponsor of an Acquiring Trust will waive fees otherwise payable to it by the Acquiring Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received by the Acquiring Fund Adviser, trustee or Sponsor to the Acquiring Trust or an affiliated person of the Acquiring Fund Adviser, trustee

requires that most securities transactions be settled within three business days of the trade date.

[17] An ''Acquiring Fund Affiliate'' is the Acquiring Fund Adviser, Acquiring Fund Sub-adviser, any Sponsor, promoter, or principal underwriter of an Acquiring Fund, and any person controlling, controlled by, or under common control with any of those entities. A ''Fund Affiliate'' is the investment adviser, promoter, or principal underwriter of a Fund and any person controlling, controlled by or under common control with any of those entities.

or Sponsor, from the Fund in connection with the investment by the Acquiring Fund in the Fund. Applicants state that any sales loads or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds set forth in NASD Conduct Rule 2830.[18]

15. Applicants submit condition 16 addresses concerns over meaninglessly complex arrangements. Under condition 16, no Fund may acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of a money market fund for short-term cash management purposes. To ensure that Acquiring Funds comply with the terms and conditions of the requested relief from section 12(d)(1), any Acquiring Fund that intends to invest in a Fund in reliance on the requested order will be required to enter into an agreement (''Participation Agreement'') between the Fund and the Acquiring Fund. The Participation Agreement will require the Acquiring Fund to adhere to the terms and conditions of the requested order and participate in the proposed transactions in a manner that addresses concerns regarding the requested relief from section 12(d)(1). The Participation Agreement also will include an acknowledgement from the Acquiring Fund that it may rely on the requested order only to invest in Funds and not in any other investment company.

16. Applicants also note that a Fund may choose to reject a direct purchase of Shares by an Acquiring Fund. To the extent that an Acquiring Fund purchases Shares in the secondary market, a Fund would still retain its ability to reject initial purchases of Shares made in reliance on the requested order by declining to enter into the Participation Agreement prior to any investment by an Acquiring Fund in excess of the limits of section 12(d)(1)(A).

Sections 17(a)(1) and (2) of the Act

17. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second-tier affiliate''), from selling any security or other property to or acquiring any security or other property from the company. Section 2(a)(3) of the Act defines ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act defines control as the power to exercise a controlling influence over the management of policies of a company. It also provides that a control relationship will be presumed where one person owns more than 25% of a company's voting securities. The Funds may be deemed to be controlled by the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by the Adviser (an ''Affiliated Fund'').

18. Applicants request an exemption from section 17(a) of the Act pursuant to sections 17(b) and 6(c) of the Act to permit persons to effectuate in-kind purchases and redemptions with a Fund when they are affiliated persons or second-tier affiliates of the Fund solely by virtue of one or more of the following: (1) Holding 5% or more, or more than 25%, of the outstanding Shares of one or more Funds; (2) having an affiliation with a person with an ownership interest described in (1); or (3) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds.

19. Applicants assert that no useful purpose would be served by prohibiting these types of affiliated persons from acquiring or redeeming Creation Units through in-kind transactions. Except for permitted cash-in-lieu amounts, the Deposit Instruments and Redemption Instruments will be the same for all purchasers and redeemers regardless of their identity. The deposit procedures for both in-kind purchases and in-kind redemptions of Creation Units will be the same for all purchases and redemptions, regardless of size or number. Deposit Instruments and Redemption Instruments will be valued in the same manner as Portfolio Investments are valued for purposes of calculating NAV. Applicants submit that, by using the same standards for valuing Portfolio Investments as are used for calculating the value of Deposit Instruments and Redemption Instruments, the Fund will ensure that its NAV will not be adversely affected by such transactions. Applicants also believe that in-kind purchases and redemptions will not result in self-dealing or overreaching of the Fund.

20. Applicants also seek relief from section 17(a) to permit a Fund that is an affiliated person or second-tier affiliate of an Acquiring Fund to sell its Shares to and redeem its Shares from an Acquiring Fund, and to engage in the accompanying in-kind transactions with the Acquiring Fund.[19] Applicants state that the terms of the proposed transactions will be fair and reasonable and will not involve overreaching. Applicants note that any consideration paid by an Acquiring Fund for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[20] Further, absent the unusual circumstances discussed in the application, the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively and will correspond pro rata to the Fund's Portfolio Investments, except as described above. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

ETF Relief

1. As long as the Funds operate in reliance on the requested order, the Shares will be listed on an Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end fund or a mutual fund. Any advertising material that describes the

[18] Any references to NASD Conduct Rule 2830 include any successor or replacement rule to NASD Conduct Rule 2830 that may be adopted by the Financial Industry Regulatory Authority.

[19] To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Acquiring Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Acquiring Fund and redemptions of those Shares. The requested relief also is intended to cover the in-kind transactions that may accompany such sales and redemptions. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person or second-tier affiliate of an Acquiring Fund because the Adviser provides investment advisory services to the Acquiring Fund.

[20] Applicants acknowledge that receipt of compensation by (a) an affiliated person of an Acquiring Fund, or an affiliated person of such person, for the purchase by the Acquiring Fund of Shares or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Acquiring Fund may be prohibited by section 17(e)(1) of the Act. The Participation Agreement also will include this acknowledgment.

purchase or sale of Creation Units or refers to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire those Shares from a Fund and tender those Shares for redemption to a Fund in Creation Units only.

3. The website maintained for the Funds, which will be publicly accessible at no charge, will contain on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the midpoint of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of index-based exchange-traded funds.

Section 12(d)(1) Relief

5. The members of an Acquiring Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Sub-adviser Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, an Acquiring Fund's Advisory Group or Sub-adviser Group, each in the aggregate, becomes a holder of more than 25% of the outstanding voting securities of a Fund, it will vote its shares of the Fund in the same proportion as the vote of all other holders of the Fund's shares. This condition does not apply to the Sub-adviser Group with respect to a Fund for which the Acquiring Fund Sub-adviser or a person controlling, controlled by, or under common control with the Acquiring Fund Sub-adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

6. No Acquiring Fund or Acquiring Fund Affiliate will cause any existing or potential investment by the Acquiring Fund in a Fund to influence the terms of any services or transactions between the Acquiring Fund or Acquiring Fund Affiliate and the Fund or a Fund Affiliate.

7. The board of directors or trustees of an Acquiring Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to assure that the Acquiring Fund Adviser and any Acquiring Fund Sub-adviser are conducting the investment program of the Acquiring Management Company without taking into account any consideration received by the Acquiring Management Company or an Acquiring Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

8. Once an investment by an Acquiring Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board, including a majority of the disinterested Board members, will determine that any consideration paid by a Fund to the Acquiring Fund or an Acquiring Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by, or under common control with such investment adviser(s).

9. An Acquiring Fund Adviser or a trustee or Sponsor of an Acquiring Trust will waive fees otherwise payable to it by the Acquiring Management Company or Acquiring Trust in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–l under the Act) received from a Fund by the Acquiring Fund Adviser or trustee or Sponsor to the Acquiring Trust or an affiliated person of the Acquiring Fund Adviser, trustee or Sponsor, other than any advisory fees paid to the Acquiring Fund Adviser or trustee or Sponsor, or an affiliated person of the Acquiring Fund Adviser, trustee or Sponsor by the Fund, in connection with the investment by the Acquiring Management Company or Acquiring Trust in the Fund. Any Acquiring Fund Sub-adviser will waive fees otherwise payable to the Acquiring Fund Sub-adviser, directly or indirectly, by the Acquiring Management Company in an amount at least equal to any compensation received from a Fund by the Acquiring Fund Sub-adviser, or an affiliated person of the Acquiring Fund Sub-adviser, other than any advisory fees paid to the Acquiring Fund Sub-adviser or its affiliated person by the Fund, in connection with the investment by the Acquiring Management Company in the Fund made at the direction of the Acquiring Fund Sub-adviser. In the event that the Acquiring Fund Sub-adviser waives fees, the benefit of the waiver will be passed through to the Acquiring Management Company.

10. No Acquiring Fund or Acquiring Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in any Affiliated Underwriting.

11. The Board, including a majority of the disinterested Board members, will adopt procedures reasonably designed to monitor any purchases of securities by a Fund in an Affiliated Underwriting once an investment by the Acquiring Fund in the Shares of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Acquiring Fund in the Fund. The Board will consider, among other things: (i) whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interests of shareholders.

12. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings, once an investment by an Acquiring Fund in the Shares of the Fund exceeds the limits of section 12(d)(l)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members,

the terms of the purchase, and the information or materials upon which the Board's determinations were made.

13. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), the Acquiring Fund and the Fund will execute a Participation Agreement stating, without limitation, that their boards of directors or trustees and their investment advisers, or the trustee and Sponsor of an Acquiring Trust, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Acquiring Fund will notify the Fund of the investment. At such time, the Acquiring Fund will also transmit to the Fund a list of names of each Acquiring Fund Affiliate and Underwriting Affiliate. The Acquiring Fund will notify the Fund of any changes to the list of names as soon as reasonably practicable after a change occurs. The Fund and the Acquiring Fund will maintain and preserve a copy of the order, the Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

14. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Acquiring Management Company, including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such advisory contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Acquiring Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Acquiring Management Company.

15. Any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

16. No Fund will acquire securities of any investment company or company relying on sections 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission that allows the Fund to purchase shares of a money market fund for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23317 Filed 9–20–12; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67870; File No. SR–BOX–2012–012]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Strike Price Intervals in the Short Term Options Program

September 17, 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 11, 2012, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Rule 5050 (Series of Options Contracts Open for Trading) and Rule 6090 (Terms of Index Options Contracts) to: modify the Short Term Option Series Program (''STO Program'' or ''Program'') to indicate that the interval between strike prices on STOs[3] shall be $0.50 or greater where the strike price is less than $75 and $1 or greater where the strike price is between $75 and $150; indicate that during the expiration week of a non-STO[4] that is selected for the STO Program, the strike price intervals for the non-STO and the STO shall be the same; and indicate that during the week before the expiration week of the non-STO, the non-STO shall be opened for trading in STO intervals in the same manner as the STO. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to indicate in Rule 5050 and Rule 6090 and Interpretive Material thereto, that the interval between strike prices on STOs shall be $0.50 or greater where the strike price is less than $75 and $1 or greater where the strike price is between $75 and $150 (''STO intervals''). The purpose is also to indicate that during the expiration week of a non-STO that is selected for the STO Program, the strike price intervals for the non-STO and the STO shall be the same; and that during the week before the expiration week of the non-STO, the non-STO shall be opened for trading in STO intervals in the same manner as the STO. The STO Program is codified in IM–5050–6 and IM–6090–2.[5] These provisions state that after an

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Short term options are generally known as ''STOs,'' ''weeklies,'' or ''weekly options.'' STOs are series in an options class that are approved for listing and trading on the Exchange in which the series are opened for trading on any Thursday or Friday that is a business day and that expire on the Friday of the next business week. If a Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Thursday or Friday, respectively. *See* Rules 100(a)(64), 6010(n), IM–5050–6 and IM–6090–2.

[4] A non-STO is an option that is in the same option class as the STO but has a longer expiration cycle (e.g. a SLV monthly option as compared to a SLV weekly option).

[5] The Exchange adopted the STO Program at its inception in 2012. *See* Securities Exchange Act Release No. 66871 (April 27, 2012), 77 FR 26323 (May 3, 2012), In the Matter of Application of BOX Options Exchange LLC for Registration as a National Securities Exchange Findings, Opinion, and Order of the Commission. The STO Program was last expanded in May 2012. *See* Securities Exchange Act Release No. 66982 (May 14, 2012), 77 FR 29718 (May 18, 2012)(SR–BOX–2012–001)(order approving the expansion of the STO Program)[sic]. Like BOX, other options exchanges have STO

option class has been approved for listing and trading on BOX, BOX may open for trading on any Thursday or Friday that is a business day series of options on that class that expire on the Friday of the following business week that is a business day. The Exchange may select up to thirty currently listed option classes on which Short Term Option Series may be opened. In addition to the thirty-option class limitation, there is also a limitation that no more than twenty series for each expiration date in those classes may be opened for trading.[6] Furthermore, the strike price of each STO has to be fixed with approximately the same number of strike prices being opened above and below the value of the underlying security at about the time that the short term options are initially opened for trading on the Exchange, and with strike prices being within thirty percent (30%) above or below the closing price of the underlying security from the preceding day. In respect of the STO Program, the Exchange does not propose any changes to these additional program limitations; the Exchange proposes only to specify that STOs can have interval prices of $0.50 and $1.[7]

The principal reason for the proposed interval pricing structure is market demand for weekly options. There is continuing strong retail customer demand for having the ability to execute hedging and trading strategies effectively via STOs,[8] particularly in the current fast and volatile multi-faceted trading and investing environment that extends across numerous markets and platforms.[9] BOX has observed such increased demand for STO classes and/or series, particularly when market moving events such as significant market volatility, corporate events, or large market, sector, or individual issue price swings have occurred. The STO Program is one of the most popular and quickly-expanding options expiration programs.

In the almost two years since the inception of the STO Program among the options exchanges, it has steadily expanded to the point that as of March 20, 2012, STOs represented 9.2% of the total options volume in the United States.[10] The STO volumes become even more significant when the volumes of an STO class are compared to the volumes of the related non-STO options class. As an example, in May and June of 2012, there were 915,949 contracts of SPY STOs traded and 4,614,241 contracts of SPY monthly options traded; and 298,706 contracts of AAPL STOs traded and 802,499 contracts of AAPL monthly options traded on BOX. Industry wide, from the 4th quarter of 2010 to the 4th quarter of 2011, STO volume expanded more than 90%,[11] and the Exchange believes that STO volumes will continue to expand throughout 2012. The Exchange believes that, as such, while STOs are currently one of most popular (high volume) expiration lengths of options traded on BOX and other options exchanges, the weekly options will only become more popular as market participants, particularly retail customers, continue to gain knowledge about more effective uses of these products for trading and hedging purposes.

Moreover, the Commission has approved the use of $0.50 and $1 strike price intervals on the Exchange as well as in the options industry, particularly at lower price levels (e.g. below $150). Numerous options products are listed (and traded) on the Exchange at $0.50 and $1 strike price intervals. For example, there are a few individual ETF options listed on BOX at $0.50 strike price intervals.[12] There are approximately 58 options listed on BOX at $0.50 strike price intervals pursuant to the $0.50 Strike Program.[13] There are approximately 950 options listed on BOX with $1 strike price intervals; approximately 135 ETF options, and 820 options pursuant to the $1 Strike Program.[14] Moreover, the Commission has recently approved certain products to trade at $0.50 and $1 strike price intervals on the Chicago Board Options Exchange Incorporated (''CBOE'') within exactly the same strike price points that are proposed by the Exchange in this filing, namely $75 and $150.[15]

The Exchange believes that the benefits of the ability to trade STOs at $0.50 and $1 intervals at lower price levels cannot be underestimated. The proposed intervals would clearly allow traders and investors, and in particular public (retail) investors to more effectively and with greater precision

programs. *See* Securities Exchange Act Release Nos. 62296 (June 15, 2010), 75 FR 35115 (June 21, 2010)(SR–Phlx–2010–84)(notice of filing and immediate effectiveness permanently establishing STO Program on the Exchange); 65776 (November 17, 2011), 76 FR 72482 (November 23, 2011)(SR–Phlx–2011–131)(order approving expansion of STO Program), 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009)(SR–CBOE–2009–018)(approval order); 62444 (July 2, 2010), 75 FR 39595 (July 9, 2010)(SR–ISE–2010–72)(notice of filing and immediate effectiveness); 62297 (June 15, 2010), 75 FR 35111 (June 21, 2010)(SR–NASDAQ–2010–073)(notice of filing and immediate effectiveness); 62369 (June 23, 2010), 75 FR 37868 (June 30, 2010) (SR–NYSEArca–2010–059)(notice of filing and immediate effectiveness); 62370 (June 23, 2010), 75 FR 37870 (June 30, 2010)(SR–Amex–2010–062)(notice of filing and immediate effectiveness); 62505 (July 15, 2010), 75 FR 42792 (July 22, 2010)(SR–BX–2010–047)(notice of filing and immediate effectiveness); and 62597 (July 29, 2010), 75 FR 47335 (August 5, 2010)(SR–BATS–2010–020)(notice of filing and immediate effectiveness).

[6] BOX may open up to 10 additional series for each option class that participates in the Short Term Option Series Program when deemed necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened. Any additional strike prices listed by BOX shall be within thirty percent (30%) above or below the current price of the underlying security. BOX may also open additional strike prices of Short Term Option Series that are more than 30% above or below the current price of the underlying security provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers. Market Makers trading for their own account shall not be considered when determining customer interest under this provision. The opening of the new Short Term Option Series shall not affect the series of options of the same class previously opened. *See* IM–5050–6(d) and IM–6090–2(d).

[7] Currently, STOs have the same interval prices as the relevant non-STOs.

[8] In the last STO Program filing, the Exchange noted that it was seeking an expansion in the number of STO classes to ensure consistency and uniformity among the competing options exchanges that have adopted similar STO Programs and, like the current proposal, to allow execution of more effective trading and hedging strategies on the Exchange. *See* Securities Exchange Act Release No. 66982 (May 14, 2012), 77 FR 29718 (May 18, 2012)(SR–BOX–2012–001)(order approving expansion of STO Program)[sic].

[9] These include, without limitation, options, equities, futures, derivatives, indexes, exchange traded funds (''ETFs''), exchange traded notes (''ETNs''), currencies, and over-the-counter instruments.

[10] The Exchange notes that, in fact, the volume increase in STOs since their inception less than two years ago greatly exceeds the volume increase of any other length option (e.g. monthly, quarterly, or long term) over the same equivalent time period.

[11] During the same time period, monthly options volume decreased by 8%.

[12] Exchange Rule 5050(d)(4) provides that the interval between strike prices of series of options on ETFs is permitted to be at such intervals as may have been established on another options exchange prior to the initiation of trading on BOX.

[13] The Exchange notes, however, that the $0.50 Strike Program has inherent price limitations that make it unsuitable for STO options.

[14] Like the $0.50 Strike Program, the $1 Strike Program has inherent limitations that make it unsuitable for STO options. The Exchange is not aware of any material market surveillance issues arising because of the $0.50 or $1 strike price intervals.

[15] *See* Securities Exchange Act Release No. 64189 (April 5, 2011), 76 FR 20066 (April 11, 2011)(SR–CBOE–2011–008)(order granting approval of $0.50 and $1 strike price intervals for certain volatility options where the strike prices are less than $75 and between $75 and $150, respectively). In approving the CBOE interval proposal, the Commission stated that the proposal appears to strike a reasonable balance between the Exchange's desire to offer a wider array of investment opportunities and the need to avoid unnecessary proliferation of options series and the corresponding increase in quotes and market fragmentation. The Exchange notes that other options exchanges including NYSE Amex, NYSE Arca, ISE, NOM, and Phlx have made similar rule changes.

consummate trading and hedging strategies on BOX. The Exchange believes that this precision is increasingly necessary, and in fact crucial, as traders and investors engage in trading and hedging strategies across various investment platforms (e.g. equity and ETF, index, derivatives, futures, foreign currency, and even commodities products); particularly when many of these platforms enjoy substantially smaller strike price differentiations (e.g. as low as $.05).[16]

Weekly options have characteristics that are attractive for certain trading and hedging strategies. Thus, weeklies may be attractive for retail trading strategies that could benefit from the inherent accelerated time decay of weekly options, such as selling (buying) vertical or calendar spreads. And weeklies may be particularly attractive instruments for short-term institutional hedging needs (e.g. sudden price movements against large option positions during expiration week; maintenance or adjustment of complex option positions) as well as for retail hedging needs (e.g. preceding large earnings plays). In every case, trading and hedging is more effective when it can be closely tailored.

The Exchange believes the current wider STO price intervals have negatively impacted investors and traders, particularly retail public customers, who have on several occasions requested of the Exchange, finer, narrower STO intervals. The proposal would fix this.

Following are examples of how inadequately narrow STO intervals negatively impact trading and hedging opportunities.

If an investor needs to purchase an STO call option in CSCO (03/26/12 closing price $20.84), the current $1 strike interval would offer less opportunity and choice for an investor seeking to keep cash expenditures low. For example, an investor wishing to buy an in-the-money call option for less than a $2.50 investment per call purchase has only two strike prices that meet his criteria from which to choose: the 19 strike and the 20 strike. Such call options with five days until expiration might offer ''ask prices'' (option premiums) of $1.75 and $.75. However, if CSCO had $0.50 strike prices as proposed, the same investor would have a selection of March 18.50, 19.00, 19.50, 20.00, and the 20.50 strike call options that may have options premiums from approximately $2.25 down to approximately $.25. This expanded range of strikes, and commensurate option premiums, offers far more choice and a considerably lower cost of entry to the investor, thereby garnering the investor more than a 66% options premium savings. Lower intervals increase effective liquidity by offering investors and traders more price points at which they may execute trading and hedging strategies.[17] This allows investors and traders the ability to more effectively execute their strategies at lower cost. Clearly, more efficient pricing is advantageous to all market participants, from retail to institutional investors.

If, on the put side, an investor is interested in purchasing an STO option in LNKD (03/26/12 closing price $101.38), the current strike interval rules similarly offer less opportunity and less choice for the investor seeking to keep cash expenditures low. For example, an investor wishing to buy an in-the-money put option for less than a $5.00 investment per put purchase has only one strike price that meets his criteria from which to choose: the 105 strike. This put option with five days until expiration may have an option premium of $5.00. However, if LNKD had $1 strike intervals as proposed, the investor would have a selection of March 105, 104, 103, 102, and 101 strike put options that may have options premiums from approximately $5 down to $2. This greatly expanded range of strikes allows the investor more choice and lower cost of entry, and may save the investor as much as 60% in options premium payout.[18]

And as yet another example, if an investor is interested in purchasing a complex option spread, narrow strike intervals would offer additional cost savings and choice. With the 105 LNKD puts trading at $5.00, as stated in the example above, the next strike available to offset the cost of the 105 strike would be the 100 puts trading at an approximately $1.50 premium. With the current intervals, this would result in a 105–100 put spread costing approximately $3.50. However, if strike prices were available in $1 increments, various cheaper spreads could be obtained within the same 105–100 range of strikes. In that each $1 incremented put spread might trade at approximately $.30 to $.80 within this strike range, it is easy to see that $1 strikes as proposed may result in significant savings for investors trying to execute complex strategies.

Furthermore, the inadequate price intervals for STOs, particularly at the lower price levels proposed by the Exchange, may discourage retail and other customers from executing STO orders when they could be the most advantageous for effective execution of trading and hedging strategies on regulated and transparent exchanges. The Exchange feels that it is essential that such negative, potentially costly and time-consuming impacts on retail investors are eliminated by offering tighter intervals within the STO Program. The changes proposed by the Exchange should allow execution of more trading and hedging strategies on BOX.[19]

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the potential additional traffic associated with trading in the Program at $0.50 or greater where the strike price is less than $75 and $1 or greater where the strike price is between $75 and $150. The Exchange believes that BOX Options Participants will not have a capacity issue as a result of this proposal.

The Exchange also proposes language designed to enable a non-STO option class (e.g. monthly option) that is selected for the STO to behave like the STO during the expiration week of the related non-STO.[20] Specifically, the Exchange proposes that notwithstanding any other provision regarding strike prices in the applicable rule (Rule 5050 for non-index options or Rule 6090 for index options), during the expiration

[16] As an example, per the CME Web site, strike prices for options on futures may be at an interval of $.05, $.10, and $.25 per specified parameters. *See http://www.cmegroup.com/trading/equity-index/files/EQUITY_FLEX_Options.pdf* (options on S&P 500 and NASDAQ–100 contracts) and *http://www.cmegroup.com/rulebook/files/S_5734_x11-05-18x_Change_in_Listing_Rules_for_Goldx_Silverx_Copper_Options.pdf* (options on metals contracts).

[17] Moreover, lower strike intervals provide additional price points for liquidity providers. This allows the liquidity providers to improve theoretical pricing as well as hedging capabilities, thereby enabling them to increase the size and quality of their markets.

[18] This premium savings may be very significant for an investor that is buying a large number of option contracts. *See* supra note 14 and related text.

[19] In addition, there is a competitive impact. First, the proposal would enable BOX to provide market participants with an opportunity to execute their strategies (e.g. complex option spreads) wholly on their preferred market, namely BOX. Second, the proposal would diminish the potential for foregone market opportunities on BOX caused by the need to use a more advantageous (that is, interval-precise) platform than STOs currently allow.

[20] The Exchange notes that STOs are not listed and traded during the expiration week of the related non-STOs, which is generally the third week in the month. During this week, those that want or need weekly options must buy (sell) the related non-STOs. The proposal would allow traders and hedgers to have the same benefits during each week in a month, including the one week when STOs are not listed and traded.

week of a non-STO that is selected for an STO, the strike price intervals for the non-STO shall be the same as the strike price intervals permitted for the STO. Thus, during the non-STO expiration week, the strike price intervals for the non-STO shall be $0.50 or greater where the strike price is less than $75 and $1 or greater where the strike price is between $75 and $150. The Exchange also proposes that notwithstanding any other provision regarding strike prices in the applicable rule (Rule 5050 or Rule 6090), during the week before the expiration week of a non-STO that is selected for an STO, the BOX shall open the non-STO for trading in $0.50 and $1 strike price intervals in the same manner as permitted for STOs. Thus, a non-STO may be opened in STO intervals on a Thursday or Friday that is business day before the STO expiration week.[21] If BOX is not open for business on the respective Thursday or Friday, however, the non-STO may be opened in STO intervals on the first business day immediately prior to that respective Thursday or Friday.[22]

These changes are proposed to ensure conformity between STOs and non-STOs that are in the same options class (e.g. weekly and monthly SPY options). The Exchange believes that, as discussed, these changes are necessary to give investors and traders the ability to maximize trading and hedging opportunities while minimizing costs; and that a lack of such conforming changes would be counter-productive for market participants.

The Exchange believes that the STO Program has provided investors with greater trading opportunities and flexibility and the ability to more closely tailor their investment and risk management strategies and decisions. Furthermore, BOX has had to reject trading requests because of the limitations imposed by the Program. For these reasons, the Exchange requests an expansion of the strike price intervals in the Program, as well as conformity of the relevant non-STO process, to provide investors with better weekly option choices for investment, trading, and risk management purposes.

Finally, the Exchange proposes a technical, non-substantive change to Rule 5050(a) to correct cross references to the Interpretive Material for the Quarterly Options Series Program and Short Term Option Series Program which are codified in IM–5050–4 and IM–5050–6, respectively.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act of 1934 [23] (the ''Act'') in general, and furthers the objectives of Section 6(b)(5) of the Act [24] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. This will be effectuated by the following rule changes: STO strike price intervals of $0.50 or greater where the strike price is less than $75 and $1 or greater where the strike price is between $75 and $150; during the expiration week of the non-STO, the strike price intervals for the non-STO will be the same as for the STO; and during the week before the non-STO expiration week, the timing for opening the non-STO in STO strike price intervals will be the same as for the STO. The Exchange believes that the proposed changes will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment and hedging decisions, while ensuring conformity between STOs and related non-STOs.

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 Exchange Act. To the contrary, the Exchange believes the proposal is pro-competitive. First, the proposal would enable the Exchange to provide market participants with an opportunity to execute their strategies wholly on their preferred market, namely BOX. And second, the proposal would diminish the potential for foregone market opportunities on BOX caused by the need to use a more advantageous (that is, interval-precise) platform than STOs currently allow.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has 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 proposed rule change is filed pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act [25] and Rule 19b–4(f)(6) thereunder.[26] The proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange asked the Commission to waive the 30-day operative delay period for non-controversial proposed rule changes to allow the proposed rule change to be operative upon filing.[27] The Commission believes such waiver is in the interest of investors because the proposed rule change presents no novel issues, and waiver will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission grants such waiver and designates the proposal operative upon filing.[28]

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,

[21] The proposed opening timing is consistent with the principle that BOX may add a new series of options until five business days prior to expiration. *See* Rule 5050 and Rule 6090.

[22] The STO opening process is set forth in IM–5050–6 and IM–6090–2: After an option class has been approved for listing and trading on BOX, BOX may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire on the Friday of the following business week that is a business day (''Short Term Option Expiration Date''). If BOX is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if BOX is not open for business on the Friday of the following business week, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(6).

[27] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[28] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–BOX–2012–012 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–BOX–2012–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method.

The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on business days between the hours of 10 a.m. and 3 p.m., located at 100 F Street NE., Washington, DC 20549. 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–BOX–2012–012 and should be submitted on or before October 12, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary .

[FR Doc. 2012–23288 Filed 9–20–12; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67871; File No. SR–BOX–2012–003]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Amend the Price Improvement Period

September 17, 2012.

On July 25, 2012, BOX Options Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] a proposed rule change to amend Rule 7150 (the Price Improvement Period (''PIP'')) with respect to the execution of quotes and orders that are on the BOX Book prior to the start of a PIP. The proposed rule change was published for comment in the **Federal Register** on August 9, 2012.[4] The Commission received one comment letter on the proposal.[5]

Section 19(b)(2) of the Act [6] provides that within forty-five days of the publication of notice of the filing of a proposed rule change, or within such longer period up to ninety days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is September 23, 2012. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the Exchange's proposal with respect to the execution of quotes and orders that are on the BOX Book prior to the start of a PIP, and to consider the comment letter that has been submitted in connection with the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 67592 (August 3, 2012), 77 FR 47681.

[5] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Kurt Eckert, Principal, Wolverine Trading, LLC, dated August 30, 2012.

[6] 15 U.S.C. 78s(b)(2).

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[7] designates November 7, 2012, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23289 Filed 9–20–12; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(31).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2012–0023]

Social Security Ruling (SSR), 12–1p; Title II: Determining Whether Work Performed in Self-Employment by Persons Who Are Blind Is Substantial Gainful Activity and Treatment of Income Resulting From the Randolph-Sheppard Act and Similar Programs

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling.

SUMMARY: We are giving notice of SSR 12–1p. This SSR explains our policy for evaluating whether work performed by self-employed persons who are blind is substantial gainful activity (SGA) under the disability program in title II of the Social Security Act (Act). In addition, this ruling clarifies that we do not count the income resulting from the Randolph-Sheppard Act and similar programs as earnings when we determine whether blind persons are engaging in SGA.

DATES: *Effective Date:* September 21, 2012.

FOR FURTHER INFORMATION CONTACT: Andrea Stoneham, Office of Program Development and Research, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–6286, or, if you are deaf or hard of hearing, you may call our TTY number, 1–800–325–0778. You may also visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are doing so in accordance with 20 CFR 402.35(b)(1).

SSRs make available to the public precedential decisions relating to the Federal old-age, survivors, disability,

supplemental security income, special veterans benefits, and black lung benefits programs. We base SSRs on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all of our components. 20 CFR 402.35(b)(1).

This SSR will be in effect until we publish a notice in the **Federal Register** that rescinds it, or until we publish a new SSR that replaces or modifies it.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; and 96.004, Social Security—Survivors Insurance).

Dated: September 7, 2012.

Michael J. Astrue,

Commissioner of Social Security.

Policy Interpretation Ruling

Title II: Determining whether work performed in self-employment by persons who are blind is substantial gainful activity and treatment of income resulting from the Randolph-Sheppard Act and similar programs.

Purpose: This Social Security Ruling (SSR) explains our policy for evaluating whether work performed by self-employed persons who are blind is substantial gainful activity (SGA) under the disability program in title II of the Social Security Act (Act).[1] In addition, this ruling clarifies that we do not count income resulting from the Randolph-Sheppard Act and similar programs as earnings when we determine whether blind persons are engaging in SGA.

Citations (Authority): Sections 216(i) and 223(d) of the Act, as amended; (42 U.S.C. 416(i) and 423(d)); 20 CFR 404.1572, 404.1573, 404.1575, and 404.1584; section 7 of the Randolph-Sheppard Act, as amended (20 U.S.C. 107d–3); 34 CFR 395.8 and 395.32.

Introduction: Under the disability provisions of the law, a title II disability beneficiary who performs SGA after the trial work period is not eligible for disability payments except during the first month he or she performs SGA, and the two succeeding months, whether or not he or she performs SGA in those months. We define SGA in the regulations as work that involves doing significant physical or mental activities and is the kind of work usually done for pay or profit. Work activity may be substantial even if the person does it on a part-time basis, or does less, is paid less, or has less responsibility than in previous work. Work activity by a self-employed person is gainful if it is the kind of work usually done for profit, whether or not the person realizes a profit. We generally do not consider activities such as self-care, household tasks, hobbies, therapy, school attendance, club activities, or social programs to be SGA. *See* 20 CFR 404.1572.

Policy Interpretation: For work activity performed by blind self-employed persons, we evaluate self-employment work activity based on whether the blind person has received a substantial income from the business and rendered significant services to the business.[2]

Substantial Income

To determine whether a blind person has received substantial income from the business, we determine the blind person's countable income in the same manner as we determine the countable income of non-blind persons. We use the Internal Revenue Service rules to determine gross income, deductions, and net income from self-employment. We then deduct the reasonable value of any significant amount of unpaid help furnished by the person's spouse, children, or others, impairment-related work expenses (if they were not already deducted from gross income as a business expense), unincurred business expenses, and any soil bank payments (if such payments were included as income by a farmer). The income remaining after we make all applicable deductions represents the actual value of work performed and is the amount we use to determine whether the person has engaged in SGA. We refer to this amount as the blind person's countable income. *See* 20 CFR 404.1575(c) and 404.1584(d).

We then compare his or her countable income from the business with the dollar amounts in our published SGA earnings guidelines for persons who are blind.[3] We generally adjust the SGA guidelines annually based on increases in the national average wage index.

- If the average monthly countable income of a self-employed blind person exceeds our SGA earnings guidelines for the applicable year, we will consider the person's work activity to be SGA, unless he or she has not rendered significant services to the business.
- If the average monthly countable income of the blind person is equal to or less than the SGA earnings guidelines for the applicable year, we will not consider his or her work activity to be SGA.

Significant Services

If the countable income of a self-employed blind person exceeds our SGA guidelines for blind persons, we will consider whether he or she (if not a farm landlord[4]) has rendered significant services to determine whether the work activity is SGA. If the blind person operates a business alone, we consider any services rendered to be significant to the business. However, if the business involves the services of more than one person, we evaluate the actual services rendered by the blind person to determine whether they are significant. We will consider services significant if the blind person provides more than half the total time needed to manage the business, or more than 45 hours a month regardless of the total management time the business required.

Vending Machine Income Received by Blind Vendors Under the Randolph-Sheppard Act and Similar Programs

The Randolph-Sheppard Act established a program for persons who are blind to operate vending facilities as a business on Federal property.[5] The income the blind vendor receives from the operation of the business is self-employment income. In addition, under the Randolph-Sheppard Act program, a blind vendor who operates a vending facility on Federal property may also receive income from vending machines that are located on the same property, even though the blind vendor does not

[1] A person is blind if his or her visual impairment meets the definition of ''blindness'' in section 216(i)(1) of the Act. See 20 CFR 404.1581.

[2] We apply this test to evaluate work activity performed by blind self-employed persons in 1978 or later. We use a different test to evaluate work activity performed by blind self-employed individuals prior to 1978. *See* SSR 83–34, ''Titles II and XVI: Determining Whether Work Is Substantial Gainful Activity—Self-Employed Persons.''

[3] Evaluation of a self-employed person's work activity for SGA purposes is concerned only with income that represents the person's own productivity. Therefore, before applying the earnings guidelines it is necessary to ascertain what portion of the individual's income represents the actual value of the work he or she performed. See SSR 83–34. For 1978 and later, the law establishes SGA earnings guidelines for blind persons that are higher than the SGA earnings guidelines for non-blind persons. Section 335 of Public Law 95–216, 91 Stat. 1509, 1547.

[4] If a blind person is a farm landlord (i.e., you rent farm land to another) who materially participates in the production or the management of the production of the things raised on the rented farm, we will consider those services as significant. See 20 CFR 404.1082, 404.1575(b)(2).

[5] Randolph-Sheppard Act, as amended (20 U.S.C. 107 *et seq.*); 34 CFR part 395.

service, operate, or maintain the vending machines.[6]

Various states have established similar programs for persons who are blind to operate vending facilities as a business on state and local government property. Like the Randolph-Sheppard Act program, many of these State programs provide the blind vendor with income from vending machines that are located on the same property but are operated independently of the blind vendor's vending facility business.

The income that blind self-employed vendors receive under the Randolph-Sheppard Act (and similar State programs) from vending machines that are located on the same property, but are not serviced, operated, or maintained by the blind vendor, is not a measure of a blind vendor's own productivity. It does not represent the actual value of any part of the blind vendor's work activity. Since the income a blind vendor receives under this provision of the Randolph-Sheppard Act (or similar State programs) is independent of his or her own vending business, and cannot be attributed to the blind vendor's own work activity, we will not consider this income when we determine whether the self-employment work activity is SGA. We will deduct this income from the blind vendor's net income before we apply the SGA earnings guidelines.

Cross-References: SSR 83–34 Titles II and XVI: Determining Whether Work Is Substantial Gainful Activity—Self-Employed Persons; Program Operations Manual System sections DI 10501.015, DI 10515.005, and DI 10515.010.

[FR Doc. 2012–23321 Filed 9–20–12; 8:45 am]

BILLING CODE 4191–02–P

[6] Section 7 of the Randolph-Sheppard Act, as amended (20 U.S.C. 107d–3); 34 CFR 395.8 and 395.32.

DEPARTMENT OF STATE

[Public Notice 8037]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Notice of Public Meeting of the Study Group on Choice of Law in International Commercial Contracts

The Office of the Assistant Legal Adviser for Private International Law, Department of State, hereby gives notice of a public meeting of the Study Group on Choice of Law in International Commercial Contracts. A working group of experts from various countries was established by the Hague Conference on Private International Law to develop non-binding principles relevant to the choice of law in international commercial contracts. The draft principles prepared by that group will be considered at a Special Commission of the Hague Conference to be held November 12–16. If the draft principles are approved by the Special Commission, it is expected that the working group will be requested to prepare a detailed commentary to accompany the principles. The purpose of the public meeting is to obtain the views of concerned stakeholders in advance of the Special Commission. This is not a meeting of the full Advisory Committee. The relevant documents can be found at the following links:

http://www.hcch.net/upload/wop/gap12pd04e.pdf (Report of the Working Group and draft principles);

http://www.hcch.net/upload/wop/contracts_agenda2012e.pdf (Agenda for Special Commission Meeting): and

http://www.hcch.net/upload/wop/gap2012concl_en.pdf (Conclusions and Recommendations of the Council).

Time and Place: The meeting will take place on October 19, 2012 from 10 a.m. to 2 p.m. EDT in Room 240, South Building, State Department Annex 4. Participants should arrive at the Navy Hill gate at the corner of 23rd Street NW., and D Street NW., before 9:30 a.m. for visitor screening. Persons arriving later will need to make arrangements for entry using the contact information provided below. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Access to Navy Hill is strictly controlled. For pre-clearance purposes, those planning to attend in person are requested to email or phone Tricia Smeltzer (*smeltzertk@state.gov,* 202–776–8423) or Niesha Toms (*tomsnn@state.gov,* 202–776–8420) and provide your full name, address, date of birth, citizenship, driver's license or passport number, affiliation, and email address. This will greatly facilitate entry. Participants will be met at the Navy Hill gate at 23rd and D Streets NW., and will be escorted to the South Building.

A member of the public needing reasonable accommodation should advise Ms. Smeltzer or Ms. Toms not later than October 12, 2012. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please contact Ms. Smeltzer or Ms. Toms to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: September 11, 2012.

Michael Dennis,

Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. 2012–23337 Filed 9–20–12; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 8039]

Notice of Closed Meeting of the Cultural Property Advisory Committee

There will be a closed meeting of the Cultural Property Advisory Committee on Thursday, October 25, 2012, and on Friday, October 26, 2012, at the Department of State, Annex 5, 2201 C Street NW., Washington, DC.

The Committee will conduct interim reviews of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions of Archaeological Material from the Kingdom of Cambodia from the Bronze Age through the Khmer Era,* and the *Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old.* Public comment, oral and written, will be invited at a time in the future should these MOUs be proposed for extension.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). The Act and subject Memoranda of Understanding, as well as related information, may be found at *http://exchanges.state.gov/heritage/culprop.* This meeting will be

closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), the latter of which stipulates that ''The provisions of the Federal Advisory Committee Act * * * shall apply to the [Cultural Property Advisory] Committee except that the requirements of subsections (a) and (b) of section 10 and 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiation objectives or bargaining positions on the negotiations of any agreement authorized by this title.''

Dated: September 8, 2012.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–23340 Filed 9–20–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8038]

U.S. Department of State Advisory Committee on Private International Law (ACPIL)—Online Dispute Resolution (ODR) Study Group

The Office of the Assistant Legal Adviser for Private International Law, Department of State, hereby gives notice that the ACPIL ODR Study Group will hold a public meeting. The ACPIL ODR Study Group will meet to discuss the next session of the UNCITRAL ODR Working Group, scheduled for November 5–9 in Vienna, and will specifically address security issues relating to the use of the ODR Rules, including measures to address the risk of fraud involving consumers who participate. This is not a meeting of the full Advisory Committee.

The UNCITRAL ODR Working Group is charged with the development of legal instruments for resolving both business to business and business to consumer cross-border electronic commerce disputes. The Working Group is in the process of developing generic ODR procedural rules for resolution of cross-border electronic commerce disputes, along with separate legal instruments that may take the form of annexes on guidelines and minimum requirements for online dispute resolution providers and arbitrators, substantive legal principles for resolving disputes, and a cross-border enforcement mechanism. One of the key issues that the working group is addressing is the identification of security issues relating to use of the ODR Rules, including measures to address the risk of fraud involving consumers who participate.

For the reports of the first four sessions of the UNCITRAL ODR Working Group—December 13–17, 2010, in Vienna (A/CN.9/716); May 23–27, 2011, in New York (A/CN.9/721); Nov. 14–18, 2011, in Vienna (A/CN.9/739) and May 21–25, 2012, in New York (A/CN.9/744)—please follow the following link: *http://www.uncitral.org/uncitral/commission/working_groups/3Online_Dispute_Resolution.html.* Documents relating to the upcoming session of the Working Group should be available on the same link in advance of the public meeting.

Time and Place: The meeting will take place on Thursday, October 18, 2012 from 1 p.m. to 5 p.m. EDT in Room 240, South Building (SA–4) (Navy Hill). Participants should arrive at Navy Hill before 12:30 p.m. for visitor screening. Participants will be met at the Navy Hill gate at 23rd and D Streets NW., and will be escorted to the South Building. Persons arriving later will need to make arrangements for entry using the contact information provided below. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room.

Access to Navy Hill is strictly controlled. For pre-clearance purposes, those planning to attend in person are requested to email or phone Tricia Smeltzer (*smeltzertk@state.gov,* 202–776–8423) or Niesha Toms (*tomsnn@state.gov,* 202–776–8420) and provide your full name, address, date of birth, citizenship, driver's license or passport number, affiliation, and email address. This will greatly facilitate entry.

A member of the public needing reasonable accommodation should advise Ms. Smeltzer or Ms. Toms not later than October 11. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please contact Ms. Smeltzer or Ms. Toms to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: September 11, 2012.

Michael J. Dennis,

Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. 2012–23342 Filed 9–20–12; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation Safety Approval Performance Criteria

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of criteria used to evaluate the National Aerospace Training and Research (NASTAR) Center safety approval application.

SUMMARY: The FAA issued NASTAR a safety approval, subject to the provisions of Title 51 U.S.C. Subtitle V, ch. 509, and the orders, rules and regulations issued under it. Pursuant to Title 14 Code of Federal Regulations (14 CFR) 414.35, this Notice publishes the criteria that were used to evaluate the safety approval application.

Background

NASTAR applied for, and received, a safety approval for the ability of its Falcon 12/4 Altitude Chamber to replicate pressures experienced at altitude levels. The performance criteria for this safety approval are applicant developed per 14 CFR 414.19(a)(4). NASTAR's Falcon 12/4 Altitude Chamber is capable of replicating any pressure experienced at altitudes from zero (0) feet up to 100,000 feet. This includes rapid decompression up to equalization altitudes of 30,800 feet.

Criteria Used To Evaluate Safety Approval Application

The Falcon 12/4 Altitude Chamber was evaluated by the FAA as a component of a flight crew qualification and training process. The evaluation included the FAA's assessment of the Falcon 12/4 Altitude Chamber's ability to accurately replicate the specified pressure levels.

NASTAR submitted the following data to show that the Falcon 12/4

Altitude Chamber complies with the criteria:

—Acceptance Test Plan,
—Pressure profile demonstrations, and
—Altimeter and pressure gauge test results.

FOR FURTHER INFORMATION CONTACT: For questions about the performance criteria, you may contact Randal Maday, Licensing and Evaluation Division (AST–200), FAA Office of Commercial Space Transportation (AST), 800 Independence Avenue SW., Room 331, Washington, DC 20591, telephone (202) 267–8652; Email *randal.maday@faa.gov.*

Issued in Washington, DC, on September 17, 2012.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 2012–23360 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Submission Deadline for Schedule Information for O'Hare International Airport, San Francisco International Airport, John F. Kennedy International Airport, and Newark Liberty International Airport for the Summer 2013 Scheduling Season

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

ACTION: Notice of submission deadline.

SUMMARY: Under this notice, the FAA announces the submission deadline of October 11, 2012, for Summer 2013 flight schedules at Chicago's O'Hare International Airport (ORD), San Francisco International Airport (SFO), New York's John F. Kennedy International Airport (JFK), and Newark Liberty International Airport (EWR) in accordance with the International Air Transport Association (IATA) Worldwide Slot Guidelines. The deadline coincides with the schedule submission deadline for the IATA Slots Conference for the Summer 2013 scheduling season.

DATES: Schedules must be submitted no later than October 11, 2012.

ADDRESSES: Schedules may be submitted by mail to the Slot Administration Office, AGC–200, Office of the Chief Counsel, 800 Independence Ave. SW., Washington, DC 20591; facsimile: 202–267–7277; or by email to: *7-AWA-slotadmin@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone number: 202–267–7143; fax number: 202–267–7971; email: *rob.hawks@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA has designated ORD as an IATA Level 2 airport, SFO as a Level 2 airport, JFK as a Level 3 airport, and EWR as a Level 3 airport. Scheduled operations at JFK and EWR are currently limited by FAA Orders until a final Congestion Management Rule for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (RIN 2120–AJ89) becomes effective but not later than October 26, 2013.[1]

The FAA is primarily concerned about planned passenger and cargo operations during peak hours, but carriers may submit schedule plans for the entire day. At ORD, the peak hours are 0700 to 2100 Central Time (1200 to 0200 UTC), at SFO from 0600 to 2300 Pacific Time (1300 to 0600 UTC), and at EWR and JFK from 0600 to 2300 Eastern Time (1000 to 0300 UTC). Carriers should submit schedule information in sufficient detail including, at minimum, the operating carrier, flight number, scheduled time of operation, frequency, and effective dates. IATA standard schedule information format and data elements (Standard Schedules Information Manual or SSIM) may be used.

The U.S. summer scheduling season for these airports is from March 24, 2013, through October 26, 2013, in recognition of the IATA northern summer period. The FAA understands there may be differences in slot times due to different U.S. daylight saving time dates and will accommodate these differences to the extent possible.

Issued in Washington, DC, on September 17, 2012.

Rebecca B. MacPherson,

Assistant Chief Counsel for International Law, Legislation, and Regulations.

[FR Doc. 2012–23278 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–13–M

[1] Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008) as amended 76 FR 18620 (Apr. 4, 2011); Operating Limitations at Newark Liberty International Airport, 73 FR 29550 (May 21, 2008) as amended 76 FR 18618 (Apr. 4, 2011).

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257; Notice No. 71]

Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) Working Group Activities.

SUMMARY: FRA is updating its announcement of the RSAC Working Group activities to reflect its current status.

FOR FURTHER INFORMATION CONTACT: Larry Woolverton, RSAC Designated Federal Officer/Administrative Officer, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6212; or Robert Lauby, Deputy Associate Administrator for Regulatory and Legislative Operations, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6474.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports of April 23, 2012 (77 FR 24257). The 46th full RSAC meeting was held on April 26, 2012, and the 47th meeting is scheduled for September 27, 2012, at the National Association of Home Builders, National Housing Center, located at 1201 15th Street NW., Washington, DC 20005.

Since its first meeting in April 1996, the RSAC has accepted 38 tasks. Status for each of the open tasks (neither completed nor terminated) is provided below:

Open Tasks

Task 96–4—Tourist and Historic Railroads. Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This task was accepted on April 2, 1996, and a working group was established. The working group monitored the steam locomotive regulation task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads.

Contact: Robert Lauby, (202) 493–6474.

Task 03–01—Passenger Safety. This task includes updating and enhancing the regulations pertaining to passenger

safety, based on research and experience. This task was accepted on May 20, 2003, and a working group was established. Prior to embarking on substantive discussions of a specific task, the working group set forth in writing a specific description of the task. The working group reports planned activities to the full RSAC at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. At the first meeting, held on September 9–10, 2003, a consolidated list of issues was completed. At the second meeting, held on November 6–7, 2003, four task groups were established: Emergency Preparedness, Mechanical, Crashworthiness, and Vehicle/Track Interaction. The task forces met and reported on activities for working group consideration at the third meeting, held on May 11–12, 2004, and a fourth meeting was held on October 26–27, 2004. The working group met on March 21–22, 2006, and again on September 12–13, 2006, at which time the group agreed to establish a task force on General Passenger Safety. The full Passenger Safety Working Group met on April 17–18, 2007; December 11–12, 2007; November 13, 2008; and June 8, 2009. On August 5, 2009, the working group was requested to establish an Engineering Task Force (ETF) to consider technical criteria and procedures for qualifying alternative passenger equipment designs as equivalent in safety to equipment meeting the design standards in the Passenger Equipment Safety Standards. Consensus Tier III recommendations of the ETF were developed and were approved at a meeting on October 6–7, 2011, by the Passenger Safety Working Group, and these recommendations were approved by the full RSAC Committee by electronic vote on March 2, 2012. These recommendations address safety issues related to high-speed rail trainsets used in the United States. No additional meetings are currently scheduled.

Contact: Charles Bielitz, (202) 493–6314.

Engineering Task Force. The Passenger Safety Working Group approved a request from FRA to establish an ETF under the Passenger Safety Working Group in August 2009. The mission of the task force is to produce a set of technical evaluation criteria and procedures for passenger rail equipment built to alternative designs. The technical evaluation criteria and procedures would provide a means of establishing whether an alternative design would result in performance at least equal to the structural design standards set forth in the Passenger Equipment Safety Standards (Title 49 Code of Federal Regulations (CFR) part 238). The initial focus of this effort will be on Tier I standards. When completed, the criteria and procedures would form a technical basis for making determinations concerning equivalent safety pursuant to 49 CFR Section 238.201, and provide a technical framework for presenting evidence to FRA in support of any request for waiver of the compressive (buff) strength requirement, as set forth in 49 CFR 238.203. *See* 49 CFR part 211, Rules of Practice. The criteria and procedures could be incorporated into Part 238 at a later date after notice and opportunity for public comment. The ETF was formed and a kickoff meeting was held on September 23–24, 2009. The group held follow-on meetings November 3–4, 2009; January 7–8, 2010; and March 9–10, 2010. A followup GoTo/Webinar meeting was held on July 12, 2010. The ETF developed a draft ''Criteria and Procedures Report'' that was approved by the Passenger Safety Working Group during the September 16, 2010, meeting and by the RSAC Committee during the September 23, 2010, meeting. The document has been placed on the FRA Web site at the following address: *http://www.fra.dot.gov/downloads/safety/RSAC_REPORT-%209-16-10.pdf*.

Engineering Task Force II. In order to build on the success of the ETF in developing a set of alternative technical criteria and procedures for evaluating the crashworthiness and occupant protection performance of passenger rail equipment in service at conventional operating speeds, FRA requested that the Passenger Safety Working Group re-task the group to concentrate on developing crashworthiness and occupant protection safety recommendations for high-speed passenger trains. The Passenger Safety Working Group accepted the task on July 28, 2010, by electronic vote. Under the new task, the task force may address any safety features of the equipment, including but not limited to crashworthiness, interior occupant protection, glazing, emergency egress, and fire safety features. Any type of equipment may be addressed, including conventional locomotives, high-speed power cars, cab cars, multiple-unit (MU) locomotives, and coach cars. The equipment addressed may be used in any type of passenger service, from conventional-speed to high-speed. Recommendations may take the form of criteria and procedures, revisions to existing regulations, or adoption of new regulations, including rules of particular applicability. The work of the re-tasked ETF is intended to assist FRA in developing appropriate safety standards for the high-speed rail projects planned in California and Nevada. The ETF II held a kickoff meeting on October 21–22, 2010, to begin work on the new high-speed task, and had follow-on meetings on January 11–12, February 14–15, March 30–31, June 16–17, October 6–7, 2011; and June 27–28, 2012. Consensus Tier III recommendations of the ETF were developed and were accepted by vote during the meeting on October 6–7, 2011. The ETF II formed three additional Task Groups to work in the areas of track worthiness and brakes.

The Track Worthiness Task Group is tasked to identify potential safety issues related to operation of high-speed trainsets on conventional track and to make recommendations on how best to mitigate any consequences. The Task Group includes experts and key stakeholders such as international operators of high-speed equipment, car builders, wheel/rail interaction dynamics specialists, and other RSAC working group members involved in vehicle/track interaction.

The Brakes Task Group is tasked to review braking system requirements and international braking system requirements versus existing U.S. requirements including inspection and maintenance and identify common features, determine basic parameters, and consider use of service proven braking systems. The Task Group will also consider performance-based provisions and requirements with consideration for operators to develop maintenance, inspection, and service plans, and make recommendations regarding brakes to the ETF II as related to Tier III.

The Engineering Structure and Integrity Task Group is tasked to develop a document that outlines and describes procedures and processes necessary to demonstrate compliance with the requirements of applicable Federal regulations and American Public Transportation Association (APTA) standards for structural integrity and crashworthiness for railroad passenger train sets. The next ETF meeting is scheduled for September 2526, 2012. *Contact*: Robert Lauby, (202) 493–6474.

Emergency Preparedness Task Force. At the working group meeting on March 9–10, 2005, the working group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency communication,

emergency egress, and rescue access. These recommendations were presented to and approved by the full RSAC on May 18, 2005. The working group met on September 7–8, 2005, and additional, supplementary recommendations were presented to and accepted by the full RSAC on October 11, 2005. The Notice of Proposed Rulemaking (NPRM) was published on August 24, 2006 (71 FR 50275), and was open for comment until October 23, 2006. The working group agreed on recommendations for the final rule, including resolution of final comments received, during the April 17–18, 2007, meeting. The recommendations were presented to and approved by the full RSAC on June 26, 2007. The Passenger Train Emergency Systems final rule, focusing on emergency communication, emergency egress, and rescue access, was published on February 1, 2008 (73 FR 6370). The task force met on October 17–18, 2007, and reached consensus on the draft rule text for a followup NPRM on Passenger Train Emergency Systems, focusing on low location emergency exit path marking, emergency lighting, and emergency signage. The task force presented the draft rule text to the Passenger Safety Working Group on December 11–12, 2007, and the consensus draft rule text was presented to and approved by full RSAC vote during the February 20, 2008, meeting. During the May 13–14, 2008, meeting, the task force recommended clarifying the applicability of back-up emergency communication system requirements in the February 1, 2008, final rule, and FRA announced its intention to exercise limited enforcement discretion for a new provision amending instruction requirements for emergency window exit removal. The working group ratified these recommendations on June 19, 2008. The task force met again on March 31, 2009, to clarify issues raised by members related to the followup NPRM. The modified rule text was presented to and approved by the Passenger Safety Working Group on June 8, 2009. The working group requested that FRA draft the rule text requiring daily inspection of removable panels or windows in vestibule doors and entrust the Emergency Preparedness Task Force with reviewing the text. FRA sent the draft text to the task force for review and comment on August 4, 2009. The draft rule text was approved by the Passenger Safety Working Group by mail ballot on December 23, 2009, and the resultant NPRM was published January 3, 2012 (77 FR 154). No additional task force meetings are currently scheduled. *Contact*: Brenda Moscoso, (202) 493–6282.

Vehicle/Track Interaction Task Force. The task force is developing proposed revisions to 49 CFR parts 213 and 238, principally regarding high-speed passenger service. The task force met on October 9–11, 2007, and again on November 19–20, 2007, in Washington, DC, and presented the final task force report and final recommendations and proposed rule text for approval by the Passenger Safety Working Group at the December 11–12, 2007, meeting. The final report and the proposed rule text were approved by the working group and were presented to and approved by full RSAC vote during the February 20, 2008, meeting. The group met on February 27–28, 2008, and by teleconference on March 18, 2010, to address unresolved issues, and the NPRM was published on May 10, 2010 (75 FR 25928). The task force was called back into session on August 5–6, 2010, to review and consider NPRM comments. The final rule will amend the Track Safety Standards and Passenger Equipment Safety Standards for high-speed train operations and train operations at high cant deficiencies to promote the safe interaction of rail vehicles with the track over which they operate. It will revise both the safety limits for these operations and the process to qualify them. It accounts for a range of vehicle types that are currently used and may likely be used on future high-speed or high cant deficiency rail operations, and would provide safety assurance for train operations in all classes of track. It is based on the results of simulation studies designed to identify track geometry irregularities associated with unsafe wheel forces and acceleration, thorough reviews of vehicle qualification and revenue service test data, and consideration of international practices. The draft final rule was sent to the task force for final consensus on November 11, 2011, and was approved by electronic vote on November 21, 2011. The draft final rule was then approved by electronic vote by the Passenger Safety Working Group on December 12, 2011, and by the full RSAC Committee by electronic vote on January 6, 2012. Target publication date of the final rule is September 2012. *Contact*: John Mardente, (202) 493–1335.

General Passenger Safety Task Force. At the Passenger Safety Working Group meeting on April 17–18, 2007, the task force presented a progress report to the working group. The task force met on July 18–19, 2007, and afterwards it reported proposed reporting cause codes for injuries involving the platform gap, which were approved by the working group by mail ballot in September 2007. The full RSAC approved the recommendations for changes to 49 CFR part 225 accident/incident cause codes on October 25, 2007. The General Passenger Safety Task Force presented draft guidance material for management of the gap that was considered and approved by the working group during the December 11–12, 2007, meeting and was presented to and approved by full RSAC vote during the February 20, 2008, meeting. The group met April 23–24, 2008, December 3–4, 2008, April 21–23, 2009, October 7–8, 2009, and July 30, 2010, by GoTo/Webinar teleconference. The task force continues work on passenger train door securement, ''second train in station,'' trespasser incidents, and system safety-based solutions by developing a regulatory approach to system safety. The task force has created two task groups to focus on these issues.

The Door Safety Task Group has reached consensus on 47 out of 48 safety issues and had five items that have been remanded to the task force for vote. The issues are addressed in the area of passenger train door mechanical and operational requirements and presented draft regulatory language to the Passenger Safety Working Group at the September 16, 2010, meeting. More work remains to ensure the 49 CFR part 238 door rule consensus document and the proposed APTA door standard (APTA SS–M–18–10) uses uniform language. The document was approved by the Passenger Safety Working Group by electronic vote on March 31, 2011, and approved by the RSAC on May 20, 2011. This rulemaking would amend the passenger equipment safety standards to enhance safety standards as they relate to passenger door securement while a passenger train is in service based on research and experiences of FRA safety inspectors. Specifically, FRA would incorporate by reference APTA standard: ''APTA SS–M–18–10 Standard for Powered Exterior Side Door System Design for New Passenger Cars.'' A draft NPRM is currently under development with a target publication date of September 2012. No additional Door Task Group meetings are currently scheduled. *Contact:* Brian Hontz, (610) 521–8220.

The System Safety Task Group has produced draft regulatory language for a System Safety Rule, but work on this rulemaking was delayed until a study of legal protections for Risk Reduction Program (RRP) and System Safety Program (SSP) risk analysis data that is required by the Rail Safety Improvement

Act of 2008 (RSIA) was completed. The System Safety rulemaking would improve passenger railroad safety through structured, proactive processes and procedures developed by passenger railroad operators. It would require passenger railroads to establish an SSP that would systematically evaluate and manage risks in order to reduce the number and rates of railroad accidents, incidents, injuries, and fatalities. FRA continued to work on a draft NPRM while waiting for the legal review of protection of hazard analysis information, required by Section 109 of the RSIA. The Office of Chief Counsel completed a legal study and posted it on the FRA Web site and in the docket. The General Passenger Safety Task Force including the members of the System Safety Task Group met on February 1–2, 2012, and continued work on finalizing the draft NPRM language. The resulting NPRM was published on September 7, 2012 (77 FR 55372), with comments due by November 6, 2012. No additional System Safety Task Group meetings are currently scheduled. *Contact:* Dan Knote, (631) 567–1596.

Task 05–01 Review of Roadway Worker Protection Issues. This task was accepted on January 26, 2005, to review 49 CFR part 214, subpart C, Roadway Worker Protection (RWP), and related sections of Subpart A; to recommend consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general system of railroad transportation, including clarification of existing requirements. A working group was established and reported any specific actions to the RSAC that it identified as appropriate. The first meeting of the working group was held on April 12–14, 2005. Over the course of 2 years, the group drafted and reached consensus on regulatory language for various revisions, clarifications, and additions to 32 separate items in 19 sections of the rule. However, two parties raised technical concerns regarding one of those items, namely, the draft language concerning electronic display of track authorities. The working group presented and received approval on all of its consensus recommendations for draft rule text to the full RSAC at the June 26, 2007, meeting. FRA will address the issue of electronic display of track authorities, along with eight additional items that the working group was unable to reach consensus, through the traditional NPRM process. In early 2008, the external working group members were solicited to review the consensus rule text for errata review. In order to address the heightened concerns raised with the current regulations for adjacent-track, on-track safety, FRA decided to issue, on an accelerated basis, a separate NPRM that would solely focus on this element of the RWP rule. An NPRM with an abbreviated comment period regarding adjacent-track, on-track safety was published on July 17, 2008, but was later withdrawn on August 13, 2008, to permit further consideration of the RSAC consensus language. A second NPRM concerning adjacent-controlled-track, on-track safety was published on November 25, 2009, and comments were due to the docket by January 25, 2010. Comments were reviewed and considered by FRA, and the final rule was published on November 30, 2011 (76 FR 74586). In response to the final rule, FRA received two petitions for reconsideration that raise a number of substantive issues requiring a detailed response. A delay of the effective date of the final rule and a request for comments was published on March 8, 2012 (77 FR 13978). This document delays the effective date of the final rule until July 1, 2013, and establishes a 60-day comment period in order to permit interested parties an opportunity to respond to the submitted petitions for reconsideration. FRA received five comments on the petitions, some of which raise additional substantive issues or provide further detailed information on the issues already raised. The petitions and comments on the petitions are available for review in the docket for this rulemaking, and have been assigned identification numbers of FRA–2008–0059–0031 and FRA–2008–0059–0032, for the petitions, and identification numbers of FRA–2008–0059–0034, FRA–2008–0059–0035, FRA–2008–0059–0036, FRA–2008–0059–0037, and FRA–2008–0059–0038, for the comments on the petitions. Due to the complex issues raised and extensive estimates provided in the petitions and comments, FRA continues to formulate an appropriate response. FRA's response to the petitions and comments will be published as soon as practicable and will be filed in the same docket.

The remaining larger NPRM relating to the various revisions, clarifications, and additions to 31 separate items in 19 sections of the rule, and FRA's recommendations for 9 nonconsensus items was published on August 20, 2012 (77 FR 50324), with comments due by October 19, 2012. *Contact:* Joe Riley, (202) 493–6357.

Task 05–02—Reduce Human Factor-Caused Train Accident/Incidents. This task was accepted on May 18, 2005, to reduce the number of human factor-caused train accidents/incidents and related employee injuries. The Railroad Operating Rules Working Group was formed, and the working group extensively reviewed the issues presented. The final working group meeting devoted to developing a proposed rule was held on February 8–9, 2006. The working group was not able to deliver a consensus regulatory proposal, but it did recommend that it be used to review comments on FRA's NPRM, which was published in the **Federal Register** on October 12, 2006 (FR 71 60372), with public comments due by December 11, 2006. Two reviews were held, one on February 8–9, 2007, and one on April 4–5, 2007. Consensus was reached on four items and those items were presented and accepted by the full RSAC at the June 26, 2007, meeting. A final rule was published in the **Federal Register** on February 13, 2008 (73 FR 8442), with an effective date of April 14, 2008. FRA received four petitions for reconsideration of that final rule. The final rule that responded to the petitions for consideration was published in the **Federal Register** on June 16, 2008, and concluded the rulemaking. Working group meetings were held September 27–28, 2007; January 17–18, 2008; May 21–22, 2008; and September 25–26, 2008. The working group has considered issues related to issuance of Emergency Order No. 26 (prohibition on use of certain electronic devices while on duty), and ''after arrival mandatory directives,'' among other issues. The working group continues to work on after arrival orders and, at the September 25–26, 2008, meeting, voted to create a Highway-Rail Grade Crossing Task Force to review highway-rail grade crossing accident reports regarding incidents of grade crossing warning systems providing ''short or no warning'' resulting from or contributed to ''by train operational issues'' with the intent to recommend new accident/incident reporting codes that would better explain such events, and which may provide information for remedial action going forward. A followup task is to review and provide recommendations regarding supplementary reporting of train operations-related, no-warning or short-warning incidents that are not technically warning system activation failures, but that result in an accident/incident or a near miss. The task force has been formed and will begin work after other RSIA priorities are met. *Contact:* Douglas Taylor, (202) 493–6255.

Task 06–01—Locomotive Safety Standards. This task was accepted on February 22, 2006, to review 49 CFR part 229, Railroad Locomotive Safety Standards, and revise as appropriate. A working group was established with the mandate to report any planned activities to the full Committee at each scheduled full RSAC meeting, to include milestones for completion of projects and progress toward completion. The first working group meeting was held May 8–10, 2006. Working group meetings were held on August 8–9, 2006; September 25–26, 2006; October 30–31, 2006; and the working group presented recommendations regarding revisions to requirements for locomotive sanders to the full RSAC on September 21, 2006. The NPRM regarding sanders was published in the **Federal Register** on March 6, 2007 (72 FR 9904). Comments received were discussed by the working group for clarification, and FRA published a final rule on October 19, 2007 (72 FR 59216). The working group met on January 9–10, 2007; November 27–28, 2007; February 5–6, 2008; May 20–21, 2008; August 5–6, 2008; October 22–23, 2008; January 6–7, 2009; and April 15–16, 2009. The working group has now completed the review of 49 CFR part 229 and was unable to reach consensus regarding locomotive cab temperatures standards, locomotive alerters, and remote control locomotives. The group reached consensus regarding critical locomotive electronic standards, updated annual/biennial air brake standards, clarification of the ''air brakes operate as intended'' requirement, locomotive pilot clearance within hump classification yards, clarification of the ''high voltage'' warning requirement, an update of ''headlight lamp'' requirements, and language to allow locomotive records to be stored electronically. The working group presented a 49 CFR part 229 draft rule text revision covering these items to the RSAC for consideration at the September 10, 2009, meeting and received approval. The NPRM was delayed due to competing RSIA priorities and the need for additional language. This rulemaking would amend the rules pertaining to the Locomotive Safety Standards. The proposed amendments would update, consolidate, and clarify existing rules, and adopt existing industry and engineering best practices. The proposed amendments include: updating locomotive inspection recordkeeping requirements by permitting electronic records; consolidating locomotive air brake maintenance into a single provision; clarifying locomotive headlight requirements to address new technology; and, establishing locomotive electronics standards based on existing industry and engineering best practices, as well as other existing Federal electronics standards. This action was taken by FRA in an effort to improve its safety regulator program. The NPRM was published on January 12, 2011 (76 FR 2200), and the final rule was published on April 9, 2012 (77 FR 21312), and a correction to the final rule was published on April 18, 2012 (77 FR 23159). *Contact*: Steve Clay, (202) 493–6259.

Task 06–03—Medical Standards for Safety-Critical Personnel. This task was accepted on September 21, 2006, to enhance the safety of persons in the railroad operating environment and the public by establishing standards and procedures for determining the medical fitness for duty of personnel engaged in safety-critical functions. A working group was established by the full RSAC and reports its activities and progress toward completion of this task to the full RSAC during each meeting of the full RSAC. The first working group meeting was held on December 12–13, 2006, and the working group has held follow-on meetings on February 20–21, 2007; July 24–25, 2007; August 29–30, 2007; October 31–November 1, 2007; December 4–5, 2007; February 13–14, 2008; March 26–27, 2008; April 22–23, 2008; December 8–9, 2009; February 16–17, 2010; March 11–12, 2010; May 24–26, 2010; August 31–September 1, 2010; November 18–19, 2010; and September 27–28, 2011. During the working group's September 2011 meeting, the working group discussed stakeholder positions on the draft rule text and draft medical qualification criteria and protocols, and a preliminary cost-benefit analysis was presented to the working group by the FRA economists. The working group tentatively agreed to proceed to revise its draft recommendations to include a proposed option that the medical qualification criteria be issued as medical qualification guidelines rather than standards. The working group established a task force to draft proposed revisions to working draft documents to be presented to the working group for review and comment. The next working group meeting has not currently been scheduled due to other priority RSIA projects. *Contact*: Dr. Bernard Arseneau, (202) 493–6002.

Physicians Task Force. A Physicians Task Force was established by the working group in May 2007, and tasked to draft recommended medical qualification criteria and protocols for locomotive engineers and conductors. The Physicians Task Force had meetings or conference calls on July 24, 2007; August 20, 2007; October 15, 2007; October 31, 2007; June 23–24, 2008; September 8–10, 2008; October 8, 2008; November 12–13, 2008; December 8–10, 2008; January 27–28, 2009; February 24–25, 2009; March 11–12, 2009; March 31–April 1, 2009; April 15, 2009; April 22, 2009; May 13, 2009; May 20, 2009; June 17, 2009; January 21–22, 2010; March 3, 2010; August 16–17, 2010; and October 25–26, 2010; December 17, 2010; January 11, 2011; March 3–4, 2011; May 16–17, 2011; August 18, 2011; August 25, 2011; August 31, 2011. On September 1, 2011, the task force notified working group members that it had made significant progress in completing its task and requested that the working group participate in clarifying a limited number of remaining operational issues relevant to the task that merited review by industry management, labor, and other stakeholders. No further meetings of the Physicians Task Force are currently scheduled. *Contact:* Dr. Bernard Arseneau, (202) 493–6002.

Critical Incident Task Force. The Medical Standards Working Group accepted RSAC Task 2009–02, Critical Incident Response, during the December 8–9, 2010, meeting. The working group has been tasked to provide advice regarding development of implementing regulations for critical incident stress plans as required by the RSIA. A Critical Incident Task Force was established during the May 24–26, 2010, Medical Standards Working Group meeting. The scheduled kickoff meeting for the Critical Incident Task Force scheduled for September 2, 2010, was postponed at the request of industry participants. In late March 2011, FRA leadership decided to request that the RSAC be asked to amend the Critical Incident task statement to remove reference to the Medical Standards Working Group and to allow the group to assume full working group status to expedite the work. The Committee approved the revised task statement with a target date for recommendations to the Committee of December 2011, and the task force transitioned to the Critical Incident Working Group. (See Critical Incident Working Group entry.) *Contact:* Dr. Bernard Arseneau, (202) 493–6002.

Task 08–03—Track Safety Standards Rail Integrity. This task was accepted on September 10, 2008, to consider specific improvements to the Track Safety Standards or other responsive actions designed to enhance rail integrity. The Rail Integrity Task Force was created in October 2007 under Task 07–01 and

first met on November 28–29, 2007. The task force met on February 12–13, 2008; April 15–16, 2008; July 8–9, 2008; September 16–17, 2008; February 3–4, 2009; June 16–17, 2009; October 29–30, 2009; January 20–21, 2010; March 9–11, 2010; and April 20, 2010. Consensus has been achieved on bond wires and a common understanding on internal rail flaw inspections has been reached. The task force has reached consensus to recommend to the working group that the item regarding ''the effect of rail head wear, surface conditions and other relevant factors on the acquisition and interpretation of internal rail flaw test results'' be closed. The task force does not recommend regulatory action concerning head wear. Surface conditions and their affect on test integrity has been discussed and understood during dialogue concerning common understanding on internal rail flaw inspections. The task force believes that new technology has been developed that improves test performance and will impact the affect of head wear and surface conditions on interpretation of internal rail flaw test results. Consensus text was developed on recommended changes that would approach a performance-based approach to flaw detection scheduling. However, the group did not reach consensus on what length of segment of track is practical to use on determining test cycles. Consensus text has been finalized for recommended changes to 49 CFR 213.113, Defective rails; 213.237, Rail inspection; and 213.241, Inspection records. The task force has developed a new 49 CFR 213.238, Qualified operator language, that defines the minimum requirements for the training of a rail flaw detector car operator. The task force presented the consensus language to the Track Standards Working Group during the July 28–30, 2010, meeting and the Track Standards Working Group presented its consensus recommendations to the RSAC for approval during the September 23, 2010, Committee meeting. By majority vote, the RSAC accepted the recommendations of the Track Standards Working Group and forwarded those recommendations to the Administrator, completing RSAC Task 08–03. The associated NPRM is currently in the final stages of development with anticipated target publication date of September 2012. RSAC Task 08–03 will be complete once the final rule is issued. *Contact*: Carlo Patrick, (202) 493–6399.

Task No. 09–02—Critical Incident Programs. This task was accepted on September 10, 2009, to provide advice regarding development of implementing regulations for Critical Incident Stress Plans as required by the RSIA. The group has been tasked to define what a ''critical incident'' is that requires a response; review available data, literature, and standards of practice concerning critical incident programs to determine appropriate action when a railroad employee is involved in or directly witnesses a critical incident; review any evaluation studies available for existing railroad critical incident programs; describe program elements appropriate for the rail environment, including those requirements set forth in the RSIA; provide an example of a suitable plan (template); and assist in the preparation of an NPRM no later than December 2010. In late March 2011, FRA leadership requested that the RSAC amend the Critical Incident task statement to remove reference to the Medical Standards Working Group and to allow the group to assume full working group status to expedite the work. The Committee approved the revised task statement with a target date for recommendations to the Committee of December 2011. The Critical Incident Working Group kickoff meeting was held on June 24, 2011. The draft report assessing current knowledge of post-traumatic interventions and to advance evidence-based recommendations for controlling the risks associated with traumatic exposure in the railroad setting was completed and distributed to the working group prior to the September 8–9, 2011, working group meeting. Due to the aggressive timeline, the working group held its second meeting on October 11–12, 2011, and held a follow-on meeting December 13, 2011. The grantee provided a report titled ''Proposed Key Elements of Critical Incident Intervention Program for Reducing the Effects of Potentially Traumatic Exposure on Train Crews to Grade Crossing and Trespasser Incidents'' to the Critical Incident Working Group on December 13, 2011. The Critical Incident Working Group approved draft proposed rule text by electronic vote on August 20, 2012, and will present its recommendations to the RSAC Committee for vote during the September 27, 2012, meeting. *Contact:* Ron Hynes, (202) 493–6404.

Task No. 10–01—Minimum Training Standards and Plans. This task was accepted on March 18, 2010, to establish minimum training standards for each class and craft of safety-related railroad employees and their railroad contractor and subcontractor equivalents, as required by the RSIA. The group has been tasked to assist FRA in developing regulations responsive to the legislative mandate, while ensuring that generally accepted principles of adult learning are employed in training, development, and delivery; determine a reasonable method for submission and FRA review of training plans, which takes human resource limitations into account; establish reasonable oversight criteria to ensure training plans are effective, using the operational tests and inspections requirements of 49 CFR part 217 as a model. The Training Standards Working Group was officially formed through the formal Committee member nomination process in March 2010, and the first meeting was held on April 13–14, 2010. A followup working group meeting was held on June 2–3, 2010, and additional followup meetings were held August 17–18, 2010, and September 21–22, 2010. A Task Analysis Task Force was formed under the working group to develop a task analysis template and met in Florence, KY, on June 22–23, 2010, with CSX Transportation hosting the event. The group developed a 21-page task analysis document for an outbound train yard carman position, which is complete regarding FRA railroad safety laws, regulations, and orders. The working group met August 17–18, 2010, and October 19–20, 2010, and by GoTo/Webinar on November 15–16, 2010. The working group reached consensus and the resulting training standards draft regulatory language was presented to and approved by the RSAC Committee on December 14, 2010. This rulemaking will (1) Establish minimum training standards for each class or craft of safety-related employee and equivalent railroad contractor and subcontractor employee that require railroads, contractors, and subcontractors to qualify or otherwise document the proficiency of such employees in each such class and craft regarding their knowledge and ability to comply with Federal railroad safety laws and regulations and railroad rules and procedures intended to implement those laws and regulations; (2) require submission of railroads, contractors, and subcontractors'' training and qualification programs for FRA approval; and (3) establish a minimum training curriculum and ongoing training criteria, testing, and skills evaluation measures for track and equipment inspectors employed by railroads and railroad contractor and subcontractors. The resulting NPRM was published February 7, 2012 (77 FR 6411), with comments on the proposed rule due by April 9, 2012. The target publication date for the final rule is March 2013 and this rulemaking is

categorized as a modal priority. No additional working group meetings are scheduled at this time. *Contact:* Rob Castiglione, (817) 447–2715.

Task No. 10–02—Safety Technology in Dark Territory. This task was accepted on September 23, 2010, to provide advice regarding development of standards, guidance, regulations, or orders governing the development, use, and implementation of rail safety technology in dark territory, as required by Section 406 of the RSIA. Specifically, the task was to assist FRA in developing regulations responsive to the legislative mandate and to report recommendations to the FRA Administrator for a proposed or interim final rule (as determined by FRA in consultation with OST and OMB) by September 30, 2011. This rulemaking would issue standards or guidance governing development and deployment of technology to promote safe operation in non-signaled territory in arrangements not defined in signal inspection law. The delay in starting this effort was caused by the PTC rulemaking, which required the same key personnel both in government and industry. With the PTC effort maturing, resources became available and the Dark Territory Working Group was formed to assist FRA in developing regulations responsive to the legislative mandate and to report recommendations to the FRA Administrator for proposed or interim final rule (as determined by FRA in consultation with OST and OMB). The working group met on March 3–4, 2011, May 9–10, 2011, and September 6–7, 2011, and created four task forces to investigate specific subject areas. A follow-on meeting was held November 17–18, 2011, and a proposed rule is currently under development with the assistance of the Dark Territory Working Group. Target date for NPRM publication is November 2012. *Contact:* Olga Cataldi, (202) 493–6321.

Task No. 11–01—Preventing Railroad Employee Distractions Caused by Personal Electronic Devices. This task was accepted on May 20, 2011, to prescribe mitigation strategies, programs, and processes for governing the use of personal electronic devices that could cause distractions to railroad employees engaged in safety-critical activities. This working group will explore additional methods to achieve compliance through education, peer-to-peer coaching, counseling, and other cooperative, non-regulatory/punitive methods. The Electronic Device Distraction Working Group was formed and held its kickoff meeting on October 25–26, 2011, and held follow-on meetings on January 11–12, 2012, and March 27, 2012. Work on this task has progressed well and the working group presented its recommendations to the Committee during the April 2012 RSAC meeting. As a result of the working group's efforts, FRA is producing an outreach video, and FRA will participate in an inclusive media event with its partners in Chicago, IL, on October 9, 2012. *Contact:* Miriam Kloeppel, (202) 493–6224.

Task No. 11–03—Fatigue Management Plans. This task was accepted by the Committee on December 8, 2011, to provide advice regarding development of implementing regulations for Fatigue Management Plans and their deployment under the RSIA. The working group was formed and held its kickoff meeting on March 27, 2012. Follow-on meetings were held June 12, 2012; July 10–11, 2012; and August 28, 2012. Work continues on this task and the working group is tasked to report recommendations to the Committee no later than February 2013. *Contact:* Miriam Kloeppel, (202) 493–6224.

Task No. 11–04—Risk Reduction Program. This task was accepted by the Committee on December 8, 2011, in order to develop requirements for certain railroads to develop a Risk Reduction Program as mandated by the RSIA. The working group was formed and held its kickoff meeting on January 31–February 1, 2012, and follow-on meetings were held April 10–11, 2012; May 16–17, 2012; June 13, 2012; June 25, 2012; and July 18, 2012. The working group has made considerable progress, and no further working group meetings are currently scheduled. *Contact:* Miriam Kloeppel, (202) 493–6224.

Completed Tasks

Task 96–1—(Completed) Revising the freight power brake regulations.

Task 96–2—(Completed) Reviewing and recommending revisions to the Track Safety Standards (49 CFR part 213).

Task 96–3—(Completed) Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR part 220).

Task 96–5—(Completed) Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR part 230).

Task 96–6—(Completed) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing locomotive engineer certification (49 CFR part 240).

Task 96–7—(Completed) Developing roadway maintenance machines (on-track equipment) safety standards.

Task 96–8—(Completed) Evaluating the need for action responsive to recommendations contained in a report to Congress titled, *Locomotive Crashworthiness & Working Conditions.*

Task 97–1—(Completed) Developing crashworthiness specifications (49 CFR part 229) to promote the integrity of the locomotive cabs in accidents resulting from collisions.

Task 97–2—(Completed) Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate.

Task 97–3—(Completed) Developing event recorder data survivability standards.

Task 97–4 and Task 97–5—(Completed) Defining PTC functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment.

Task 97–6—(Completed) Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems.

Task 97–7—(Completed) Determining damages qualifying an event as a reportable train accident.

Task 00–01—(Completed task withdrawn) Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing, or inspecting rear end marking devices (Blue Signal Protection).

Task 01–01—(Completed) Developing conformity of FRA's regulations for accident/incident reporting (49 CFR part 225) to revised regulations of the Occupational Safety and Health Administration, U.S. Department of Labor, and to make appropriate revisions to the *FRA Guide for Preparing Accident/Incident Reports* (Reporting Guide).

Task 03–01—Mechanical Task Force—(Completed) Developing recommendations on mechanical issues (revisions to 49 CFR part 238).

Task 03–01—Crashworthiness Task Force—(Completed) Providing consensus recommendations on static-end strength.

Task 06–02—(Completed) Issuing requirements for inspection of joint bars in continuous welded rail (CWR) to detect cracks that could affect the integrity of the track structure.

Task 07–01—(Completed) Considering specific improvements to the Track Safety Standards or other responsive actions, supplementing work already underway on CWR specific to: reviewing controls applied to the reuse of rail in CWR ''plug rail''; reviewing the issue of cracks emanating from bond wire attachments; considering improvements in the Track Safety Standards related to fastening of rail to concrete ties; and ensuring a common understanding within the regulated community concerning requirements for internal rail flaw inspections.

Task 08–01—(Completed) Reporting on the Nation's railroad bridges. Reporting to FRA on the current state of railroad bridge safety management; updating the findings and conclusions of the 1993 Summary Report of the FRA Railroad Bridge Safety Survey.

Task No. 08–04—(Completed) Providing advice regarding development of implementing regulations for PTC systems and their deployment under the RSIA.

Task No. 08–05—(Completed) Developing a rule encompassing the requirements of Section 417 of the RSIA (Railroad Bridge Safety Assurance).

Task No. 08–06—(Completed) Developing revised recordkeeping and reporting requirements for hours of service of railroad employees.

Task No. 08–07—(Completed) Developing regulations for certification of railroad conductors, as required by the RSIA, and considering any appropriate related amendments to existing regulations and reporting recommendations for a proposed or interim final rule.

Task No. 09–01—(Completed) Providing advice regarding development of implementing regulations for the hours of service of operating employees of commuter and intercity passenger railroads under the RSIA.

Task No. 11–02—(Completed) Considering specific improvements to the Track Safety Standards or other responsive actions related to the Track Inspection Time Study required by Sections 403 (a)–(c) of the of the RSIA and other relevant studies and resources.

Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740), for more information about the RSAC.

Issued in Washington, DC, on September 17, 2012.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2001–10654]

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 26, 2012, the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) for an extension and amendment of an existing waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 213.143 and 213.355. FRA assigned the petition Docket Number FRA–2001–10654.

The existing waiver was originally granted on April 22, 2003, and was extended by a letter dated February 25, 2008. The current waiver expires on February 1, 2013. AAR is petitioning for an additional extension of the waiver. The waiver permits the operation of trains at Class 5 speeds over ''heavy-point'' frog designs conforming to the standards for Class 4 track frogs guard check and face gage dimensions.

The heavy-point frog is a unique design, which has a thicker frog point. As proposed in the original waiver petition, AAR states that it offers safety benefits over a traditional frog because there is more mass to reduce metal fatigue from impact loading, greater durability, reduced susceptibility to point rollover, and better ability to guide the wheel flange toward the proper flangeway. Heavy-point frog insert design characteristics gradually widen to $^{31}/_{32}$ (0.9688) inches overall, resulting in the heavy-point frog insert point being thicker at the actual $^{5}/_{8}$ (0.6250)-inch frog point gage lines. The gage line is actually $^{11}/_{32}$ (0.3438) inches thicker than a traditional $^{5}/_{8}$ (0.6250)-inch rail bound manganese frog point. Heavy-point frogs reduce the standard guard check distance from 4 feet and $6\frac{5}{8}$ inches (54.6250 inches) to 4 feet $6^{29}/_{64}$ inches (54.4531 inches), which does not comply with minimum safety standards for Class 5 track.

AAR also seeks approval for the operation of trains at Class 6 speeds over heavy-point frog designs with guard check gages conforming to the standards for Class 4 track frogs guard check and face gage dimensions. AAR states that waiver denial would adversely affect proposed high-speed operations that have numerous existing heavy-point frog installations. AAR claims that since the requirements are the same for Class 5 and Class 6 (49 CFR 213.143 and 213.355), the waiver should be extended to Class 6.

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 Avenue 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 October 22, 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. 2012–23270 Filed 9–20–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2012–0024]

Pipeline Safety: Information Collection Activities, Revision to Gas Transmission and Gathering Pipeline Systems Annual Report, Gas Transmission and Gathering Pipeline Systems Incident Report, and Hazardous Liquid Pipeline Systems Accident Report

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: On April 13, 2012, (77 FR 22387) in accordance with the Paperwork Reduction Act of 1995, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice in the **Federal Register** of its intent to make several minor revisions to the ''Accident Report—Hazardous Liquid Pipeline Systems'' and the ''Incident Report—Natural and Other Gas Transmission and Gathering Pipeline Systems.'' In addition, PHMSA proposed a number of revisions to the ''Annual Report for Gas Transmission and Gathering Systems.'' PHMSA received 12 comments in response to that notice. PHMSA is publishing this notice to respond to the comments, provide the public with an additional 30 days to comment on the proposed revisions to the forms and the instructions, and announce that the revised Information Collections will be submitted to the Office of Management and Budget (OMB) for approval.

DATES: Comments on this notice must be received by October 22, 2012 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Blaine Keener by telephone at 202–366–0970, by fax at 202–366–4566, by email at *blaine.keener@dot.gov*.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2012–00024 by any of the following methods:

- *Fax:* 1–202–395–5806.
- *Mail:* Office of Information and Regulatory Affairs (OIRA), Records Management Center, Room 10102 NEOB, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer for the U.S. Department of Transportation\PHMSA.
- *Email:* Office of Information and Regulatory Affairs, OMB, at the following email address: *OIRA_Submission@omb.eop.gov*.

Requests for a copy of the Information Collection should be directed to Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, by email at *Angela.Dow1@dot.gov,* or by mail at U.S. Department of Transportation, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies two revised information collection requests that PHMSA will submit to OMB for approval. The information collections are titled: ''Incident and Annual Reports for Gas Pipeline Operators'' (2137–0522) and ''Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Reporting'' (2137–0047). The comments are summarized and addressed below as specified in the following outline:

I. Background
II. Summary of Topic Comments/Responses
  A. Annual Report for Gas Transmission and Gathering Systems
  B. Gas Transmission Pipeline and Gathering Systems Incident Report
  C. Hazardous Liquid Pipeline Systems Accident Report
  D. General Comments
III. Proposed Information Collection Revisions and Request for Comments

I. Background

PHMSA published a notice in the **Federal Register** on April 13, 2012, (77 FR 22387) titled ''Pipeline Safety: Information Collection Activities, Revision to Gas Transmission and Gathering Pipeline Systems Annual Report, Gas Transmission and Gathering Pipeline Systems Incident Report, and Hazardous Liquid Pipeline Systems Accident Report.'' The notice announced minor revisions to the hazardous liquid pipeline systems accident report and the gas transmission and gathering pipeline systems incident report to collect additional information relative to incidents involving girth welds. The notice also announced revisions to the annual report for gas transmission and gathering systems to address certain National Transportation Safety Board (NTSB) recommendations and the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

II. Summary of Topic Comments/Responses

During the two month response period, PHMSA received 12 comments from the following stakeholders:

(1) Alliance Pipeline—*Operator*
(2) Energy Transfer—*Operator*
(3) National Grid—*Operator*
(4) Paiute—*Operator*
(5) SCANA Corporation—*Operator*
(6) Southwest Gas—*Operator*
(7) Jack Wilson—*Public*
(8) American Gas Association (AGA)—*Trade Association*
(9) American Petroleum Institute (API) and American Oil Pipelines Association (AOPL);—*Trade Associations*
(10) Interstate Natural Gas Association of America (INGAA)—*Trade Association*
(11) Northeast Gas Association (NGA)—*Trade Association*
(12) Texas Pipeline Association—*Trade Association*

The comments are summarized and addressed below by topic

A. Annual Report for Gas Transmission and Gathering Systems

PHMSA solicited comments on proposed revisions to the current version of the ''Annual Report for Natural and Other Gas Transmission and Gathering Pipeline Systems'' (PHMSA F 7100.2–1, revised 06–2011, Gas Transmission Annual Report). These proposed revisions were referenced in a **Federal Register** notice published on April 13, 2012, (77 FR 2387). This 30-day notice responds to the comments, which may be found at *http://www.regulations.gov,* at docket number PHMSA–2012–0024. The docket also contains the form and instructions as amended in response to the comments. In general, the comments made by INGAA were supported in writing by Alliance Pipeline and Energy Transfer and the comments made by AGA were supported in writing by National Grid, Northeast Gas Association, Paiute, and Southwest Gas.

A1: PHMSA proposed to remove Part A, section 3 which asks operators to list contact information under the category ''INDIVIDUAL WHERE ADDITIONAL INFORMATION MAY BE OBTAINED'' and reserve the section. AGA commented that they did not understand why this action was taken, as the information requested should be beneficial. Northeast Gas Association commented that the removed information should be added to Part N of the form.

A1. Response: PHMSA believes that the request for additional contact information is not necessary. As it stands, Part N of the report requests contact information for the person who prepared the report. In an effort to reduce the potential for duplicative information, PHMSA has removed and

reserved Part A, section 3 and will contact the preparer of the report for further information as necessary.

A2: Part A, section 5 allows for operators to identify a single predominate ''COMMODITY GROUP'' (e.g., Natural Gas, Synthetic Gas, and Hydrogen Gas) for which the report applies. PHMSA proposed to add ''Landfill Gas'' as a ''COMMODITY GROUP.'' INGAA commented that they were opposed to the addition of ''Landfill Gas'' as a ''COMMODITY GROUP.'' INGAA's basis for this opposition is that landfill gas is indistinguishable from natural gas, unlike hydrogen and propane, which are transported in dedicated pipelines. INGAA stated that requiring the identification of landfill gas would create difficulties at interconnection points of the pipeline for gas recipients who have no means of distinguishing the receipt of landfill gas.

INGAA also cited some confusion regarding the instructions for filing reports for multiple commodities. INGAA interpreted the instructions for Part A, section 5 to mean that in the case of an operator having a 5,000-mile pipeline for natural gas and a 50-mile hydrogen pipeline, the operator would have to file a separate report for each pipeline. INGAA suggested that PHMSA clarify its instructions if this interpretation is accurate.

A2. Response: In regard to INGAA's concern about landfill gas being indistinguishable from natural gas, an operator would not be required to report information regarding landfill gas if the operator does not select landfill gas as the predominate commodity transported in the pipeline facility. The addition of ''Landfill Gas'' as a ''COMMODITY GROUP'' will only collect mileage for pipelines that predominately transport landfill gas.

In response to INGAA's comment regarding the instructions for filing reports for multiple commodities, PHMSA has revised the instructions to provide examples. As detailed in the previous paragraph, an operator with a pipeline facility that is used to transport multiple commodities (e.g., landfill gas and natural gas) should only file a report for the commodity that is predominately transported in the pipeline facility. If an operator has two pipeline facilities with different commodities (e.g., a 5,000-mile pipeline facility containing predominately natural gas and a 1,500-mile pipeline facility containing predominately hydrogen), the operator must file a separate report for both pipeline facilities.

A3: Part A, section 7 requires operators to identify ''INTERstate'' and ''INTRAstate'' pipeline facilities. Under the ''INTERstate'' portion, operators identify the states in which the pipeline exists. PHMSA revised the ''INTERstate'' portion to include ''OCS portions.'' INGAA commented that Outer Continental Shelf (OCS) portions should refer to the affected water body (e.g., Gulf of Mexico and Atlantic Coast) and not the OCS block, which would require significant effort.

A3. Response: PHMSA agrees with INGAA and has revised the form and instructions to identify the OCS portions available for selection when submitting annual reports as: OCS-Alaska, OCS-Atlantic, OCS-Gulf of Mexico, and OCS-Pacific.

A4: PHMSA proposed to remove Part A, section 8 titled: ''DOES THIS REPORT REPRESENT A CHANGE FROM LAST YEAR'S FINAL REPORTED NUMBERS FOR ONE OR MORE OF THE FOLLOWING PARTs: PART B, D, E, H, I, J, K, or L?'' AGA opposed this removal and suggested that Part A, section 8 be revised to allow operators the option of checking the box to say that the only change from last year's report was the information in the newly proposed Parts Q and R.

A4. Response: The intent of Part A, section 8 was to reduce the burden on operators who have little or no changes to the data that was reported in their previous annual report. PHMSA has found that Part A, section 8 posed a number of technical challenges to implement in regard to ensuring data quality and has removed this section. However, to reduce the burden on operators, PHMSA allows operators to pre-populate their report with the data from the previous year's annual report (excluding volume transported; integrity inspections; failures, leaks, and repairs; and preparer's information). Furthermore, 49 CFR 191.22 supersedes the last portion of Part A, section 8 by requiring the reporting of changes such as mergers, acquisitions, divestitures, and new construction.

A5: Part F collects information regarding integrity inspection and subsequent actions. These inspection methods include in-line inspections, pressure testing, and direct assessments, with an option to identify ''other'' methods. INGAA commented that ''Direct Examination'' should be added as a distinct method of inspection, as direct examination is a rigorous and recognized inspection technique which should not be aggregated with the ''other'' methods.

A5. Response: PHMSA is not certain how many alternative inspection techniques are currently used by operators. Therefore, PHMSA has revised Part F, section 5(a) to incorporate a text box that will allow for the identification of ''other'' inspection techniques to determine if additional categories should be added in the future.

A6: PHMSA proposed to revise the introductory text of Parts F and G to add the following disclaimer: ''Part F ''WITHIN AN HCA SEGMENT'' data and Part G may be completed only if HCA Miles are greater than zero in Part L.'' Paiute and Southwest Gas commented that the proposed language is confusing and needs further clarification.

A6. Response: PHMSA has revised the instructions to clarify the intent of the disclaimer.

A7: Part F is used to collect data on integrity inspections, including the identification of the various types of inspections (e.g., in-line inspections, inspections based on pressure testing and direct assessment) and a description of actions that were taken as a result of the inspection. PHMSA proposed to revise Part F, section 6, which is used to accumulate data from the various inspections identified in the other sections of Part F, to collect additional information on pipe replacement and abandonment in High Consequence Areas (HCAs). This additional information included the number of conditions eliminated by pipeline repairs or abandonment that are categorized as immediate, one-year, or monitored conditions. Paiute and Southwest Gas commented that this information appears to be repetitive and that the instructions should be revised to include ''replacement'' and ''abandonment'' as a reportable ''repair'' in the existing inspection methods and eliminate the proposed revision. NGA is opposed to the proposed revision and commented that the operator's priorities should be focused on replacing pipe and meeting certain criteria and not counting all defects removed. NGA further commented that this revision would result in a waste of resources, huge burdens on operators, and no substantive value. INGAA also commented that separate categories should not be added for conditions eliminated by pipe abandonment. AGA commented that PHMSA should add a category for other scheduled conditions to the proposed revision in Part F to align with the other sections in Part F. INGAA suggested that shorter pipe replacements (replacements made when directly examining pipe as repairs) be addressed as ''repairs'' under Part F, section 6(b) and (c). INGAA further

commented that the instructions for the proposed ''replacement'' language be revised to only address long term replacements (class changes). In addition, AGA commented that the instructions should be revised to clarify that a ''replacement'' does not qualify as a repair.

A7. Response: PHMSA disagrees with the suggestion made by Paiute and Southwest Gas to include ''replacement'' and ''abandonment'' as a reportable ''repair'' in the existing inspection methods. PHMSA believes that the information regarding the number of actionable anomalies eliminated from the system by removing pipe from service is an important benefit of an integrity management program that should be quantified. PHMSA notes NGA and INGAA's concern by acknowledging that anomalies handled by replacement or abandonment may not be directly examined and therefore, would not be able to be categorized by immediate, one-year, and monitored conditions as proposed. Therefore, PHMSA has revised the proposed Part F, section 6(d) and (e), both in the form and instructions, to remove the categories and collect only actionable anomalies eliminated by pipe replacement or abandonment. As a result, the comment by AGA to add another category for other scheduled conditions is no longer applicable. PHMSA agrees with INGAA's comment pertaining to short pipe replacements that typically occur after directly examining anomalies and are limited to several joints of pipe. PHMSA has revised the instructions to specify that these anomalies should be reported in Part F, section 6 (b) and (c), which compiles the sum total of the anomalies and conditions that were repaired for the calendar year. In an effort to address INGAA and AGA's requests for clarification regarding the use of ''replacement,'' PHMSA has revised the instructions to clarify that the anomalies collected for ''replacement'' under Part F, section 6(d) only apply to a pipeline facility in an HCA that has been abandoned and its transportation functionality replaced by the operator with a new pipeline facility. PHMSA has further revised the instructions to specify that if the transportation functionality is not replaced by the operator, then the anomalies should be identified as ''abandonment'' under Part F, section 6(f).

A8: Part G addresses mileage of baseline assessments and reassessments completed in a calendar year for HCA segment miles. PHMSA did not propose any revisions to Part G. INGAA recommended that PHMSA eliminate the distinction between baseline assessments and reassessments since all baseline assessments should be completed by 2012, with the exception of new HCAs.

A8. Response: Baseline assessments may not have been completed for gas transmission pipelines placed in service any time after 2005. Therefore, PHMSA will retain the baseline assessment category.

A9: Part J allows for the identification of pipeline mileage installed by decade. PHMSA proposed to revise Part J to separate the column listed as ''Pre 40 or Unknown'' into two separate columns; one for ''Pre 40'' and one for ''unknown.'' AGA commented that the column listed as ''Pre 40'' should be revised to ''Pre 1940'' for consistency purposes.

A9. Response: PHMSA will make the suggested change.

A10: Part K collects mileage of transmission pipe by specified minimum yield strength (SMYS). PHMSA did not propose any revisions to Part K. Northeast Gas Association (NGA) commented that the second row in Part K should include all pipe greater than or equal to 20% SMYS up through pipe equal to 30% SMYS inclusively, and the third row should be changed to include pipe greater than 30% SMYS but less than or equal to 40% SMYS. NGA further commented that this revision would capture the correct delineation of pressures specified on page 22388 of the April 13, 2012, (77 FR 22387) **Federal Register** notice. This delineation (untested gas transmission pipelines in HCAs operating at a pressure greater than 30% SMYS) is based on the pressure range detailed in section 23 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. NGA also commented that Part K does not provide information on whether the pipe had a post construction pressure test and will probably require another box to separate the mileage by class and HCA as detailed in Part R.

A10. Response: PHMSA does not plan on using the information collected under Part K to address the issue regarding untested gas transmission pipelines in HCAs. PHMSA is planning on capturing data to address that issue under the proposed Part R. Therefore, the SMYS ranges in Part K will not require amendment.

A11: Part M requests specific information regarding incidents, leaks, and repairs. PHMSA did not propose any revisions to this Part. AGA suggested that the cause definitions listed in this Part match the definitions listed in the Gas Transmission Incident Report. Northeast Gas Association suggested that the cause definitions match the definitions listed in the gas distribution annual report, except for the threat of stress corrosion cracking.

A11. Response: At this time, PHMSA is focusing on the proposed revisions identified in the April 13, 2012 (77 FR 22387) **Federal Register** notice. This issue falls outside of the scope of those revisions. However, PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

A12: Part M requests specific information regarding incidents, leaks, and repairs. PHMSA did not propose any revisions to this Part. INGAA commented that the columns for ''Incidents in HCA Segments'' and ''Failures in HCA Segments'' are redundant and should be removed because they collect the same information which owners or operators already provide on the Incident Reports.

A12. Response: INGAA correctly notes that incidents in HCAs are required on both the Gas Transmission Annual Report and individually on incident reports. PHMSA has collected this data through two separate reporting requirements since 2004. As predicted by INGAA, these two data sets are inconsistent for most years. The largest discrepancy occurred in 2010 when Gas Transmission Annual Report data indicated five incidents and incident report data indicated nine incidents. Accordingly, PHMSA has removed the ''Incidents in HCA's'' column in Part M of the Gas Transmission Annual Report form. The definitions that serve as the basis for collecting ''Failures in HCA Segments'' data do not correlate with the definitions used to collect ''Incidents in HCA Segments'' data. Therefore, PHMSA will continue to collect ''Failures in HCA Segments'' data on the Gas Transmission Annual Report.

A13: PHMSA proposed the new Part Q to collect mileage and record information categorized by the methods used to determine the Maximum Allowable Operating Pressure (MAOP). Northeast Gas Association commented that PHMSA should provide the full text of the applicable methodology sections or a hyperlink to the sections. Commenters also suggested that the use of the term ''segments'' be restricted since it has no uniform measure.

A13. Response: The instructions include the specific regulation and a synopsis of the regulation contents. Operators can readily find the full text in the regulations. PHMSA will

eliminate the use of the term ''segments.''

A14: PHMSA proposed the new Part Q to collect mileage and record information by the MAOP determination method. SCANA Corporation commented that clarification is necessary because they are unable to determine whether or not reporting is required for every methodology identified regardless of whether that methodology was used to determine the MAOP.

A14. Response: PHMSA intends for operators to report mileage under the single code section heading used to establish the MAOP. In some scenarios, 49 CFR 192.619(a)(1) through (4) may all have been considered when establishing MAOP. In such cases, PHMSA expects for the mileage to be reported under the section heading for the final methodology that was used to determine the MAOP value. PHMSA has revised the instructions to include this clarification.

A15: AGA, NGA, Texas Pipeline Association, and SCANA Corporation suggested that PHMSA allow for reporting relative to the proposed Parts Q and R be extended, thereby, coming closer to the congressional mandate of July 3, 2013, (18 months from signing date of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011). AGA, National Grid, NGA, and Texas Pipeline Association also suggested that PHMSA revise the table to include a ''miles yet to be verified'' column to allow for the reporting of pipeline segments where operators have yet to verify mileage.

A15. Response: PHMSA does not agree with the commenters' suggestion to extend the calendar year 2012 reporting requirements for the newly proposed Parts Q and R in the Gas Transmission Annual Report. Section 23 (MAXIMUM ALLOWABLE PRESSURE) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 requires that each owner or operator report, not later than 18 months, on each pipeline segment for which they do not have sufficient records to validate the MAOP of the pipeline segment. PHMSA has determined that the most appropriate method to collect this information is by the next Gas Transmission Annual Report which has a due date of March 15, 2013. PHMSA is planning for owners or operators to submit the newly requested information in Parts Q and R in the Gas Transmission Annual Report by March 15, 2013, to ensure that owners or operators comply with the ''not later than 18 months'' provision in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. PHMSA does not agree with the comments from AGA, National Grid, NGA, and Texas Pipeline Association to include a separate column for ''miles yet to be verified.'' PHMSA has determined that such mileage should be identified as mileage without records to avoid confusion and comply with the reporting requirements. Therefore, PHMSA has revised the instructions to specify that pipeline segments that have not been verified be reported under the appropriate ''w/out Recds'' column. Owners or operators that find verification records after filing their Gas Transmission Annual Report may file a supplemental report to update their submission. The Gas Transmission Annual Report instructions contain the procedure for filing a supplemental report.

A16: AGA, NGA, National Grid, Paiute, Southwest Gas, and Texas Pipeline Association suggested that the tables in Parts Q and R be revised to adhere to Section 23 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 and collect mileage in Class 1 and 2 locations in HCAs and all Class 3 and 4 locations. AGA also suggested that the total miles each of the eight class/HCA locations should be totaled for accuracy validation.

A16. Response: In the April 13, 2012 (77 FR 22387) **Federal Register** notice for this information collection revision, PHMSA expressed intent to collect Part Q data only for Class 1 and 2 HCAs and all Class 3 and 4 locations. All of the Class 1 and 2 not in HCA rows should have been blacked-out in the ''w/out Recds'' column. PHMSA has revised the report form and instructions to not collect the reporting of mileage without complete records in Class 1 and 2 locations which are not within HCAs.

A17: PHMSA proposed the new Part R to collect pipeline mileage that has not been subjected to a pressure test and pipeline mileage that is not able to accommodate the passage of an instrumented internal inspection device. AGA commented that PHMSA should collect pipeline mileage of lines that have been subjected to post-construction tests of at least 1.1, 1.2, and ≥ 1.25 times the MAOP, regardless of the testing medium. AGA suggested that this information would be helpful to comply with the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 and the address NTSB recommendation P–11–17. AGA, SCANA Corporation, and INGAA also suggested collection of information regarding pressure tests at or above 110% and less than 125% of MAOP, since the regulations currently allow it for certain class locations.

A17. Response: PHMSA agrees with the commenters and has expanded Part R to collect data about the mileage of pipe in three bands of pressure tests; miles tested to more than 1.25 times the MAOP, miles tested to less than 1.25 times the MAOP but greater than or equal to 1.1 times the MAOP, and miles with a pressure test less than 1.1 times the MAOP or no pressure test. Operators are required to report in each pressure test band the number of miles able to accommodate internal inspection and the number of miles not able to accommodate internal inspection.

A18: PHMSA proposed the new Part R to collect pipeline mileage that has not been subjected to a hydrostatic pressure test. Several commenters including NGA and Texas Pipeline Association recommended that the table be revised to not restrict reporting to hydrostatic pressure testing.

A18. Response: PHMSA agrees that the test medium is irrelevant and has amended the form and instructions accordingly.

A19: PHMSA proposed the new Part R to collect pipeline mileage that has not been subjected to a pressure test and pipeline mileage that is not able to accommodate the passage of an instrumented inline inspection device. Several commenters, including AGA and Texas Pipeline Association, suggested that PHMSA expand the rows and columns in Part R to collect information separately by the 30% SMYS criterion, the different pressure test percentages and the vintage of pipeline as pre- or post-1970 regulation.

A19. Response: Although section 23 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 refers to gas transmission pipelines operating over 30% SMYS, PHMSA does not consider the SMYS level and pipeline vintage to be relevant to whether a pipeline has been pressure tested or is able to be internally inspected. PHMSA does not find this information to be relevant since all pipelines placed in service after the effective date of Part 192 are required to be subjected to a post-construction pressure test and will be reported in either the ''tested to more than 1.25 MAOP,'' ''less than 1.25 MAOP but greater than or equal to 1.1 MAOP,'' or ''tested to less than 1.1 MAOP or not subjected to a pressure test'' bands specified in Part R.

A20: PHMSA proposed the new Part R to collect pipeline mileage that has not been subjected to a pressure test and pipeline mileage that is not able to accommodate the passage of an

instrumented internal inspection device. Several commenters, including AGA, National Grid, Paiute, SCANA, Southwest Gas, and Northeast Gas Association suggested that PHMSA clarify the phrase ''not able to accommodate the passage of instrumented internal inspection devices.'' Most of the commenters specified that operators will have varying interpretations of this language that will result in poor data if clarification is not provided. Several definitions were proposed by the commenters. AGA suggested that a line that is able to accommodate the passage of an internal inspection device be defined as a ''pipe of appropriate physical and operational characteristics to allow successful inspection via current commercially available in-line inspection tools within the specified tool requirements and tolerances.'' Northeast Gas Association suggested that a line that is able to accommodate the passage of an internal inspection device be defined as a ''pipe of appropriate physical and operational characteristics to allow successful inspection via currently available in-line inspection tools either meeting the requirements of Subpart O 192.921(1) in conjunction with ASME/B31.8S or acceptable to PHMSA via 180 day notification to them including tethered or un-tethered devices.''

A20. Response: PHMSA has amended the form and instructions for Part R in response to comments to clarify the phrase ''not able to accommodate the passage of instrumented internal inspection devices.'' As a result, PHMSA has revised Part R to collect ''Miles Internal Inspection ABLE'' and ''Miles Internal Inspection NOT ABLE.'' The instructions include the following definition for ''Internal Inspection ABLE''—''A length of pipeline through which commercially available devices can travel, inspect the entire circumference and wall thickness of the pipe, and record or transmit inspection data in sufficient detail for further evaluation of anomalies.''

A21: AGA commented that a section for ''Additional Information'' should be added to report to allow for operators to include any additional information which would assist in clarifying or classifying the reported data. AGA suggested that this section could be become a new Part S and be incorporated in the same manner as Part H in the Gas Distribution Systems Annual Report (PHMSA F 7100.1–1).

A21. Response: At this time, PHMSA is focusing on the proposed revisions identified in the April 13, 2012, (77 FR 22387) **Federal Register** notice. Although the proposed revision from AGA may be indirectly related, PHMSA would like more time to evaluate this suggestion and will consider it during the next review of the form which is scheduled to take place in 2013.

A22: Energy Transfer commented that PHMSA's estimate of two hours of additional reporting burden should be increased by two or three orders of magnitude.

A22. Response: PHMSA's estimate of two hours is based on the amount of time it takes to report the requested information. Although PHMSA believes that two hours is appropriate for additional information requested in the proposed report, PHMSA acknowledges that it may take each operator varying amounts of time to report this information. In consideration of this point and the commenter's suggestion, PHMSA is revising the estimated amount of time to collect the proposed information at four hours.

A23: INGAA commented that the proposed reporting should be amended to enable the use of a Fitness-For-Service approach for pre-regulation pipe. INGAA specifies that this process focuses on pre-regulation pipe, information on pipelines that have been subjected to a pressure test other than 125% of MAOP, and pipelines that operate at or below 30% SMYS.

A23. Response: PHMSA acknowledges the potential value of a Fitness-For-Service approach to address the proposed reporting of pre-regulation pipe. However, such an approach requires further assessment and discussion with stakeholders prior to its actual implementation, and therefore would not be appropriate to apply at this time.

A24: INGAA commented that the instructions for Part H ''MILES OF TRANSMISSION PIPE BY NOMINAL PIPE SIZE (NPS)'' and Part I ''MILES OF GATHERING PIPE BY NOMINAL PIPE SIZE (NPS)'' should specify that NPS data be based on the most common nominal pipe sizes and reported as integers (e.g., 6.625 inches should be reported as NPS 6).

A24. Response: PHMSA agrees and has revised the instructions accordingly.

A25: INGAA suggested that the definitions, detailed in their comment, for the terms ''Actionable Anomaly,'' ''Direct Examination,'' ''OCS Portion,'' and ''Repair'' be incorporated into the instructions. INGAA commented the suggested definitions for these terms are commonly accepted industry definitions.

A25. Response: PHMSA has incorporated the definition of actionable anomaly and included some aspects of the repair definition suggested by INGAA. There is no need to define direct examination or OCS portion.

A26: Commenter Jack Wilson asked why hazardous liquid pipelines are not being subjected to the same or similar annual reporting requirements as gas transmission and gathering pipeline systems.

A26. Response: The major revisions (the addition of Parts Q and R) to the Gas Transmission Annual Report have been incorporated to collect information that will be used to address portions of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 that require certain actions applicable to gas transmission pipelines. These actions include record verification and pressure testing for pipelines that have not been subjected to a pressure test greater than 1.25 times the MAOP. In 2013, PHMSA will solicit comments in the **Federal Register** on all aspects of the Annual Report for Hazardous Liquid Pipeline Systems (PHMSA F 7000–1.1) which is authorized under OMB Control Number 2137–0614 with an expiration date of January 31, 2014.

B. Gas Transmission Pipeline and Gathering Systems Incident Report

PHMSA proposed to revise the ''Incident Report—Natural and Other Gas Transmission and Gathering Pipeline Systems'' (PHMSA F 7100.2, Gas Transmission Incident Report) to make minor edits and to collect additional information relating to incidents involving girth welds. The form and instructions proposed by PHMSA in the April 13, 2012, (77 FR 22387) **Federal Register** notice and comments received in response to the notice may be found at *www.regulations.gov* at docket number PHMSA–2012–0024. The docket also contains the form and instructions as amended in response to the comments.

B1. PHMSA proposed revisions to Part C of the Gas Transmission Incident Report to collect more information regarding incidents involving girth welds. INGAA commented that this additional information should be collected for all pipe and joint weld types.

B1. Response: At this time, PHMSA is focusing on the proposed revisions identified in the April 13, 2012, (77 FR 22387) **Federal Register** notice. Expanding the data collection beyond girth welds would require significant additional resources. PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

B2: Part G of the Gas Transmission Incident Report asks for the apparent

cause of the incident. Section G5 of Part G requests information relating to an apparent cause of material failure of the pipe or weld, including ''Environmental Cracking-related.'' INGAA commented that ''Stress Corrosion Cracking'' (SCC), which is currently a subcategory under ''Environmental Cracking-related,'' should be returned to Part G, section G1 (''Corrosion Failure''). INGAA noted that their review of the latest incident data revealed that no incident reports have identified SCC as the apparent cause in Part G, section G5. INGAA noted that operators have continued to identify SCC as the apparent cause in Part G, section G1.

B2. Response: PHMSA moved SCC from section G1 to section G5 in 2010. This change was made at the suggestion of industry to reflect the fact that SCC is not truly corrosion. The SCC failure mechanism is more appropriately reported under the material and weld failure category. PHMSA has contacted those operators that have reported SCC as a ''Corrosion Failure'' and asked them to submit supplemental reports identifying SCC as ''Environmental Cracking-related'' in Part G, section G5.

B3: INGAA commented that the Gas Transmission Incident Report used to require operators to identify the manner in which the MAOP was determined. INGAA suggested that this is a useful data element that should be added back to the Gas Transmission Incident Report.

B3. Response: At this time, PHMSA is focusing on the proposed revisions identified in the April 13, 2012, (77 FR 22387) **Federal Register** notice. This issue falls outside of the scope of those revisions. PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

B4: INGAA commented that definitions for the common industry terms ''Explode,'' ''Rupture,'' and ''Shutdown'' should be included within the Gas Transmission Incident Report or instructions.

B4. Response: PHMSA agrees and has included these definitions in the instructions.

C. Hazardous Liquid Pipeline Systems Accident Report

PHMSA proposed to revise the ''Accident Report—Hazardous Liquid Pipeline Systems'' (PHMSA F 7000–1, Hazardous Liquid Accident Report) to make minor edits and to collect additional information relating to accidents involving girth welds. The form and instructions proposed by PHMSA in the April 13, 2012, (77 FR 22387) **Federal Register** notice and comments received in response to the notice may be found at *www.regulations.gov* at docket number PHMSA–2012–0024. The docket also contains the form and instructions as amended in response to the comments.

C1: On page 15 of the current Hazardous Liquid Accident Report instructions, PHMSA provides guidance on reporting shutdowns. API and AOPL commented that the previous version of the instructions provided additional guidance regarding how and when shutdowns of pipeline facilities must be reported, and that this guidance should be reinstated to allow for uniform reporting amongst operators.

C1. Response: PHMSA agrees and has incorporated the revision as suggested.

C2: On page 1 of the current Hazardous Liquid Accident Report instructions, PHMSA provides guidance on reporting pipeline failures or releases involving secondary ignition. API and AOPL commented that this guidance is confusing and should be removed since operators must report any release when a fire not intentionally set by the operator is involved, irrespective of which party initiated the release or the amount of damage.

C2. Response: PHMSA agrees and has incorporated the revision as suggested.

C3: On page 13 of the current Hazardous Liquid Accident Report instructions, PHMSA provides an ''Important Note'' regarding Part A, Questions 9 and 10 to require the inclusion of commodity volumes consumed by fire or explosion in the estimated volumes reported. API and AOPL commented that this guidance is contrary to previous guidance and will result in data that does not correlate with previous data. API and AOPL further requested that PHMSA note this change to avoid misinterpretation or incorrect analysis of the data.

C3. Response: PHMSA has amended the instructions for Part A, Questions 9 and 10 to remove the ''Important Note'' and to specify that the volumes consumed by fire should only be reported as a dollar value under Part D, Question 8.

C4: Part A, Question 7 of the Hazardous Liquid Accident Report asks for the local time and date of the initial telephonic report of the accident to the National Response Center (NRC). The Hazardous Liquid Accident Report instructions specify that the time reported should reflect the time zone where the accident was physically located. API and AOPL commented that the NRC puts a time stamp on each report based on the Eastern Time Zone, and not the local time at the accident location, and that PHMSA should note this discrepancy in the Hazardous Liquid Accident Report instructions in order to reduce confusion.

C4. Response: PHMSA will add the note suggested by API to warn operators that the NRC report time stamp must be converted to local time. PHMSA will also make this change in the Gas Transmission Incident Report.

C5: API and AOPL commented that the ''Supplemental Report'' section on Page 8 of the Hazardous Liquid Accident Report instructions incorrectly cites 49 CFR 191.15(c) from the natural gas regulations and should be corrected to reference 49 CFR 195.54(b) from the hazardous liquid regulations.

C5. Response: PHMSA has corrected the regulation referenced in the instructions.

C6: Part G of the Hazardous Liquid Accident Report allows for the reporting of ''Apparent Cause'' and Part G, section G6 applies to ''Equipment Failure.'' PHMSA did not propose revisions to this Part. API and AOPL recommended that PHMSA revise Part G, section G6 to add ''abnormal wear'' as a sub-cause in an effort to reduce operator use of the option ''other,'' thereby increasing the accuracy and specificity of PHMSA's data. API and AOPL further recommended that the option ''none'' be added to Part G, section G6, and that the phrase ''Complete the following if any Equipment Failure sub-cause is selected'' be deleted. API and AOPL suggested that these proposed revisions will further substantiate PHMSA's data.

C6. Response: At this time, PHMSA is focusing on the proposed revisions identified in the April 13, 2012, (77 FR 22387) **Federal Register** notice. This issue falls outside of the scope of those revisions. PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

C7: Part D of the hazardous liquid accident report allows for the reporting of ''ADDITIONAL CONSEQUENCE INFORMATION.'' PHMSA proposed to revise Part D, Question 8(a), to delete the phrase ''paid/reimbursed by the Operator.'' API and AOPL commented that PHMSA should not implement the proposed deletion. API and AOPL suggested that the proposed deletion would create a misleading impression that private individuals must pay, or have paid, damages resulting from a release. They further specified that it is only in extremely rare instances that an entity other than the operator incurs any cost and, in those rare instances, the operator is unlikely to know the costs incurred by other parties, rendering them unable to provide an accurate response.

C7. Response: PHMSA removed ''paid/reimbursed by the Operator'' from the form in response to questions from operators about whether they should report total property damage or just the dollar amount paid for by the operator. PHMSA expects operators to report total property damage, regardless of whether the operator paid for the damage. In cases where the operator has not paid for the damage, the dollar amount must be estimated. PHMSA will remove ''paid/reimbursed by the Operator'' from the form.

C8: PHMSA proposed revisions in Part C of the report to collect more information for incidents involving girth welds. API and AOPL suggest that PHMSA restructure the form so that all the data will be collected in a data field within Part C, rather than in the narrative where it is unavailable for public examination and proper analysis.

C8. Response: The revision proposed by the commenters would require extensive modifications to the form and to the methods of data analysis. PHMSA will consider this suggestion during the next review of the form which is scheduled to take place in 2013.

C9: API and AOPL commented that PHMSA should ensure that all proposed changes are reflected in the instructions.

C9. Response: PHMSA has revised the instructions to reflect the proposed revisions.

C10: Part A of the hazardous liquid accident report allows for the reporting of ''Key Report Information.'' PHMSA did not propose any changes to this Part. API and AOPL suggested that Part A, Question 10 be revised from ''Estimated volume of intentional and/or controlled release/blowdown'' to ''Estimated volume of intentional and/or controlled release/blowdown (HVL/CO2 releases only).'' API and AOPL specified that adoption of the proposed modification would be consistent with the original objective of the question — to differentiate information on HVL/CO2 releases where product is vented or flared under the operator's control to facilitate repair following a release, as opposed to what was released unintentionally during the release event. API and AOPL further suggested that this revision be detailed in the instructions as well.

C10. Response: PHMSA agrees with the comment from API and AOPL and has revised the form and instructions as suggested.

D. General Comments

D1: AGA commented that PHMSA should involve industry more in the deliberation process for implementing changes to the forms.

D1. Response: In compliance with the requirements of the Paperwork Reduction Act, PHMSA involves industry by seeking comments and suggestions on proposed recordkeeping and reporting activities and will continue to do so.

III. Proposed Information Collection Revisions and Request for Comments

The following information is provided for each revised information collection: (1) Title of the information collection; (2) OMB control number; (3) Type of request; (4) Abstract of the information collection activity; (5) Description of affected public; (6) Estimate of total annual reporting and recordkeeping burden; and (7) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA is only focusing on the revisions detailed in this notice and will request revisions to the following information collection activities.

1. *Title:* Incident and Annual Reports for Gas Pipeline Operators.

OMB Control Number: 2137–0522.

Current Expiration Date: 1/31/2014.

Type of Request: Revision.

Abstract: PHMSA is looking to revise the Gas Transmission Annual Report (PHMSA F 7100.2–1) to collect additional information in response to recent NTSB recommendations and the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. In addition, PHMSA is revising the Gas Transmission Incident Report Form (PHMSA F 7100.2) to allow for the submission of additional information regarding the pipe in relation to girth weld failures.

Affected Public: Gas transmission/gathering pipeline operators.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 21,864.

Total Annual Burden Hours: 83,144 (increase of 5,760).

Frequency of Collection: On occasion.

2. *Title:* Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Reporting.

OMB Control Number: 2137–0047.

Current Expiration Date: 12/31/2013.

Type of Request: Revision.

Abstract: PHMSA is looking to revise the Hazardous Liquid Accident Report Form (PHMSA F 7000–1) to allow for the submission of additional information regarding the pipe in relation to girth weld failures.

Affected Public: Hazardous liquid pipeline operators.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 847.

Total Annual Burden Hours: 51,329.

Frequency of Collection: On occasion.

Comments Are Invited On

(a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC, on September 18, 2012.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2012–23335 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA—PHMSA–2012–0137]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on a new information collection (IC) to help determine the effectiveness of PHMSA's 811 Public Service Announcement (PSA) campaign. A **Federal Register** Notice with a 60-day comment period soliciting comments on this information collection was published on July 5, 2012 (77 FR 39797). No comments were received.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to OMB, Attention: Desk Officer for PHMSA, 725 17th Street NW., Washington, DC 20503.

DATES: Comments must be submitted on or before October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, or by

mail at U.S. DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Title: U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration 811 Awareness Survey.

OMB Control Number: Pending.

Type of Request: New information collection.

Abstract: PHMSA is conducting a survey of awareness of 811 as the national ''Call Before You Dig'' toll-free telephone number, the importance of calling 811 before beginning an excavation project and the extent to which the newly-released PHMSA PSA is effective in raising awareness about this topic. This data is necessary to measure the effectiveness of the PSA campaign and plan future educational and outreach efforts.

Affected Public: All.

Estimated number of responses: 1,000.

Estimated annual burden hours: 120.

Frequency of collection: One time collection.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of the date of this notice's publication in the **Federal Register**.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on September 18, 2012.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2012–23336 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2007–0039]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Federal pipeline safety laws, and PHMSA's special permit procedures, PHMSA is publishing this notice of special permit request we have received from a pipeline operator seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. This notice seeks public comments on this request, including comments on any safety or environmental impacts. At the conclusion of the 30-day comment period, PHMSA will evaluate the request and determine whether to grant or deny a special permit.

DATES: Submit any comments regarding this special permit request by October 22, 2012.

ADDRESSES: Comments should reference the docket number for the specific special permit request and may be submitted in the following ways:

- *E-Gov Web Site: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: 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:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: Comments are posted without changes or edits to *http://www.Regulations.gov,* including any personal information provided. There is a privacy statement published on *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

General: Kay McIver by telephone at 202–366–0113, or email at *kay.mciver@dot.gov.*

Technical: Patrick Landon by telephone at 202–366–3814, or email at *Patrick.Landon@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA has received a request for special permit from a pipeline operator seeking relief from compliance with certain pipeline safety regulations. The request includes a technical analysis provided by the operator. The request has been filed at *www.Regulations.gov* and assigned a separate docket number. We invite interested persons to participate by reviewing this special permit request at *http://www.Regulations.gov,* and by submitting written comments, data or other views. Please include comments on potential environmental impacts that may result if this special permit is granted.

Before acting on this special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments will be evaluated after this date if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant or deny a request.

PHMSA has received the following special permit requests:

Docket No.	Requester	Regulation(s)	Nature of special permit
PHMSA–2007–0039	Boardwalk—Gulf South Pipeline Company, LP (''Gulf South'').	49 CFR 192.611 ...	To authorize Gulf South Pipeline Company, LP (Gulf South) a 135-foot extension of an existing Special Permit Segment of the TPL 880 pipeline located in Mobile County, Alabama. The existing Special Permit Segment is defined in the original Special Permit (PHMSA–2007–0039, granted on February 27, 2009) using the Gulf South TPL–880 pipeline survey station references as follows: Station Number 699+77 to Station Number 700+23 (46 feet).

Docket No.	Requester	Regulation(s)	Nature of special permit
			The contiguous segment that Gulf South is requesting to add to the Special Permit segment is located at Station 700+23 to Station 701+58. With the addition of this segment, the extended Special Permit Segment would be defined as follows: Station Number 699+77 to Station Number 701+58 (181 feet). The Special Permit Inspection Area, as defined by the existing Special Permit extends from Station 0+00, the start of the TPL 880 Line, to Station 1201+68 at the Airport Compressor Station. The Inspection Area is approximately 23 miles long and is entirely in Mobile County, Alabama. TPL–880 is a 24-mile steel pipeline lateral transporting natural gas from a point onshore of the Gulf of Mexico to other pipelines located in Alabama. The 30-inch diameter pipeline was installed in 1992. The 135-foot extension is located in a high consequence area (HCA), calculated by Method 2, and caused by 20+ dwellings adjacent to the pipeline.

Authority: 49 U.S.C. 60118(c)(1) and 49 CFR 1.53.

Issued in Washington, DC, on September 18, 2012.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2012–23318 Filed 9–20–12; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35656]

Progressive Rail Incorporated—Acquisition and Operation Exemption—Rail Lines of Crab Orchard & Egyptian Railroad Company

Progressive Rail Incorporated (PGR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Crab Orchard & Egyptian Railroad Company (COER) and to operate 12.23 miles of COER's rail lines in Williamson County, Ill.[1] The rail lines are: (1) COER's Marion District between milepost 99.47 at or near Ordill and milepost 108.00 at or near Marion, a distance of 8.53 miles; (2) COER's Herrin District between milepost No. 10.7 and milepost 13.4, a distance of 2.7 miles; and (3) north from the wye track between milepost No. C94 and milepost C93, a distance of 1.0 mile.

PGR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier but that its projected annual revenues will exceed $5 million. On Sept. 5, 2012, as part of its initial verified notice of exemption filing, PGR certified that it posted the notice required by 49 CFR 1150.32(e) at the headquarters of COER at Marion.[2]

Although PGR indicates that the proposed transaction will be consummated no sooner than the 30 days after the verified notice was filed, under 49 CFR 1150.32(e) this exemption cannot become effective November 4, 2012 (60 days after PGR submitted its certification to the Board).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than October 26, 2012 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35656, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1112.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: September 17, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2012–23370 Filed 9–20–12; 8:45 am]

BILLING CODE 4915–01–P

[1] PGR originally filed its notice of exemption on September 5, 2012. On September 6 and September 7, 2012, it amended its notice of exemption. Accordingly, September 7, 2012, will be considered the filing date of the verified notice.

[2] PGR explains that, because COER employees are not members of a labor union, the notice was not sent to the national office of any labor union.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35673]

ABE Fairmont, LLC—Acquisition and Operation Exemption—Fillmore Western Railway Company

ABE Fairmont, LLC (ABE), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Fillmore Western Railway Company (FWRC) and operate an approximately 2-mile rail line between a point of connection with BNSF Railway Company (BNSF) at BNSF milepost 1.7 and the north property line of County Road H, at or near Fairmont, Fillmore County, Neb.[1]

The transaction is scheduled to be consummated on or after October 5, 2012 (30 days after the notice of exemption was filed).

ABE certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than September 28, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35673, must be filed with the Surface Transportation Board, 395 E Street SW.,

[1] ABE, which operates an ethanol plant adjacent to the line, purchased the line a number of years ago from FWRC for its private purposes under the mistaken belief that the line had been abandoned and was no longer subject to Board jurisdiction. By this notice, ABE seeks Board authorization for its acquisition and operation of what it has recently learned is an active rail line.

Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle St., Suite 1890, Chicago, IL 60604.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: September 18, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2012–23323 Filed 9–20–12; 8:45 am]

BILLING CODE 4915–01–P

FEDERAL REGISTER

Vol. 77 Friday,

No. 184 September 21, 2012

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; 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; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2012–13 season.

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

ADDRESSES: 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, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (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 that 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 developed recommendations for the 2012–13 regulations for these species. Proposed hunting regulations were discussed for late seasons. 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. We published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 2012–13, in a September 20, 2012, **Federal Register**.

The final rule described here is the final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 2012–13 and deals specifically with amending subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

National Environmental Policy Act (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.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or 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 from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* 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 a separate 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 find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), these regulations will take effect less than 30 days after publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 11, 2012.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-j; Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

Note: The following annual regulations provided for by §§ 20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature. Check state regulations for additional restrictions and delineations of geographical areas. Special restrictions may apply on Federal and State public hunting areas and Federal Indian Reservations.

■ 2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 17, 2012 (77 FR 49868) and August 30, 2012 (77 FR 53118), **Federal Registers**.

Note: The following seasons are in addition to the seasons published previously in the August 31, 2012, **Federal Register** (77 FR 53752).

	Sora & virginia rails	Clapper & king rails	Woodcock	Common snipe
Daily bag limit	25 (1)	15 (2)	3	8.
Possession limit	25 (1)	30 (2)	6	16.

ATLANTIC FLYWAY

	Sora & virginia rails	Clapper & king rails	Woodcock	Common snipe
* *	*	*	* *	*
Massachusetts (5)	Sept. 1–Nov. 9	Closed	Oct. 3–Oct. 27 & Oct. 29–Nov. 17.	Sept. 1–Dec. 15.
* *	*	*	* *	*
MISSISSIPPI FLYWAY				
* *	*	*	* *	*
Louisiana:				
West Zone	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Dec. 18–Jan. 31	Nov. 3–Dec. 10 & Dec. 22–Feb. 28.
East Zone	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Dec. 18–Jan. 31	Nov. 3–Dec. 3 & Dec. 15–Feb. 28.
Coastal Zone	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Dec. 18–Jan. 31	Nov. 3–Dec. 3 & Dec. 15–Feb. 28.
* *	*	*	* *	*
Tennessee:				
Reelfoot Zone	Nov. 10–Nov. 11 & Dec. 1–Jan. 27.	Closed	Oct. 27–Dec. 10	Nov. 10–Nov. 11 & Dec. 1–Jan. 27.
State Zone	Nov. 24–Nov. 25 & Dec. 1–Jan. 27.	Closed	Oct. 27–Dec. 10	Nov. 24–Nov. 25 & Dec. 1–Jan. 27.
Wisconsin:				
North Zone	Sept. 22–Nov. 4 & Nov. 10–Nov. 25.	Closed	Sept. 22–Nov. 5	Sept. 22–Nov. 4 & Nov. 10–Nov. 25.
South Zone	Sept. 29–Oct. 7 & Oct. 13–Dec. 2.	Closed	Sept. 22–Nov. 5	Sept. 29–Oct. 7 & Oct. 13–Dec. 2
Miss. River Zone	Sept. 22–Sept. 30 & Oct. 13–Dec. 2.	Closed	Sept. 22–Nov. 5	Sept. 22–Sept. 30 & Oct. 13–Dec. 2
PACIFIC FLYWAY				
Arizona (18):				
North Zone	Closed	Closed	Closed	Oct. 5–Jan. 13.
South Zone	Closed	Closed	Closed	Oct. 19–Jan. 27.
* *	*	*	* *	*
Idaho:				
Zone 1	Closed	Closed	Closed	Oct. 6–Jan. 18.
Zone 2	Closed	Closed	Closed	Oct. 13–Jan. 25.
Zone 3	Closed	Closed	Closed	Oct. 13–Jan. 25.
* *	*	*	* *	*
Nevada:				
Northeast Zone	Closed	Closed	Closed	Sept. 22–Oct. 31 & Nov. 3–Jan. 6.
Northwest Zone	Closed	Closed	Closed	Oct. 13–Oct. 31 & Nov. 3–Jan. 27.
South Zone (19)	Closed	Closed	Closed	Oct. 13–Oct. 31 & Nov. 3–Jan. 27.
* *	*	*	* *	*
Oregon:				
Zone 1	Closed	Closed	Closed	Nov. 3–Feb. 17.
Zone 2	Closed	Closed	Closed	Oct. 6–Nov. 25 & Nov. 28–Jan. 20.
* *	*	*	* *	*
Washington:				
East Zone	Closed	Closed	Closed	Oct. 13–Oct. 17 & Oct. 20–Jan. 27.
West Zone	Closed	Closed	Closed	Oct. 13–Oct. 17 & Oct. 20–Jan. 27.
* *	*	*	* *	*

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.

(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In *Connecticut, Delaware, Maryland,* and *New Jersey,* the limits for clapper and king rails are 10 daily and 20 in possession. See also footnote (6) below.

* * * * * * *

(5) In *Massachusetts,* the sora rail limits are 5 daily and 5 in possession; the Virginia rail limits are 10 daily and 10 in possession.

* * * * * * *

(18) In *Arizona,* Ashurst Lake in Unit 5B is closed to common snipe hunting.

(19) In *Nevada,* the snipe season for the Clarke County portion of the South Zone is only open November 3 to January 27.

■ 3. In § 20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations.

Area descriptions were published in the August 17, 2012 (77 FR 49868) and August 30, 2012 (77 FR 53118), **Federal Registers.**

(a) *Common Moorhens and Purple Gallinules.* (Atlantic, Mississippi, and Central Flyways)

Note: The following seasons are in addition to the seasons published previously in the August 31, 2012, **Federal Register** (77 FR 53752). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
* * *	* *	*	*
Georgia	Nov. 17–Nov. 25 &	15	30
	Dec. 8–Jan. 27	15	30
* * *	* *	*	*
Virginia	Oct. 4–Oct. 8 &	15	30
	Nov. 17–Dec. 1 &	15	30
	Dec. 8–Jan. 26	15	30
West Virginia	Oct. 1–Oct. 13 &	15	30
	Dec. 17–Jan. 26	15	30
MISSISSIPPI FLYWAY			
* * *	* *	*	*
Louisiana	Sept. 15–Sept. 30 &	15	30
	Nov. 10–Jan. 2	15	30
Michigan:			
North Zone	Sept. 22–Nov. 16 &	1	2
	Nov. 22–Nov. 25	1	2
Middle Zone	Sept. 29–Nov. 25 &	1	2
	Dec. 15–Dec. 16	1	2
South Zone	Oct. 6–Nov. 30 &	1	2
	Dec. 29–Jan. 1	1	2
Minnesota (3):			
North Zone	Sept. 22–Nov. 20	15	30
Central Zone	Sept. 22–Sept 30 &	15	30
	Oct. 6–Nov. 25	15	30
South Zone	Sept. 22–Sept 30 &	15	30
	Oct. 13–Dec. 2	15	30
* * *	* *	*	*
Tennessee:			
Reelfoot Zone	Nov. 10–Nov. 11 &	15	30
	Dec. 1–Jan. 27	15	30
State Zone	Nov. 24–Nov. 25 &	15	30
	Dec. 1–Jan. 27	15	30
Wisconsin:			
North Zone	Sept. 22–Nov. 4 &	15	30
	Nov. 10–Nov. 25	15	30
South Zone	Sept. 29–Oct. 7 &	15	30
	Oct. 13–Dec. 2	15	30
Mississippi River Zone	Sept. 22–Sept. 30 &	15	30
	Oct. 13–Dec. 2	15	30
* * *	* *	*	*
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e).		
* * *	* *	*	*

(3) In *Minnesota,* the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

(b) *Sea Ducks* (scoter, eider, and long-tailed ducks in Atlantic Flyway).

Note: The following seasons are in addition to the seasons published previously in the August 31, 2012, **Federal Register** (77 FR 53752).

Within the special sea duck areas, the daily bag limit is 7 scoter, eider, and long-tailed ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag

limits only during the regular duck season in the special sea duck hunting areas.

	Season dates	Limits	
		Bag	Possession
* * *	* *	*	*
Georgia	Nov. 17–Nov. 25 &	7	14
	Dec. 8–Jan. 27	7	14
* * *	* *	*	*
Maryland	Oct. 1–Jan. 31	5	10
Massachusetts (4)	Oct. 8–Jan. 31	7	14
* * *	* *	*	*
North Carolina	Oct. 1–Jan. 31	7	14
* * *	* *	*	*
South Carolina	Oct. 13–Jan. 27	7	14
Virginia	Oct. 4–Jan. 31	7	14

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in *Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia,* and *Maryland* in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

* * * * * * *

(4) In *Massachusetts,* the daily bag limit may include no more than 4 eiders (only 1 of which may be a hen) and 4 long-tailed ducks.

* * * * * * *

(e) *Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules.*

Definitions

The 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.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross's geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other geese except light geese.

Atlantic Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 4 scaup, 1 black duck, 2 pintails, 1 canvasback, 1 mottled duck, 3 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 2 hooded mergansers daily and 4 in possession. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season dates	Limits	
		Bag	Possession
Connecticut:			
Ducks and Mergansers:		6	12
North Zone	Oct. 13–Oct. 24 &		
	Nov. 10–Jan. 7		
South Zone	Oct. 13–Oct. 18 &		
	Nov. 17–Jan. 19		
Coots	Same as for Ducks	15	30
Canada Geese:			
AFRP Unit	Oct. 13–Oct. 18 &	5	10
	Nov. 15–Nov. 24 &	5	10
	Dec. 1–Feb. 15	5	10
NAP H–Unit	Oct. 10–Oct. 24 &	2	4
	Nov. 22–Jan. 15	2	4

	Season dates	Limits	
		Bag	Possession
AP Unit	Oct. 19–Oct. 24 &	3	6
	Nov. 17–Jan. 8	3	6
Special Season	Jan. 16–Feb. 9	5	10
Light Geese:			
North Zone	Oct. 2–Jan. 16 &	25	
	Feb. 22–Mar. 9	25	
South Zone	Oct. 2–Dec. 1 &	25	
	Jan. 7–Mar. 9	25	
Brant:			
North Zone	Nov. 10–Jan. 7	2	4
South Zone	Nov. 23–Jan. 19	2	4
Delaware:			
Ducks	Oct. 26–Nov. 7 &	6	12
	Nov. 19–Nov. 29 &	6	12
	Dec. 13–Jan. 26	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 19–Nov. 29 &	2	4
	Dec. 13–Jan. 26	2	4
Light Geese (1)	Oct. 1–Jan. 26	25	
Brant	Dec. 1–Jan. 26	2	4
Florida:			
Ducks	Nov. 17–Nov. 25 &	6	12
	Dec. 8–Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 17–Nov. 25 &	5	10
	Dec. 1–Jan. 30	5	10
Light Geese	Same as for Ducks	15	
Georgia:			
Ducks	Nov. 17–Nov. 25 &	6	12
	Dec. 8–Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Same as for Ducks	5	10
Light Geese	Same as for Ducks	5	10
Brant	Closed		
Maine:			
Ducks (2):		6	12
North Zone	Sept. 24–Dec. 1		
South Zone	Oct. 1–Oct. 13 &		
	Oct. 29–Dec. 22		
Coastal Zone	Oct. 1–Oct. 20 &		
	Nov. 19–Jan. 5		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	5	10
Canada Geese:			
North Zone	Oct. 1–Dec. 8	2	4
South Zone	Same as for Ducks	2	4
Coastal Zone	Same as for Ducks	2	4
Light Geese	Oct. 1–Jan. 31	25	
Brant:			
North Zone	Oct. 1–Nov. 27	2	4
South Zone	Oct. 1–Oct. 13 &	2	4
	Oct. 29–Dec. 11	2	4
Coastal Zone	Oct. 1–Oct. 20 &	2	4
	Nov. 19–Dec. 25	2	4
Maryland:			
Ducks and Mergansers (3)	Oct. 13–Oct. 20 &	6	12
	Nov. 10–Nov. 23 &	6	12
	Dec. 11–Jan. 26	6	12
Coots	Same as for Ducks	15	30
Canada Geese:			
RP Zone	Nov. 17–Nov. 23 &	5	10
	Dec. 11–Mar. 6	5	10
AP Zone	Nov. 17–Nov. 23 &	2	4
	Dec. 11–Jan. 30	2	4
Light Geese	Oct. 6–Nov. 23 &	25	
	Dec. 11–Jan. 30 &	25	
	Feb. 9 only	25	
Brant	Nov. 14–Nov. 23 &	2	4
	Dec. 11–Jan. 26	2	4

	Season dates	Limits	
		Bag	Possession
Massachusetts:			
Ducks (4)		6	12
Western Zone	Oct. 10–Nov. 24 &		
	Dec. 10–Jan. 1		
Central Zone	Oct. 8–Nov. 24 &		
	Dec. 17–Jan. 5		
Coastal Zone	Oct. 13–Oct. 20 &		
	Nov. 21–Jan. 21		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
NAP Zone:			
Central Zone	Oct. 8–Nov. 24 &	2	4
	Dec. 17–Jan. 5	2	4
(Special season)	Jan. 17–Feb. 15	5	10
Coastal Zone	Oct. 13–Oct. 20 &	2	4
	Nov. 21–Jan. 21	2	4
(Special season) (5)	Jan. 22–Feb. 15	5	10
AP Zone	Oct. 10–Nov. 24 &	3	6
	Dec. 10–Dec. 20	3	6
Light Geese:			
Western Zone	Same as for Ducks	15	30
Central Zone	Same as for Ducks &	15	30
	Jan. 17–Feb. 15	15	30
Coastal Zone (5)	Same as for Ducks &	15	30
	Jan. 22–Feb. 15	15	30
Brant:			
Western & Central Zone	Closed		
Coastal Zone	Nov. 17–Nov. 24 &	2	4
	Dec. 13–Jan. 31	2	4
New Hampshire:			
Ducks		6	12
Northern Zone	Oct. 2–Nov. 30		
Inland Zone	Oct. 2–Nov. 4 &		
	Nov. 21–Dec. 16		
Coastal Zone	Oct. 3–Oct. 14 &		
	Nov. 21–Jan. 7		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Northern Zone	Same as for Ducks	2	4
Inland Zone	Same as for Ducks	2	4
Coastal Zone	Same as for Ducks	2	4
Light Geese:			
Northern Zone	Oct. 2–Dec. 16	25	
Inland Zone	Oct. 2–Dec. 16	25	
Coastal Zone	Oct. 3–Jan. 7	25	
Brant:			
Northern Zone	Oct. 2–Nov. 20	2	4
Inland Zone	Oct. 2–Nov. 20	2	4
Coastal Zone	Oct. 3–Nov. 21	2	4
New Jersey:			
Ducks		6	12
North Zone	Oct. 13–Oct. 25 &		
	Nov. 10–Jan. 5		
South Zone	Oct. 20–Nov. 3 &		
	Nov. 17–Jan. 10		
Coastal Zone	Nov. 10–Nov. 17 &		
	Nov. 22–Jan. 22		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada and White-fronted Geese:			
North Zone	Nov. 10–Nov. 24 &	3	6
	Dec. 15–Jan. 26	3	6
South Zone	Nov. 17–Dec 1 &	3	6
	Dec. 15–Jan. 26	3	6
Coastal Zone	Nov. 22–Dec. 1 &	3	6
	Dec. 6–Jan. 22	3	6
(Special season)	Jan. 28–Feb. 15	5	10
Light Geese:			
North Zone	Oct. 17–Feb. 15	25	
South Zone	Oct. 17–Feb. 15	25	

	Season dates	Limits	
		Bag	Possession
Coastal Zone	Oct. 17–Feb. 15	25	
Brant:			
North Zone	Oct. 13–Oct. 25 &	2	4
	Nov. 22–Jan. 5	2	4
South Zone	Oct. 20–Nov. 3 &	2	4
	Nov. 17–Dec. 29	2	4
Coastal Zone	Nov. 10–Nov. 17 &	2	4
	Nov. 22–Jan. 10	2	4
New York:			
Ducks and Mergansers:		6	12
Long Island Zone	Nov. 23–Nov. 25 &		
	Dec. 2–Jan. 27		
Lake Champlain Zone	Oct. 13–Oct. 17 &		
	Oct. 27–Dec. 20		
Northeastern Zone	Oct. 6–Oct. 14 &		
	Oct. 27–Dec. 16		
Southeastern Zone	Oct. 13–Oct. 21 &		
	Nov. 10–Dec. 30		
Western Zone	Oct. 27–Dec. 9 &		
	Dec. 29–Jan. 13		
Coots	Same as for Ducks	15	30
Canada Geese:			
Western Long Island (AFRP)	Nov. 23–Mar. 9	8	16
Central Long Island (NAP–L)	Nov. 23–Nov. 25 &	3	6
	Dec. 2–Feb. 6	3	6
Eastern Long Island (NAP–H)	Dec. 2–Jan. 30	2	4
Lake Champlain (AP) Zone	Oct. 13–Dec. 1	3	6
Northeast (AP) Zone	Oct. 27–Dec. 15	3	6
East Central (AP) Zone	Oct. 27–Nov. 16 &	3	6
	Nov. 24–Dec. 22	3	6
Hudson Valley (AP) Zone	Oct. 27–Nov. 16 &	3	6
	Dec. 8–Jan. 5	3	6
West Central (AP) Zone	Oct. 27–Nov. 27 &	3	6
	Dec. 29–Jan. 15	3	6
South (AFRP)	Oct. 27–Dec. 11 &	5	10
	Dec. 29–Jan. 15 &	5	10
	Feb. 23–Mar. 10	5	10
(Special season)	Feb. 7–Feb. 14	5	10
Light Geese (6):			
Long Island Zone	Nov. 23–Mar. 9	25	
Lake Champlain Zone	Oct. 1–Dec. 29	25	
Northeastern Zone	Oct. 1–Jan. 15	25	
Southeastern Zone	Oct. 1–Jan. 15	25	
Western Zone	Oct. 1–Jan. 15	25	
Brant:			
Long Island Zone	Nov. 23–Nov. 25 &	2	4
	Dec. 12–Jan. 27	2	4
Lake Champlain Zone	Oct. 13–Dec. 1	2	4
Northeastern Zone	Oct. 6–Nov. 24	2	4
Southeastern Zone	Oct. 13–Dec. 1	2	4
Western Zone	Oct. 6–Nov. 24	2	4
North Carolina:			
Ducks (7)	Oct. 3–Oct. 6 &	6	12
	Nov. 10–Dec. 1 &	6	12
	Dec. 15–Jan. 26	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
RP Hunt Zone	Oct. 3–Oct. 13 &	5	10
	Nov. 10–Dec. 1 &	5	10
	Dec. 15–Feb. 9	5	10
SJBP Hunt Zone	Oct. 3–Oct. 31 &	5	10
	Nov. 10–Dec. 31	5	10
Northeast Hunt Zone (8)	Jan. 19–Jan. 26	1	2
Light Geese (9)	Oct. 17–Oct. 20 &	25	
	Nov. 10–Mar. 9	25	
Brant	Nov. 17–Dec. 1 &	2	4
	Dec. 15–Jan. 26	2	4
Pennsylvania:			
Ducks		6	12
North Zone	Oct. 6–Oct. 20 &		
	Nov. 13–Jan. 5		

	Season dates	Limits	
		Bag	Possession
South Zone	Oct. 13–Oct. 20 &		
	Nov. 15–Jan. 15		
Northwest Zone	Oct. 6–Dec. 14		
Lake Erie Zone	Oct. 22–Dec. 29		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Eastern (AP) Zone	Nov. 13–Nov. 24 &	3	6
	Dec. 13–Jan. 26	3	6
SJBP Zone	Oct. 6–Nov. 24 &	3	6
	Dec. 10–Jan. 18	3	6
Resident (RP) Zone	Oct. 27–Nov. 24 &	5	10
	Dec. 11–Jan. 15 &	5	10
	Feb. 1–Feb. 28	5	10
Light Geese:			
Eastern (AP) Zone	Oct. 27–Jan. 26	25	
SJBP Zone	Oct. 27–Jan. 18	25	
Resident (RP) Zone	Oct. 27–Feb. 28	25	
Brant	Oct. 6–Dec. 3	2	4
Rhode Island:			
Ducks	Oct. 12–Oct. 15 &	6	12
	Nov. 21–Nov. 25 &	6	12
	Dec. 1–Jan. 20	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 17–Nov. 25 &	2	4
	Dec. 1–Jan. 20	2	4
(Special season)	Jan. 25–Feb. 10	5	10
Light Geese	Oct. 6–Jan. 20	15	
Brant	Dec. 2–Jan. 20	2	4
South Carolina:			
Ducks (10)(11)	Nov. 17–Nov. 24 &	6	12
	Dec. 1 only &	6	12
	Dec. 8–Jan. 27	6	12
Mergansers (12)	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada and White-fronted Geese (13)	Nov. 17–Nov. 24 &	5	10
	Dec. 1–Feb. 1 &	5	10
	Feb. 4–Feb. 7	5	10
Light Geese	Same as for Ducks	25	
Brant	Dec. 9–Jan. 27	2	4
Vermont:			
Ducks		6	12
Lake Champlain Zone	Oct. 13–Oct 17 &		
	Oct. 27–Dec. 20		
Interior Zone	Oct. 13–Dec. 11		
Connecticut River Zone	Oct. 2–Nov. 4 &		
	Nov. 21–Dec. 16		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Lake Champlain Zone	Oct. 13–Dec. 1	3	6
Interior Zone	Oct. 13–Dec. 1	3	6
Connecticut River Zone	Oct. 2–Nov. 4 &	2	4
	Nov. 21–Dec. 16	2	4
Light Geese:			
Lake Champlain Zone	Oct. 1–Dec. 29	25	
Interior Zone	Oct. 1–Dec. 29	25	
Connecticut River Zone	Oct. 2–Dec. 16	25	
Brant:			
Lake Champlain Zone	Oct. 13–Dec. 1	2	4
Interior Zone	Oct. 13–Dec. 1	2	4
Connecticut River Zone	Oct. 2–Nov. 20	2	4
Virginia:			
Ducks (14)	Oct. 4–Oct. 8 &	6	12
	Nov. 17–Dec. 1 &	6	12
	Dec. 8–Jan. 26	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Eastern (AP) Zone	Nov. 17–Dec. 1 &	2	4
	Dec. 20–Jan. 31	2	4

	Season dates	Limits	
		Bag	Possession
Western (SJBP) Zone	Nov. 17–Dec. 1 &	3	6
	Dec. 14–Jan. 14 &	3	6
(Special season)	Jan. 15–Feb. 15	5	10
Western (RP) Zone	Nov. 17–Dec. 1 &	5	10
	Dec. 8–Feb. 23	5	10
Light Geese	Oct. 4–Jan. 31	25	.....
Brant	Nov. 17–Nov. 24 &	2	4
	Dec. 8–Jan. 26	2	4
West Virginia:			
Ducks (15)	Oct. 1–Oct. 13 &	6	12
	Nov. 5–Nov. 10 &	6	12
	Dec. 17–Jan. 26	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Oct. 1–Oct. 27 &	5	10
	Nov. 5–Nov. 10 &	5	10
	Dec. 17–Jan. 31	5	10
Light Geese	Same as for Canada Geese	5	10
Brant	Dec. 17–Jan. 26	2	4

(1) In *Delaware,* the Bombay Hook NWR snow goose season is open Mondays, Wednesdays, and Fridays only.
(2) In *Maine,* the daily bag limit may include no more than 4 of any species, with no more than 8 of any one species in possession. The season for Barrow's goldeneye is closed.
(3) In *Maryland,* the black duck season is closed October 13 through October 20.
(4) In *Massachusetts,* the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.
(5) In *Massachusetts,* the January 22 to February 15 portion of the season in the Coastal Zone is restricted to that portion of the Coastal Zone north of the Cape Cod Canal.
(6) In *New York,* light geese may be taken with the aid of recorded or electrically amplified calls in any area or zone when all other waterfowl seasons are closed.
(7) In *North Carolina,* the season is closed for black ducks October 3 through October 6 and November 10 through November 16. The daily bag limit for black and mottled ducks is combined with no more than 1 allowed in the daily bag.
(8) In *North Carolina,* a permit is required to hunt Canada geese in the Northeast Hunt Zone.
(9) In *North Carolina,* electronic calls and unplugged shotguns are allowed for light geese from February 11 through March 9.
(10) In *South Carolina,* the daily bag limit of 6 may not exceed 1 black-bellied whistling duck, and 1 black duck or 1 mottled duck in the aggregate.
(11) In *South Carolina,* on December 1, 2012, only youth less than 18 years of age may hunt, but they must be accompanied by an adult of at least 21 years of age who is fully licensed, including a Federal Waterfowl Stamp, State waterfowl stamp, and HIP permit. Youth who are 16 and 17 years of age, who hunt, must possess a Federal Waterfowl Stamp and HIP permit.
(12) In *South Carolina,* the daily bag limit for mergansers may include no more than 1 hooded merganser.
(13) In *South Carolina,* the daily bag limit may include no more than 2 white-fronted geese.
(14) In *Virginia,* the season is closed for black ducks October 4 through October 8.
(15) In *West Virginia,* the daily bag limit may include no more than 4 long-tailed ducks, and the season is closed for eiders, whistling ducks, and mottled ducks.

Mississippi Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 1 black duck, 2 pintails, 1 canvasback, 2 redheads, 4 scaup, and 3 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 2 hooded mergansers daily and 4 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season dates	Limits	
		Bag	Possession
Alabama:			
Ducks:			
North Zone	Nov. 23–Nov. 24 & Dec. 1–Jan. 27	6	12
South Zone	Same as North Zone	.....	.....
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Dark Geese:			
North Zone:			
SJBP Zone	Sept. 22–Oct. 9 &	3	6
	Nov. 23–Nov. 24 &	3	6
	Dec. 1–Jan. 27	3	6
Rest of North Zone	Same as SJBP Zone	3	6
South Zone	Same as Rest of North Zone	3	6
White-fronted Geese:			
North Zone:			
SJBP Zone	Nov. 23–Nov. 24 &	2	4
	Dec. 1–Jan. 27	2	4

	Season dates	Limits	
		Bag	Possession
Rest of North Zone	Same as SJBP Zone	2	4
South Zone	Same as Rest of North Zone	2	4
Light Geese:			
North Zone:			
SJBP Zone	Same as Rest of North Zone	5	10
Monroe and Escambia Counties	Oct. 27–Nov. 11 &	5	10
	Nov. 23–Nov. 24 &	5	10
	Dec. 1–Jan. 27	5	10
Rest of North Zone	Same as for Dark Geese	5	10
South Zone	Same as for Dark Geese	5	10
Arkansas:			
Ducks	Nov. 17–Nov. 25 &	6	12
	Dec. 6–Dec. 23 &	6	12
	Dec. 26–Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Northwest Zone	Sept. 22–Oct. 1 &	2	4
	Nov. 17–Jan. 27	2	4
Remainder of State	Nov. 17–Jan. 27	2	4
White-fronted Geese	Nov. 17–Jan. 27	2	4
Brant	Closed.		
Light Geese	Nov. 3–Jan. 27	20	
Illinois:			
Ducks:			
North Zone	Oct. 20–Dec. 18	6	12
Central Zone	Oct. 27–Dec. 25		
South Central Zone	Nov. 10–Jan. 8		
South Zone	Nov. 22–Jan. 20		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
North Zone	Oct. 20–Jan. 17	2	4
Central Zone	Oct. 27–Nov. 12 &	2	4
	Nov. 20–Jan. 31	2	4
South Central Zone	Nov. 10–Jan. 31	2	4
South Zone	Nov. 22–Jan. 31	2	4
White-fronted Geese:			
North Zone	Nov. 5–Jan. 17	2	4
Central Zone	Nov. 19–Jan. 31	2	4
South Central Zone	Nov. 19–Jan. 31	2	4
South Zone	Nov. 22–Jan. 31	2	4
Light Geese:			
North Zone	Oct. 20–Jan. 17	20	
Central Zone	Oct. 27–Jan. 31	20	
South Central Zone	Nov. 10–Jan. 31	20	
South Zone	Nov. 22–Jan. 31	20	
Brant	Same as for Light Geese	1	2
Indiana:			
Ducks:			
North Zone	Oct. 20–Dec. 9 &	6	12
	Dec. 22–Dec. 30		
Central Zone	Nov. 3–Dec. 25 &		
	Jan. 14–Jan. 20		
South Zone	Nov. 3–Nov. 4 &		
	Nov. 24–Jan. 20		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
North Zone	Oct. 20–Nov. 11 &	3	6
	Nov. 22–Jan. 6 &	3	6
	Jan. 19–Jan. 23	3	6
Central Zone	Nov. 3–Dec. 25 &	3	6
	Jan. 7–Jan. 27	3	6
South Zone	Nov. 3–Nov. 11 &	3	6
	Nov. 24–Jan. 27	3	6
Late Season Zone	Feb. 1–Feb. 15	5	10
White-fronted Geese:			
North Zone	Same as for Canada Geese	2	4
Central Zone	Same as for Canada Geese	2	4
South Zone	Same as for Canada Geese	2	4
Brant:			

	Season dates	Limits	
		Bag	Possession
North Zone	Same as for Canada Geese	1	2
Central Zone	Same as for Canada Geese	1	2
South Zone	Same as for Canada Geese	1	2
Light Geese:			
North Zone	Oct. 20–Jan. 31	20	
Central Zone	Same as North Zone	20	
South Zone	Same as North Zone	20	
Iowa:			
Ducks:			
North Zone	Sept. 22–Sept. 26 &	6	12
	Oct. 13–Dec. 6		
Missouri River Zone	Sept. 22–Sept. 26 &		
	Oct. 27–Dec 20		
South Zone	Sept. 22–Sept. 26 &		
	Oct. 20–Dec. 13		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
North Zone	Sept. 29–Oct. 31 &	2	4
	Nov. 1–Jan. 4	3	6
Missouri River Zone	Oct. 13–Oct. 31 &	2	4
	Nov. 1–Jan. 18	3	6
South Zone	Oct. 6–Oct. 31 &	2	4
	Nov. 1–Jan. 11	3	6
White-fronted Geese:			
North Zone	Sept. 29–Dec. 11	2	4
Missouri River Zone	Oct. 13–Dec. 25	2	4
South Zone	Oct. 6–Dec. 18	2	4
Brant:			
North Zone	Same as for Canada geese	1	2
Missouri River Zone	Same as for Canada geese	1	2
South Zone	Same as for Canada geese	1	2
Light Geese:			
North Zone	Sept. 29–Jan. 13	20	
Missouri River Zone	Oct. 13–Jan. 18	20	
South Zone	Oct. 6–Jan. 18	20	
Kentucky:			
Ducks:			
West Zone	Nov. 22–Nov. 25 &	6	12
	Dec. 3–Jan. 27		
East Zone	Same as West Zone.		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 22–Jan. 31	2	4
White-fronted Geese	Nov. 22–Jan. 31	2	4
Brant	Nov. 22–Jan. 31	1	2
Light Geese	Nov. 22–Jan. 31	20	
Louisiana:			
Ducks:			
West Zone	Nov. 10–Dec. 9 &	6	12
	Dec. 22–Jan. 20		
East Zone (including Catahoula Lake)	Nov. 17–Dec. 2 &		
	Dec. 15–Jan. 27		
Coastal Zone	Nov. 10 Dec. 2 &		
	Dec. 15–Jan. 20		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese (1):			
West Zone	Nov. 10–Dec. 9 &	3	6
	Dec. 22–Jan. 31	3	6
East Zone	Nov. 3–Dec. 2 &	3	6
	Dec. 15–Jan. 27	3	6
Coastal Zone	Nov. 10–Dec. 2 &	3	6
	Dec. 15–Jan. 31	3	6
White-fronted (1):			
West Zone	Nov. 10–Dec. 9 &	2	4
	Dec. 22–Feb. 3	2	4
East Zone	Nov. 3–Dec. 2 &	2	4
	Dec. 15–Jan. 27	2	4
Coastal Zone	Nov. 10–Dec. 2 &	2	4
	Dec. 15–Feb. 3	2	4
Brant	Closed		

	Season dates	Limits	
		Bag	Possession
Light Geese:			
West Zone	Same as for White-fronted	20	
East Zone	Same as for White-fronted	20	
Coastal Zone	Same as for White-fronted	20	
Michigan:			
Ducks (2):			
North Zone	Sept. 22–Nov. 16 &	6	12
	Nov. 22–Nov. 25		
Middle Zone	Sept. 29–Nov. 25 &		
	Dec. 15–Dec. 16		
South Zone	Oct. 6–Nov. 30 &		
	Dec. 29–Jan. 1		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
North Zone	Sept. 22–Dec. 22	2	4
Middle Zone	Sept. 29–Dec. 29	2	4
South Zone:			
Muskegon Wastewater GMU	Oct. 9–Nov. 13 &	2	4
	Dec. 1–Dec. 23		
Allegan County GMU	Oct. 6–Nov. 25 &	2	4
	Dec. 8–Dec. 23 &	2	4
	Dec. 29–Jan. 22	2	4
Saginaw County GMU	Sept. 22–Sept. 25 &	2	4
	Oct. 6–Jan. 1	2	4
Tuscola/Huron GMU	Same as Saginaw County GMU	2	4
Remainder of South Zone	Sept. 22–Sept. 23 &	2	4
	Oct. 6–Nov. 30 &	2	4
	Dec. 29–Jan. 1	5	10
Southern MI Late Season (3)	Jan. 12–Feb. 10	5	10
White-fronted Geese:			
North Zone	Sept. 22–Dec. 18	1	2
Middle Zone	Sept. 29–Dec. 25	1	2
South Zone	Oct. 6–Nov. 30 &	1	2
	Dec. 29–Jan. 1 &	1	2
	Jan. 12–Jan. 31	1	2
Light Geese:			
North Zone	Same as for Canada geese	20	
Middle Zone	Same as for Canada geese	20	
South Zone	Same as for Canada geese	20	
Brant:			
North Zone	Same as for White-fronted geese	1	2
Middle Zone	Same as for White-fronted geese	1	2
South Zone	Same as for White-fronted geese	1	2
Minnesota:			
Ducks:			
North Zone	Sept. 22–Nov. 20	6	12
Central Zone	Sept. 22–Sept. 30 &		
	Oct. 6–Nov. 25		
South Zone	Sept. 22–Sept. 30 &		
	Oct. 13–Dec. 2		
Mergansers	Same as for Ducks	5	10
Coots (4)	Same as for Ducks	15	30
Geese:			
North Zone	Sept. 22–Dec. 16		
Canada		3	6
White-fronted and Brant		1	2
Light Geese		20	
Central Zone	Sept. 22–Sept. 30 &		
	Oct. 6–Dec. 21		
Canada		3	6
White-fronted and Brant		1	2
Light Geese		20	
South Zone	Sept. 22–Sept. 30 &		
	Oct. 13–Dec. 28		
Canada		3	6
White-fronted and Brant		1	2
Light Geese		20	
Mississippi:			
Ducks	Nov. 23–Nov. 25 &	6	12
	Nov. 30–Dec. 2 &	6	12
	Dec. 5–Jan. 27	6	12

	Season dates	Limits	
		Bag	Possession
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 15–Jan. 27	3	6
White-fronted	Nov. 15–Jan. 27	2	4
Brant	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	20	
Missouri:			
Ducks and Mergansers:			
North Zone	Oct. 27–Dec. 25	6	12
Middle Zone	Nov. 3–Jan. 1		
South Zone	Nov. 22–Jan. 20		
Coots	Same as for Ducks	15	30
Canada Geese:			
North Zone	Oct. 6–Oct. 14 &	3	6
	Nov. 22–Jan. 31	3	6
Middle Zone	Same as North Zone	3	6
South Zone	Same as North Zone	3	6
White-fronted Geese:			
North Zone	Nov. 22–Jan. 31	2	4
Middle Zone	Same as North Zone	2	4
South Zone	Same as North Zone	2	4
Brant:			
North Zone	Same as for Canada geese	1	2
Middle Zone	Same as for Canada geese	1	2
South Zone	Same as for Canada geese	1	2
Light Geese:			
North Zone	Oct. 27–Jan. 31	20	
Middle Zone	Same as North Zone	20	
South Zone	Same as North Zone	20	
Ohio:			
Ducks (2):			
Lake Erie Marsh Zone	Oct. 13–Oct. 28 &	6	12
	Nov. 10–Dec. 23		
North Zone	Oct. 13–Oct. 28 &		
	Nov. 24–Jan. 6		
South Zone	Oct. 20–Oct. 28 &		
	Dec. 8–Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Lake Erie Goose Zone	Oct. 13–Oct. 28 &	3	6
	Nov. 10–Jan. 10		
North Zone	Oct. 13–Oct. 28 &	3	6
	Nov. 24–Jan. 6 &	3	6
	Jan. 12–Jan. 29	3	6
South Zone	Oct. 20–Nov. 11 &	3	6
	Dec. 8–Jan. 31	3	6
White-fronted Geese	Same as for Canada geese	1	2
Brant	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	10	20
Tennessee:			
Ducks:			
Reelfoot Zone	Nov. 10–Nov. 11 &	6	12
	Dec. 1–Jan. 27		
State Zone	Nov. 24–Nov. 25 &		
	Dec. 1–Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Northwest Zone	Oct. 13–Oct. 16 &	2	4
	Nov. 10–Nov. 11 &	2	4
	Dec. 1–Feb. 10	2	4
Southwest Zone	Oct. 13–Oct. 30 &	2	4
	Nov. 24–Nov. 25 &	2	4
	Dec. 1–Jan. 27	2	4
Kentucky/Barkley Lakes Zone	Same as Southwest Zone	2	4
Rest of State	Same as Southwest Zone	2	4
White-fronted Geese	Dec. 1–Feb. 10	2	4
Brant	Nov. 23–Jan. 31	2	4
Light Geese	Nov. 24–Mar. 10	20	
Wisconsin:			
Ducks (2):			

	Season dates	Limits	
		Bag	Possession
North Zone	Sept. 22–Nov. 4	6	12
	Nov. 10–Nov. 25		
South Zone	Sept. 29–Oct. 7 &		
	Oct. 13–Dec. 2		
Mississippi River Zone	Sept. 22–Sept. 30 &		
	Oct. 13–Dec. 2		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
North Zone:			
Brown Co. Subzone—North	Sept. 16–Nov. 4 &	2	4
	Nov. 10–Dec. 21	2	4
	Same as Brown Co	2	4
Remainder of North Zone	Subzone—North	2	4
South Zone:			
Horicon Zone	Sept. 16–Dec. 16	2	4
Brown Co. Subzone—South	Sept. 16–Oct. 7 &	2	4
	Oct. 13–Dec. 21	2	4
Mississippi River Subzone	Sept. 22–Sept. 30 &	2	4
	Oct. 13–Jan. 3	2	4
	Same as Brown Co		
Remainder of South Zone	Subzone—South	2	4
White-fronted Geese:			
North Zone:			
Brown Co. Subzone—North	Sept. 20–Nov. 4 &	2	4
	Nov. 10–Dec. 21	2	4
	Same as Brown Co		
Remainder of North Zone	Subzone—North	2	4
South Zone:			
Horicon Zone	Sept. 20–Dec. 16	1	2
Brown Co. Subzone—South	Sept. 20–Oct. 7 &	2	4
	Oct. 13–Dec. 21	2	4
Mississippi River Subzone	Sept. 26–Sept. 30 &	2	4
	Oct. 13–Jan. 3	2	4
	Same as Brown Co		
Remainder of South Zone	Subzone—South	2	4
Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	20	

(1) In *Louisiana,* during the Canada goose season, the daily bag limit is 3 dark geese (whitefronts and Canada geese) with no more than 2 white-fronted geese. Possession limits are twice the daily bag limits.
(2) In *Michigan, Ohio,* and *Wisconsin,* the daily bag limit may include no more than one hen mallard.
(3) In *Michigan,* the Southern Michigan Late Canada goose season excludes the Goose Management Units (GMUs).
(4) In *Minnesota,* the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

Central Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit is 6 ducks, which may include no more than 5 mallards (2 female mallards), 1 mottled duck, 2 pintails, 1 canvasback, 2 redheads, and 3 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 2 hooded mergansers daily and 4 in possession. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks		6	12
Southeast Zone	Oct. 24–Jan. 27		
Northeast Zone	Oct. 6–Nov. 26 &		
	Dec. 15–Jan. 27		
Mountain/Foothills Zone	Sept. 29–Nov. 25 &		
	Dec. 21–Jan. 27		
Coots	Same as for Ducks	15	30
Mergansers	Same as for Ducks	5	10
Dark Geese:			
Northern Front Range Unit	Sept. 29–Oct. 14 &	4	8
	Nov. 17–Feb. 10	4	8
South Park/San Luis Valley Unit	Same as N. Front Range Unit	4	8
North Park Unit	Same as N. Front Range Unit	4	8

	Season dates	Limits	
		Bag	Possession
Rest of State in Central Flyway	Nov. 17–Feb. 10	4	8
Light Geese:			
Northern Front Range Unit	Oct. 27–Feb. 10	20	
South Park/San Luis Valley Unit	Same as N. Front Range Unit	20	
North Park Unit	Same as N. Front Range Unit	20	
Rest of State in Central Flyway	Same as N. Front Range Unit	20	
Kansas:			
Ducks		6	12
High Plains	Oct. 6–Dec. 30 &		
	Jan. 19–Jan. 27		
Low Plains:			
Early Zone	Oct. 6–Dec. 2 &		
	Dec. 15–Dec. 30		
Late Zone	Oct. 27–Dec. 30 &		
	Jan. 19–Jan. 27		
Southeast Zone	Nov. 15–Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese and Brant	Oct. 27–Nov. 4 &	3	6
	Nov. 7–Feb. 10	3	6
White-fronted Geese	Oct. 27–Dec. 30 &	2	4
	Feb. 2–Feb. 10	2	4
Light Geese	Oct. 27–Nov. 4 &	20	
	Nov. 7–Feb. 10	20	
Montana:			
Ducks and Mergansers		6	12
Zone 1	Sept. 29–Jan. 3		
Zone 2	Same as Zone 1		
Coots	Same as for Ducks	15	30
Dark Geese	Sept. 29–Jan. 6 &	5	10
	Jan. 9–Jan. 13	5	10
Light Geese	Sept. 29–Jan. 6 &	20	40
	Jan. 9–Jan. 13	20	40
Nebraska:			
Ducks		6	12
Zone 1	Oct. 13–Dec. 25		
Zone 2:			
Low Plains	Oct. 6–Dec. 18		
High Plains	Oct. 6–Dec. 18 &		
	Jan. 2–Jan. 23		
Zone 3:			
Low Plains	Oct. 20–Jan. 1		
High Plains	Oct. 20–Jan. 1 &		
	Jan. 2–Jan. 23		
Zone 4	Oct. 6–Dec. 18		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Niobrara Unit	Oct. 27–Feb. 8	3	6
East Unit	Oct. 6–Oct. 14 &	3	6
	Oct. 27–Jan. 30	3	6
North Central Unit	Oct. 6–Jan. 18	3	6
Platte River Unit	Oct. 27–Feb 8	3	6
Panhandle Unit	Nov. 10–Feb. 8	3	6
White-fronted Geese	Oct. 6–Dec. 14 &	2	4
	Feb. 2–Feb. 3	1	2
Light Geese	Oct. 6–Jan. 4 &	20	
	Jan. 26–Feb. 8	20	
New Mexico:			
Ducks and Mergansers (1)		6	12
North Zone	Oct. 6–Jan. 9		
South Zone	Oct. 24–Jan. 27		
Coots	Same as for Ducks	15	30
Dark Geese (2):			
Middle Rio Grande Valley Unit (2)	Dec. 29–Jan. 20	2	2
Rest of State	Oct. 13–Jan. 27	4	8
Light Geese	Oct. 13–Jan. 27	20	
North Dakota:			
Ducks		6	12
High Plains	Sept. 22–Dec. 2 &		
	Dec. 8–Dec. 30		
Remainder of State	Sept. 22–Dec. 2		

	Season dates	Limits	
		Bag	Possession
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese (3):			
Missouri River Zone	Sept. 22–Dec. 28	3	6
Rest of State	Sept. 22–Dec. 20	3	6
White-fronted Geese	Sept. 22–Dec. 2	2	4
Light Geese	Sept. 22–Dec. 30	20	
Oklahoma:			
Ducks		6	12
High Plains	Oct. 13–Jan. 9		
Low Plains:			
Zone 1	Oct. 27–Nov. 25 &		
	Dec. 8–Jan. 20		
Zone 2:	Nov. 3–Nov. 25 &		
	Dec. 8–Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Oct. 27–Nov. 25 &	3	6
	Dec. 8–Feb. 10	3	6
White-fronted Geese	Oct. 27–Nov. 25 &	1	2
	Dec. 8–Feb. 3	1	2
Light Geese	Oct. 27–Nov. 25 &	20	
	Dec. 8–Feb. 10	20	
South Dakota:			
Ducks		6	12
High Plains	Oct. 13–Dec. 25 &		
	Dec. 26–Jan. 17		
Low Plains:			
North Zone	Sept. 29–Dec. 11		
Middle Zone	Same as for North Zone		
South Zone	Oct. 13–Dec. 25		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
White-fronted Geese	Sept. 29–Dec. 23	1	2
Canada Geese:			
Unit 1	Oct. 1–Dec. 16	3	6
Unit 2	Nov. 3–Feb. 15	3	6
Unit 3	Oct. 13–Dec. 16 &	3	6
	Jan. 12–Jan. 20	3	6
Light Geese	Sept. 29–Dec. 23	20	
Texas:			
Ducks (4)		6	12
High Plains	Oct. 27–Oct. 28 &		
	Nov. 2–Jan. 27		
Low Plains:			
North Zone	Nov. 3–Nov. 25 &		
	Dec. 8–Jan. 27		
South Zone	Same as North Zone		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese and Brant:			
East Tier:			
South Zone	Nov. 3–Jan. 27	3	6
North Zone	Same as South Zone	3	6
West Tier (5)	Nov. 3–Feb. 3	5	10
White-fronted Geese:			
East Tier:			
South Zone	Nov. 5–Jan. 13	2	4
North Zone	Same as South Zone	2	4
West Tier (5)	Same as for Canada geese	1	2
Light Geese:			
East Tier:			
South Zone	Nov. 3–Jan. 27	20	
North Zone	Same as South Zone		
West Tier	Same as for Canada geese		
Wyoming:			
Ducks (6)		6	12
Zone C1	Oct. 6–Oct. 21 &		
	Nov. 3–Jan. 22		
Zone C2	Sept. 22–Nov. 25 &		
	Dec. 8–Jan. 8		
Zone C3	Same as Zone C2		

	Season dates	Limits	
		Bag	Possession
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Dark Geese:			
Zone C1:			
Goshen/Platte Co. (7)	Oct. 6–Oct. 21 &	2	4
	Nov. 21–Feb. 17	4	8
Rest of Zone C1	Oct. 6–Oct. 21 &	5	10
	Nov. 3–Dec. 2 &	5	10
	Dec. 8–Feb. 4	5	10
Zone C2	Sept. 22–Nov. 25 &	5	10
	Dec. 8–Jan. 16	5	10
Zone C3	Same as Zone C2	5	10
Light Geese	Oct. 6–Dec. 30 &	10	40
	Jan. 30–Feb. 17	10	40

(1) In *New Mexico,* Mexican-like ducks are included in the aggregate with mallards.
(2) In *New Mexico,* the season for dark geese is closed in Bernalillo, Sandoval, Sierra, and Valencia Counties. In the Middle Rio Grande Valley Unit, a limited season is established. See State regulations for additional information.
(3) In *North Dakota,* see State regulations for additional shooting hour restrictions.
(4) In *Texas,* the daily bag limit is 6 ducks, which may include no more than 5 mallards (only 2 of which may be hens), 2 redheads, 3 wood ducks, 1 canvasback, 2 pintails, and 1 dusky duck (mottled duck, black duck and their hybrids, or Mexican-like duck). The season for dusky ducks is closed the first 5 days of the season in all zones. The possession limit is twice the daily bag limit.
(5) In *Texas,* in the West Tier the daily bag limit for dark geese is in the aggregate and may include no more than 1 white-fronted goose.
(6) In *Wyoming,* the daily bag limit may include no more than 1 hen mallard.
(7) See State regulations for additional restrictions.

Pacific Flyway

Flyway-Wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 2 pintails, 2 redheads, and 1 canvasback. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

	Season dates	Limits	
		Bag	Possession
Arizona:			
Ducks (1)		7	14
North Zone	Oct.5–Jan. 13		
South Zone	Oct. 19–Jan. 27		
Coots and moorhens	Same as for Ducks	25	25
Dark Geese:			
North Zone	Oct. 5–Jan. 13	3	6
South Zone	Oct. 19–Jan. 27	3	6
Light Geese:			
North Zone	Oct. 5–Jan. 13	4	8
South Zone	Oct. 19–Jan. 27	4	8
California:			
Ducks		7	14
Northeastern Zone	Oct. 6–Jan. 18		
Colorado River Zone	Oct. 19–Jan. 27		
Southern Zone	Oct. 20–Jan. 27		
Southern San Joaquin Valley Zone	Oct. 6–Oct. 14 &		
	Oct. 27–Jan. 27		
Balance-of-State Zone	Oct. 20–Jan. 27		
Coots and moorhens	Same as for Ducks	25	25
Dark Geese:			
Northeastern Zone	Oct. 6–Jan. 13	6	12
Small Canada Geese (2)		6	12
Large Canada Geese (3)		2	4
White-fronted Geese		6	12
Colorado River Zone	Oct. 19–Jan. 27	3	6
Southern Zone	Oct. 20–Jan. 27	3	6
Balance-of-State Zone:		8	16
Small Canada geese (2)	Oct. 20–Jan. 27	6	12
Large Canada geese (3)	Oct. 6–Oct. 10 &	6	12
	Oct. 20–Jan. 27	6	12
White-fronted Geese:			
Sacramento Valley	Oct. 20–Dec. 21	2	4
Rest of Zone	Oct. 20–Jan. 27 &	6	12
	Feb. 16–Feb. 20	6	12
Del Norte & Humboldt Counties:		6	12

	Season dates	Limits	
		Bag	Possession
Small Canada geese (2)	Oct. 31–Jan. 27 &	6	12
	Feb. 23–Mar. 10	6	12
Large Canada geese (3)	Oct. 31–Jan. 27	1	2
White-fronted Geese	Oct. 20–Jan. 27	6	12
Light Geese:			
Northeastern Zone	Oct. 6–Jan. 13	6	12
Colorado River Zone	Oct. 19–Jan. 27	6	12
Southern Zone:			
Imperial Valley	Nov. 3–Jan. 27 &	6	12
	Feb. 9–Feb. 24	6	12
Rest of Zone	Oct. 20–Jan. 27	6	12
Balance-of-State Zone	Oct. 20–Jan. 27 &	6	12
	Feb. 16–Feb. 20	6	12
Del Norte & Humboldt Counties	Oct. 20–Jan. 27	6	12
Brant:			
North Zone	Nov. 7–Dec. 6	2	4
South Zone	Nov. 10–Dec. 9	2	4
Colorado:			
Ducks	Sept. 22–Oct. 10 &	7	14
	Nov. 3–Jan. 27		
Coots	Same as for Ducks	25	25
Dark Geese	Sept. 22–Oct. 1 &	4	8
	Nov. 3–Jan. 27	4	8
Light Geese	Same as for Dark Geese	10	20
Idaho:			
Ducks		7	14
Zone 1	Oct. 6–Jan. 18		
Zone 2	Oct. 13–Jan. 25		
Zone 3	Oct. 13–Jan. 25		
Coots	Same as for Ducks	25	25
Dark Geese:			
Zone 1	Oct. 6–Jan. 18	4	8
Zone 2	Oct. 13–Jan. 25	4	8
Zone 3	Same as Zone 2	3	6
Light Geese:			
Zone 1 (4)	Oct. 6–Jan. 18	10	20
Zone 2	Oct. 19–Jan. 18 &	10	20
	Feb. 16–Mar. 10	10	20
Zone 3	Nov. 5–Jan. 25 &	10	20
	Feb. 16–Mar. 10	10	20
Zone 4	Oct. 13–Jan. 25	10	20
Montana:			
Ducks	Sept. 29–Jan. 11	7	14
Coots	Same as for Ducks	25	25
Dark Geese (5)	Sept. 29–Jan. 11	4	8
Light Geese	Sept. 29–Jan. 11	10	20
Nevada:			
Ducks:		7	14
Northeast Zone	Sept. 22–Oct. 31 &.		
	Nov. 3–Jan. 6		
Northwest Zone	Oct. 13–Oct. 31 &		
	Nov. 3–Jan. 27		
South Zone (6)	Same as Northwest Zone		
Coots and moorhens	Same as for Ducks	25	25
Dark Geese:			
Northeast Zone	Same as for Ducks	3	6
Northwest Zone	Same as for Ducks	3	6
South Zone (6)	Same as for Ducks	3	6
Light Geese (7):			
Northeast Zone	Nov. 3–Jan. 6 &	10	20
	Feb. 10–Feb. 28	10	20
Northwest Zone	Nov. 3–Jan. 27 &	10	20
	Feb. 10–Feb. 28	10	20
South Zone (6)	Nov. 3–Jan. 27	10	20
New Mexico:			
Ducks	Oct. 15–Jan. 27	7	14
Coots	Same as for Ducks	25	25
Moorhens and gallinules	Same as for Ducks	25	25
Dark Geese:			
North Zone	Sept. 22–Oct. 7 &	3	6
	Oct. 29–Jan. 27	3	6
South Zone	Oct. 13–Jan. 27	2	4

	Season dates	Limits	
		Bag	Possession
Light Geese:			
North Zone	Same as for Dark Geese	10	20
South Zone	Same as for Dark Geese	10	20
Oregon:			
Ducks		7	14
Zone 1:			
Columbia Basin Unit:	Oct. 13–Oct. 21 &		
	Oct. 24–Jan. 27		
Rest of Zone 1	Same as Columbia Basin Unit		
Zone 2	Oct. 6–Nov. 25 &		
	Nov. 28–Jan. 20		
Coots	Same as for Ducks	25	25
Geese:			
Northwest General Goose Zone:			
Dark Geese	Nov. 3–Nov. 11 &	4	8
	Nov. 24–Jan. 13 &	4	8
	Feb. 2–Mar. 10	4	8
Small Canada Geese (2)		3	6
Light Geese	Same as for Dark Geese	6	12
Northwest Special Permit Zone (8):			
Dark Geese	Nov. 3–Nov. 11 &	4	8
	Nov. 24–Jan. 13 &	4	8
	Feb. 2–Mar. 10	4	8
Dusky Canada geese		1 per season	
Small Canada geese (2)		3	6
Light Geese	Same as for Dark Geese	4	8
Southwest General Zone:			
Dark Geese	Oct. 13–Nov. 30 &	4	8
	Dec. 8–Jan. 27	4	8
Light Geese	Same as for Dark Geese	6	12
South Coast Zone:			
Dark Geese	Sept. 29–Nov. 25 &	4	8
	Dec. 15–Jan. 14 &	4	8
	Feb. 23–Mar. 10	4	8
Light Geese	Same as for Dark Geese	6	12
Harney and Lake County Zone:			
Dark Geese:	Oct. 6–Nov. 25 &	4	8
	Dec. 10–Jan. 27	4	8
White-fronted geese:			
Lake County		1	2
Rest of Zone		4	8
Light Geese	Same as for Dark Geese	6	12
Malheur County Zone (9):			
Dark Geese	Oct. 6–Nov. 25 &	4	8
	Dec. 10–Jan. 27	4	8
Light Geese	Oct. 6–Nov. 25 &	10	20
	Dec. 28–Jan. 27 &	10	20
	Feb. 16–Mar. 10	10	20
Klamath County Zone:			
Dark Geese:	Oct. 6–Nov. 25 &	4	8
	Dec. 21–Jan. 27 &	4	8
White-fronted geese (Special season).	Feb. 23–Mar. 10	4	8
Light Geese	Oct. 6–Nov. 25 &	6	12
	Dec. 21–Jan. 27 &	6	12
	Feb. 23–Mar. 10	6	12
Eastern Zone:			
Dark Geese	Oct. 13–Oct. 21 &	4	8
	Oct. 29–Jan. 27	4	8
Light Geese	Same as for Dark Geese	6	12
Tillamook County (8):			
Dark Geese	Nov. 3–Nov. 11 &	4	8
	Nov. 24–Jan. 13 &	4	8
	Feb. 2–Mar. 10	4	8
Dusky Canada Geese		1 per season	
Small Canada Geese (2)		3	6
Light Geese	Same as for Dark Geese	4	8
Brant	Nov. 19–Dec. 4	2	4

	Season dates	Limits	
		Bag	Possession
Utah (10):			
Ducks		7	14
Zone 1	Oct. 6–Jan. 19		
Zone 2	Same as Zone 1		
Coots	Same as for Ducks	25	25
Geese:			
Light:			
North Goose Zone	Oct. 27–Jan. 19 &	10	20
	Feb. 18–Mar. 10	10	20
Rest of State	Oct. 16–Jan. 19 &	10	20
	Mar. 1–Mar. 10	10	20
Dark:			
North Goose Zone	Oct. 6–Jan. 19	3	6
Rest of State	Oct. 6–Oct. 18 &	3	6
	Oct. 27–Jan. 27	3	6
Washington:			
Ducks		7	14
East Zone	Oct. 13–Oct 17 &		
	Oct. 20–Jan. 27		
West Zone (11)	Same as East Zone		
Coots	Same as for Ducks	25	25
Geese:			
Management Area 1 (12)		4	8
Light Geese	Oct 13–Jan. 27		
Dark Geese	Oct 13–Oct. 25 &		
	Nov. 3–Jan. 27		
Management Area 2A (13):	Nov. 10–Nov. 21 &	4	8
	Nov. 24–Nov. 25 &	4	8
	Dec. 5–Jan. 27	4	8
Dusky Canada geese		1 per season	
Late-Season Canada Geese:	Feb. 2–Mar. 6	4	8
Dusky Canada geese		1 per season	
Management Area 2B (13):	Oct. 13–Oct. 24 &	4	8
	Nov. 3–Jan. 19	4	8
Dusky Canada geese		1 per season	
Management Areas 3 (12)	Oct. 13–Oct. 25 &	4	8
	Nov. 3–Jan. 27	4	8
Management Area 4 (12)	Oct. 13–Oct. 14 &	4	8
	Oct. 17 &	4	8
	Oct. 20–Jan. 27	4	8
Management Area 5 (12)	Oct. 13–Oct. 15 &	4	8
	Oct. 20–Jan. 27	4	8
Brant (14):			
Skagit County	Jan. 12–Jan. 27	2	4
Pacific County	Jan. 5–Jan. 20	2	4
Wyoming:			
Ducks		7	14
Snake River Zone	Sept. 22–Jan. 4		
Balance of State Zone	Same as Snake River Zone		
Coots	Same as for Ducks	25	25
Dark Geese	Sept. 22–Dec. 27	3	6

(1) In *Arizona,* the daily limit may include no more than either 2 hen mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 hen mallards and Mexican-like ducks, in the aggregate, may be in possession.

(2) In *California* and *Oregon,* small Canada geese are Cackling and Aleutian Canada geese.

(3) In *California,* large Canada geese are Western and Lesser Canada geese.

(4) In *Idaho,* the season on light geese is closed in Fremont and Teton Counties.

(5) In *Montana,* check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.

(6) In *Nevada,* in the South Zone, the open season for all ducks, coots, moorhens, dark geese, and light geese in the Clark County portion of the South Zone are only open November 3 to January 27.

(7) In *Nevada,* there is no open season on light geese in Ruby Valley within Elko and White Pine Counties. In addition, the season is closed in Kirch WMA, Mason Valley WMA, and Scripps WMA/Washoe State Park from February 10 to February 28.

(8) In *Oregon,* the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.

(9) In *Oregon,* in the Malhuer County Zone, the daily bag limit for light geese is 10 and all hunt days after the last Sunday in January must be concurrent with Idaho's Zone 2.

(10) In *Utah,* the shooting hours are 7:30 a.m. to sunset on October 1 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties.

(11) In *Washington,* the daily bag limit in the West Zone may include no more than 2 scoters, 2 long-tailed ducks, and 2 goldeneyes, with the possession limit twice the daily bag limit. The daily bag and possession limit, and the season limit, for harlequins is 1.

(12) In *Washington,* in State Goose Area 4, hunting is allowed only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Areas 1, 3, and 5, hunting is allowed everyday. See State regulations for details, including shooting hours.

(13) In *Washington,* see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.

(14) In *Washington,* brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.

(f) *Youth Waterfowl Hunting Days.*

The following seasons are open only to youth hunters. Youth hunters must be accompanied into the field by an adult at least 18 years of age. This adult cannot duck hunt but may participate in other open seasons.

Definition

Youth Hunters: Includes youths 15 years of age or younger.

Note: The following seasons are in addition to the seasons published previously in the August 31, 2012, **Federal Register** (77 FR 53752). Bag and possession limits will conform to those set for the regular season.

		Season dates
ATLANTIC FLYWAY		
Connecticut	Ducks, geese, mergansers, and coots	Oct. 6 & Nov. 3.
* * *	* * *	*
Florida	Ducks, mergansers, coots, moorhens, and geese	Feb. 2 & 3.
* * *	* * *	*
Maryland (1)(8)	Ducks, coots, snow geese, Canada geese, sea ducks, and brant.	Nov. 3 & Feb. 9.
Massachusetts	Ducks, mergansers, coots, and geese	Sept. 29 & Oct. 6.
New Jersey	Ducks, geese, mergansers, coots, moorhens, and gallinules:	
North Zone		Oct. 6 & Nov. 3.
South Zone		Oct. 13 & Nov. 10.
Coastal Zone		Oct. 27 & Nov. 3.
* * *	* * *	*
North Carolina	Ducks, mergansers, Canada geese (9), tundra swans (10), and coots.	Feb. 2 & 9.
* * *	* * *	*
South Carolina	Ducks, geese, mergansers, and coots	Feb. 2 & 3.
* * *	* * *	*
Virginia	Ducks, mergansers, coots, moorhens, gallinules, tundra swans (10), and Canada geese (11).	Oct. 20 & Feb. 2.
* * *	* * *	*
MISSISSIPPI FLYWAY		
* *' *	* * *	*
Arkansas	Ducks, geese, mergansers, coots, moorhens, and gallinules.	Feb. 2 & 3.
Illinois	Ducks, geese, mergansers, and coots:	
North Zone		Oct. 13 & 14.
Central Zone		Oct. 20 & 21.
South Central Zone		Nov. 3 & 4.
South Zone		Nov. 10 & 11.
Indiana	Ducks, mergansers, coots, moorhens, gallinules, and geese:	
North Zone		Oct. 13 & 14.
Central Zone		Oct. 27 & 28.
South Zone		Oct. 27 & 28.
Iowa	Ducks, geese, mergansers, coots:	
North Zone		Oct. 6 & 7.
Missouri River Zone		Oct. 20 & 21.
South Zone		Oct. 13 & 14.
Kentucky	Ducks, geese, mergansers, coots, moorhens, and gallinules:	
West Zone		Feb. 2 & 3.
East Zone		Nov. 3 & 4.
Louisiana	Ducks, mergansers, coots, moorhens, gallinules, and geese:	
West Zone		Nov. 3 & 4.
East Zone		Nov. 10 & 11.
Coastal Zone		Nov. 3 & 4.
* * *	* * *	*
Mississippi	Ducks, mergansers, coots, moorhens, gallinules, and geese.	Feb. 2 & 3.

		Season dates
Missouri	Ducks, coots, mergansers, moorhens, gallinules, and geese:	
North Zone		Oct. 20 & 21.
Middle Zone		Oct. 27 & 28.
South Zone		Nov. 17 & 18.
Ohio	Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Lake Erie Marsh		Sept. 29 & 30.
North Zone		Sept. 29 & 30.
South Zone		Nov. 23 & 24.
Tennessee	Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Reelfoot Zone		Feb. 2 & 9.
Remainder of State		Feb. 2 & 9.
* * *	* * *	*
CENTRAL FLYWAY		
* * *	* * *	*
Kansas (4)	Ducks, dark geese, mergansers, and coots:	
High Plains		Sept. 29 & 30.
Low Plains:		
Early Zone		Sept. 29 & 30.
Late Zone		Oct. 20 & 21.
Southeast Zone		Nov. 3 & 4.
* * *	* * *	*
Nebraska	Ducks, geese, mergansers, and coots:	
Zone 1		Oct. 6 & 7.
Zone 2		Sept. 29 & 30.
Zone 3		Oct. 13 & 14.
Zone 4		Sept. 29 & 30.
Oklahoma	Ducks, mergansers, coots, and geese:	
High Plains		Oct. 6 & 7.
Low Plains:		
Zone 1		Oct. 13 & 14.
Zone 2		Oct. 27 & 28.
* * *	* * *	*
Texas	Ducks, geese, mergansers, moorhens, gallinules, and coots:	
High Plains		Oct. 20 & 21.
Low Plains:		
North Zone		Oct. 27 & 28.
South Zone		Oct. 27 & 28.
* * *	* * *	*
PACIFIC FLYWAY		
Arizona	Ducks, geese, brant, mergansers, coots, moorhens, and gallinules.	
North Zone		Sept. 29 & 30.
South Zone		Feb. 2 & 3.
California	Ducks, geese, brant, mergansers, coots, moorhens, and gallinules:	
Northeastern Zone		Sept. 22 & 23.
Colorado River Zone		Feb. 2 & 3.
Southern Zone		Feb. 2 & 3.
Southern San Joaquin Valley		Feb. 2 & 3.
Balance-of-State Zone		Feb. 2 & 3.
* * *	* * *	*
Nevada	Ducks, geese, mergansers, coots, moorhens, and gallinules:	
Northeast Zone		Sept. 15 & Jan. 12.
Northwest Zone		Sept. 29 & Feb. 9.
South Zone		Feb. 9 & 10.
* * *	* * *	*

(1) In *Maryland,* youth hunter(s) must be accompanied by an adult at least 21 years old and who possesses a current Maryland hunting license or is exempt from the hunting license requirement. The adult accompanying the youth hunter(s) may not possess a hunting weapon and may not participate in other seasons that are open on the youth days.

* * * * * * *

(4) In *Kansas,* the adult accompanying the youth must possess any licenses and/or stamps required by law for that individual to hunt waterfowl.

* * * * * * *

(8) In *Maryland,* the bag limit for Canada geese is 2 in the AP Zone and 5 in the RP Zone.
(9) In *North Carolina,* the daily bag limit in the Northeast Hunt Zone may not include dark geese except by permit.
(10) In *North Carolina* and *Virginia,* the daily bag limit may not include tundra swans except by permit.
(11) In *Virginia,* the daily bag limit for Canada geese is 2.

■ 4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 30, 2012, **Federal Register** (77 FR 53118).

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 sandhill cranes at the level allowed by 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 transferable 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.

Note: The following seasons are in addition to the seasons published previously in the August 31, 2012, **Federal Register** (77 FR 53752).

	Season dates	Limits	
		Bag	Possession
MISSISSIPPI FLYWAY			
Kentucky (1)(6)	Dec. 15–Jan. 13	2	2
* * *	* *	*	*
CENTRAL FLYWAY			
* * *	* *	*	*
Oklahoma (1)	Oct. 20–Jan. 20	3	6
* * *	* *	*	*
Texas (1):			
Zone A	Nov. 3–Feb. 3	3	6
Zone B	Nov. 23–Feb. 3	3	6
Zone C	Dec. 22–Jan. 27	2	4
* * *	* *	*	*

(1) Each person participating in the regular sandhill crane seasons must have a valid sandhill crane hunting permit and/or a State-issued Harvest Information Survey Program (HIP) certification for game bird hunting in their possession while hunting.

* * * * * * *

(6) In *Kentucky,* the season limit is 2 cranes. If the harvest objective of 400 cranes is obtained before the season ending date, the season will close.

■ 5. Section 20.107 is revised to read as follows:

§ 20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

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 sandhill cranes at the level allowed by 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 transferable 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.

Note: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season dates	Limits
ATLANTIC FLYWAY		
North Carolina	Nov. 10–Jan. 31	1 tundra swan per season.
Virginia	Dec. 1–Jan 31	1 tundra swan per season.
CENTRAL FLYWAY (1)		

	Season dates	Limits
Montana	Sept. 29–Jan. 3	1 tundra swan per season.
North Dakota	Sept. 29–Dec. 30	1 tundra swan per season.
South Dakota	Oct. 1–Dec. 23	1 tundra swan per permit.
PACIFIC FLYWAY (1)(2)		
Montana (3)	Oct. 13–Dec. 1	1 swan per season.
Nevada (4)(5)	Oct. 13–Jan. 6	2 swans per season.
Utah (5)(6)	Oct. 6–Dec. 9	1 swan per season.

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) In *Montana,* all harvested swans must be reported by way of a bill measurement card within 3 days of harvest.
(4) All harvested swans and tags must be checked or registered within 5 days of harvest.
(5) Harvests of trumpeter swans are limited to 5 in Nevada and 10 in Utah. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(6) In *Utah,* all harvested swans and tags must be checked or registered within 3 days of harvest.

■ 6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations.

Area descriptions were published in the August 17, 2012 (77 FR 49868) and August 30, 2012 (77 FR 53118) **Federal Registers**.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons—unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

Note: The following seasons are in addition to the seasons published previously in the August 31, 2012, **Federal Register** (77 FR 53752).

		Extended falconry dates
ATLANTIC FLYWAY		
Delaware		
* * *	* *	* *
Ducks, mergansers, and coots		Jan. 28–Mar. 1.
Brant		Jan. 28–Mar. 1.
Florida		
* * *	* *	* *
Ducks, mergansers, light geese, and coots		Oct. 30–Nov. 12 & Feb. 4–Mar. 1.
Georgia		
Ducks, mergansers, gallinules, coots, and sea ducks		Nov. 26–Dec. 7 & Jan. 28–Feb. 1.
Maine		
Ducks, mergansers, and coots (4)	North Zone	Dec. 12–Feb. 1.
	South & Coastal Zones	Jan. 8–Feb. 28.
Maryland		
* * *	* *	* *
Ducks		Feb. 11–Mar. 9.
Brant		Jan. 28–Mar. 9.
Light Geese		Feb. 16–Mar. 9.
Massachusetts		
Ducks, mergansers, sea ducks, and coots		Feb. 2–Feb. 9.
New Hampshire		
Ducks, mergansers, and coots	Northern Zone	Dec. 1–Jan. 14.
	Inland Zone	Nov. 5–Nov. 20 & Dec. 17–Jan. 14.
	Coastal Zone	Jan. 25–Mar. 10.
New Jersey		
Woodcock	North Zone	Oct. 1–Oct. 19 & Nov. 25–Jan. 15.
	South Zone	Oct. 1–Nov. 9 & Dec. 2–Dec. 18 & Jan. 2–Jan. 15.

		Extended falconry dates
Ducks, mergansers, coots, and brant	North Zone	Jan. 6–Feb. 12.
	South Zone	Jan. 11–Feb. 17.
	Coastal Zone	Feb. 4–Mar. 9.
New York		
Ducks, mergansers and coots	Long Island Zone	Nov. 1–Nov. 22 & Nov. 26–Dec. 1 & Jan. 28–Feb. 13.
	Northeastern Zone	Oct. 1–Oct. 5 & Oct. 15–Oct. 26 & Dec. 17–Jan. 13.
	Southeastern Zone	Oct. 1–Oct. 12 & Oct. 22–Nov. 9 & Dec. 31–Jan. 13.
	Western Zone	Oct. 1–Oct. 26 & Dec. 10–Dec. 28.
North Carolina		
* * *	* *	* *
Ducks, mergansers and coots		Oct. 22–Nov. 3 & Jan. 28–Feb. 16.
Pennsylvania		
* * *	* *	* *
Ducks, mergansers, and coots	North Zone	Oct. 22–Nov. 12 & Jan. 7–Jan. 12 & Feb. 21–Mar. 9.
	South Zone	Oct. 22–Nov. 13 & Feb. 16–Mar. 9.
	Northwest Zone	Dec. 15–Jan. 12 & Feb. 22–Mar. 9.
	Lake Erie Zone	Jan. 24–Mar. 9.
Canada Geese	SJBP Zone	Mar. 6–Mar. 9.
	AP Zone	Feb. 6–Mar. 9.
	RP Zone	Mar. 8–Mar. 9.
South Carolina		
Ducks, mergansers, and coots		Nov. 1–Nov. 16 & Nov. 25–Nov. 30 & Jan. 28–Feb. 2.
Virginia		
* * *	* *	* *
Moorhens and gallinules		Dec. 3–Dec. 7 & Jan. 28–Feb. 28.
Ducks, mergansers, and coots		Dec. 3–Dec. 7 & Jan. 28–Feb. 28.
Canada Geese	Eastern (AP) Zone	Dec. 8–Dec. 19 & Feb. 1–Feb. 28.
	Western (SJBP) Zone	Dec. 8–Dec. 13 & Feb. 16–Feb. 28.
Brant		Oct. 4–Nov. 16 & Nov. 26–Dec. 7 & Jan. 28–Jan. 31.
MISSISSIPPI FLYWAY		
Arkansas		
Ducks, mergansers, and coots		Feb. 1–Feb. 15.
Illinois		
* * *	* *	* *
Ducks, mergansers, and coots		Feb. 10–Mar. 10.
Indiana		
* * *	* *	* *
Ducks, mergansers, and coots	North Zone	Sept. 27–Sept. 30 & Feb. 14–Mar. 10.
	Central Zone	Oct. 27–Nov. 2 & Feb. 17–Mar. 10.
	South Zone	Oct. 27–Nov. 2 & Feb. 17–Mar. 10.
Iowa		
Ducks, mergansers, and coots	North Zone	Dec. 15–Jan. 28.
	Missouri River Zone	Dec. 21–Feb. 3.
	South Zone	Dec. 15–Jan. 28.
White-fronted Geese	North Goose Zone	Dec. 12–Jan. 13.
	Missouri River Zone	Dec. 26–Jan. 18.
	South Goose Zone	Dec. 19–Jan. 18.
Kentucky		
Ducks, mergansers, and coots		Nov. 5–Nov. 21 & Nov. 26–Dec. 2 & Jan. 28–Jan. 31.
Geese		Nov. 5–Nov. 21.
Louisiana		
* * *	* *	* *
Rails and moorhens		Nov. 3–Nov. 9 & Jan. 3–Feb. 1.
Ducks	West Zone	Nov. 3–Nov. 9 & Dec. 10–Dec. 21 & Jan. 21–Feb. 1.

		Extended falconry dates
	East Zone	Nov. 3–Nov. 16 & Dec. 3–Dec. 14 & Jan. 28–Feb. 1.
	Coastal Zone	Nov. 3–Nov. 9 & Dec. 3–Dec. 14 & Jan. 21–Feb. 1.
Michigan		
Ducks, mergansers, coots, and moorhens		Jan. 2–Feb. 5 & Mar. 1–Mar. 10.
Minnesota		
* * *	* *	* *
Ducks, mergansers, coots, moorhens, and gallinules		Dec. 15–Jan. 29.
Mississippi		
Mourning Doves		Nov. 17–Nov. 25 & Jan. 14–Feb. 8.
Ducks, mergansers and coots		Feb. 8–Mar. 8.
Missouri		
* * *	* *	* *
Ducks, mergansers, and coots		Sept. 8–Sept. 23 & Feb. 10–Mar. 10.
Ohio		
Ducks, mergansers, and coots		Sept. 1–Sept. 16 & Feb. 8–Mar. 10.
Geese		Sept. 1–Sept. 16 & Feb. 8–Mar. 10.
Tennessee		
* * *	* *	* *
Ducks, mergansers, and coots		Sept. 13–Oct. 18 & Nov. 15–Nov. 18.
Wisconsin		
Rails, snipe, moorhens, and gallinules	North Duck Zone	Sept. 1–Sept. 21 & Nov. 5–Nov. 9 & Nov. 26–Dec. 16.
	South Duck Zone	Sept. 1–Sept. 21 & Oct. 8–Oct. 12 & Dec. 3–Dec. 16.
	Mississippi River Zone	Sept. 1–Sept. 21 & Oct. 1–Oct. 12 & Dec. 3–Dec. 16.
Woodcock		Sept. 1–Sept. 21 & Nov. 6–Dec. 16.
Ducks, mergansers, and coots		Sept. 15–Sept. 16 & Jan. 11–Feb. 24.
CENTRAL FLYWAY		
Kansas		
Ducks, mergansers, and coots	Low Plains	Feb. 25–Mar. 10.
* * *	* *	* *
Nebraska		
Ducks, mergansers, and coots	Zone 1	Sept. 8–Sept. 23 & Oct. 6–Oct. 7 & Jan. 25–Feb. 8.
	Zone 2:	
	Low Plains	Sept. 8–Sept. 23 & Sept. 29–Sept. 30 & Jan. 25–Feb. 8.
	High Plains	Sept. 8–Sept. 16 & Sept. 29–Sept. 30.
	Zone 3:	
	Low Plains	Sept. 8–Sept. 23 & Oct. 13–Oct. 14 & Jan. 25–Feb. 8.
	High Plains	Sept. 8–Sept. 16 & Oct. 13–Oct. 14.
	Zone 4	Sept. 8–Sept. 23 & Sept. 29–Sept. 30 & Jan. 25–Feb. 8.
Oklahoma		
Ducks, mergansers, and coots	Low Plains	Feb. 11–Feb. 25.
South Dakota		
Ducks, mergansers, and coots	High Plains	Sept. 1–Sept. 8.
	Low Plains:	
	North Zone	Sept. 1–Sept. 14 & Sept. 17–Sept. 21 & Dec. 12–Dec. 23.
	Middle Zone	Sept. 1–Sept. 14 & Sept. 15–Sept. 19 & Dec. 12–Dec. 23.
	South Zone	Sept. 1–Sept. 14 & Sept. 17–Oct. 3.
Texas		

		Extended falconry dates
* * *	* * *	* * *
Ducks, mergansers, and coots	Low Plains	Jan. 28–Feb. 11.
Wyoming		
* * *	* * *	* * *
Ducks, mergansers, and coots	Zone C1	Sept. 29–Oct. 5 & Oct. 22–Oct. 24.
	Zone C2 & C3	Sept. 15–Sept. 16 & Nov. 26–Dec. 3.
PACIFIC FLYWAY		
Arizona		
* * *	* * *	* * *
Ducks and mergansers	North Zone	Oct. 1–Oct. 4.
	South Zone	Jan. 28–Jan. 31.
California		
Ducks, mergansers, and coots	Colorado River Zone	Jan. 28–Jan. 31.
	Southern Zone	Jan. 28–Jan. 31.
	Southern San Joaquin Zone	Jan. 28–Jan. 31.
Canada Geese and White-fronted Geese	Northeastern Zone	Jan. 14–Jan. 18.
	Colorado River Zone	Same as for Ducks.
	Southern Zone (5)	Same as for Ducks.
	Balance-of-State Zone (6)	Same as for Ducks.
Brant	Northern Zone	Oct. 20–Nov. 6 & Dec. 7–Feb. 1.
	Southern Zone	Oct. 20–Nov. 9 & Dec. 10–Feb. 1.
Light Geese	Northeastern Zone	Jan. 14–Jan. 18.
	Colorado River Zone	Same as for Ducks.
	Southern Zone (5)	Same as for Ducks.
	Balance-of-State Zone (6)	Same as for Ducks.
* * *	* * *	* * *

* * * * * * *

(4) In *Maine,* the daily bag and possession limits for black ducks are 1 and 2, respectively.

(5) In *California,* the falconry season for geese is concurrent with the regular season for white geese in the Imperial County special management area.

(6) In *California,* the falconry season for geese is concurrent with the regular season for small Canada geese in Del Norte and Humbolt counties.

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012–13 Late Season; 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; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012–13 Late Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special late-season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands. This rule responds to tribal requests for U.S. Fish and Wildlife Service (hereinafter Service or we) recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

DATES: This rule takes effect on September 24, 2012.

ADDRESSES: You may inspect comments received on the proposed special hunting regulations and tribal proposals during normal business hours in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, VA, or at *http://www.regulations.gov.*

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:

Background

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Department of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

In the August 16, 2012, **Federal Register** (77 FR 49680), we proposed special migratory bird hunting regulations for the 2012–13 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10–September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the April 17, 2012, **Federal Register** (77 FR 23094), we requested that tribes desiring special hunting regulations in the 2012–13 hunting season submit a proposal including details on:

(1) Harvest anticipated under the requested regulations;

(2) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(3) Steps that would be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

(4) Tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. We have successfully used the guidelines since the 1985–86 hunting season. We finalized the guidelines beginning with the 1988–89 hunting season (August 18, 1988, **Federal Register** [53 FR 31612]).

Although the August 16 proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season proposals were addressed in a final rule published in the September 5, 2012, **Federal Register** (77 FR 54451). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about September 24 or later each year and have a primary emphasis on waterfowl. All the regulations contained in this final rule were either submitted by the tribes or approved by the tribes and follow our proposals in the August 16 proposed rule.

Status of Populations

In the August 16 proposed rule and September 5 final rule, we reviewed the status for various populations for which seasons were proposed. This information included brief summaries of the May Breeding Waterfowl and Habitat Survey; population status reports for blue-winged teal, sandhill cranes, woodcock, mourning doves, white-winged doves, white-tipped doves, and band-tailed pigeons; and the status and harvest of waterfowl. The tribal seasons established below are commensurate with the population status. For more detailed information on methodologies and results, complete copies of the various reports are available at the street address indicated under **ADDRESSES** or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

Comments and Issues Concerning Tribal Proposals

For the 2012–13 migratory bird hunting season, we proposed regulations for 30 tribes or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 14 tribes have proposals with late seasons. We also noted in the August 16 proposed rule (77 FR 49680) that we were proposing seasons for six Tribes who have submitted proposals in past years but from whom we had not yet received proposals this year. We subsequently received two proposals (included below) but did not receive proposals from the four other Tribes and, therefore, have not included them in this final rule.

The comment period for the August 16 proposed rule closed on August 27, 2012. We received three comments on our April 17, 2012, proposed rule, which announced rulemaking on regulations for migratory bird hunting by American Indian Tribes, which we

responded to in our September 5, 2012, final rule.

National Environmental Policy Act (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 have again selected 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.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or 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 from our Web site at *http://www.fws.gov/migratorybirds/NewReports Publications/SpecialTopics/Special Topics.html#HuntingRegs* 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. 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, reduce 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 8 **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 a separate 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 and Tribes 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 seasons will, therefore, take effect less than 30 days after the date of publication.

Accordingly, with each participating Tribe having had an opportunity to participate in selecting the hunting seasons desired for its reservation or ceded territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulations Promulgation

Accordingly, part 20, subchapter B, chapter I of title 50 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–j; Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

Note: The following hunting regulations provided for by 50 CFR 20.110 will not appear in the Code of Federal Regulations because of their seasonal nature.

■ 2. Amend § 20.110 by revising paragraphs (a), (b), (f) through (h), (l), (o), (s), (w), (y), (z), (aa), (cc), and (dd) to read as set forth below. (Current § 20.110 was published at 76 FR 54676, September 1, 2011, and amended at 76 FR 59298, September 26, 2011, and 77 FR 54451, September 5, 2012.)

§ 20.110 Seasons, limits, and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) *Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters).*

Doves

Season Dates: Open September 1 through 15, 2012; then open November 10 through December 24, 2012.

Daily Bag and Possession Limits: For the early season, daily bag limit is 10 mourning or white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits after the first day of the season.

Ducks (Including Mergansers)

Season Dates: Open October 6, 2012, through January 20, 2013.

Daily Bag and Possession Limits: Seven ducks, including two hen mallards, two redheads, two Mexican ducks, two goldeneye, two cinnamon teal, three scaup, one canvasback, and one pintail. The possession limit is twice the daily bag limit.

Coots and Common Moorhens

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots and common moorhens, singly or in the aggregate. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open October 13, 2012, through January 20, 2013.

Daily Bag and Possession Limits: Three geese, including no more than three dark (Canada) geese and three white (snow, blue, Ross's) geese. The possession limit is six dark geese and six white geese.

General Conditions: All persons 14 years and older must be in possession of a valid Colorado River Indian Reservation hunting permit before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona. The early season will be open from one-half hour before sunrise until noon. For the late season, shooting hours are from one-half hour before sunrise to sunset.

(b) *Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal Members and Nontribal Hunters).*

Tribal Members Only

Ducks (Including Mergansers)

Season Dates: Open September 2, 2012, through March 9, 2013.

Daily Bag and Possession Limits: The Tribe does not have specific bag and possession restrictions for Tribal members. The season on harlequin duck is closed.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: Same as ducks.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: Same as ducks.

Nontribal Hunters

Ducks (Including Mergansers)

Season Dates: Open September 29, 2012, through January 11, 2013.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, two pintail, three scaup (when open), one canvasback, and two redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: The daily bag and possession limit is 25.

Geese

Dark Geese

Season Dates: Open September 29, 2012, through January 6, 2013.

Daily Bag and Possession Limits: Four and eight geese, respectively.

Light Geese

Season Dates: Open September 29, 2012, through January 13, 2013.

Daily Bag and Possession Limits: 10 and 20 geese, respectively.

Youth Waterfowl Hunt

Season Dates: September 22–23, 2012.

Daily Bag and Possession Limits: Same as ducks.

General Conditions: Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset, and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

* * * * *

(f) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters).

Ducks (Including Mergansers)

Season Dates: Open October 13 through November 30, 2012.

Daily Bag and Possession Limits: The daily bag limit is seven, including no more than two hen mallards, two pintail, two redheads, one canvasback, and three scaup. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open October 13 through November 30, 2012.

Daily Bag and Possession Limits: Two and four, respectively.

General Conditions: Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(g) *Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters).*

Nontribal Hunters on Reservation

Ducks

Duck Season Dates: Open September 22, 2012, through January 31, 2013. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays, and for a continuous period in the months of October and November, not to exceed 107 days total. Nontribal hunters should contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: Seven ducks, including no more than two female mallards, two pintail, one canvasback, and two redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 1 through September 13, 2012, for the early season, and open October 1, 2012, through January 31, 2013, for the late season. During this period, days to be hunted are specified by the Kalispel Tribe. Nontribal hunters should contact the Tribe for more detail on hunting days.

Daily Bag and Possession Limits: 5 Canada geese for the early season, and 3 light geese and 4 dark geese, for the late season. The daily bag limit is 2 brant (when the State's season is open) and is in addition to dark goose limits for the late season. The possession limit is twice the daily bag limit.

Tribal Hunters Within Kalispel Ceded Lands

Ducks

Season Dates: Open October 1, 2012, through January 31, 2013.

Daily Bag and Possession Limits: 7 ducks, including no more than 2 female mallards, 2 pintail, 1 canvasback, and 2 redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 1, 2012, through January 31, 2013.

Daily Bag Limit: 6 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits.

General Conditions: Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

(h) *Klamath Tribe, Chiloquin, Oregon (Tribal Members Only).*

Ducks

Season Dates: Open October 1, 2012, through January 31, 2013.

Daily Bag and Possession Limits: 9 and 18 ducks, respectively.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 9 and 18 geese, respectively.

General Conditions: The Klamath Tribe provides its game management officers, biologists, and wildlife technicians with regulatory enforcement authority, and has a court system with judges that hear cases and set fines. Nontoxic shot is required. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

* * * * *

(l) *Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters).*

Tribal Members

Ducks, Mergansers, and Coots

Season Dates: Open September 22, 2012, through March 10, 2013.

Daily Bag and Possession Limits: Six ducks, including no more than two hen mallard, two scaup, one mottled duck, two redheads, two wood ducks, one canvasback, and one pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded merganser. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open September 22, 2012, through March 10, 2013.

Daily Bag and Possession Limits: Three and six, respectively.

White-Fronted Geese

Season Dates: Open September 22, 2012, through March 10, 2013.

Daily Bag and Possession Limits: Two and four, respectively.

Light Geese

Season Dates: Open September 22, 2012, through March 10, 2013.

Daily Bag and Possession Limits: 20 and 40, respectively.

Nontribal Hunters

Ducks (Including Mergansers and Coots)

Season Dates: Open September 29, 2012, through January 3, 2013.

Daily Bag and Possession Limits: Six ducks, including no more than two hen mallard, two scaup, one mottled duck, one canvasback, two redheads, two wood ducks, and one pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open October 27, 2012, through February 10, 2013.

Daily Bag and Possession Limits: Three and six, respectively.

White-Fronted Geese

Season Dates: Open October 27, 2012, through January 4, 2013, and open January 26 through February 10, 2013.

Daily Bag and Possession Limits: One and two, respectively.

Light Geese

Season Dates: Open October 27, 2012, through January 6, 2013, and open February 2 through March 10, 2013.

Daily Bag and Possession Limits: 20 and 40, respectively.

General Conditions: All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR part 20, including the use of steel shot. Nontribal hunters must possess a validated Migratory Bird Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the Tribe.

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(o) *Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters).*

Band-Tailed Pigeons

Season Dates: Open September 1 through 30, 2012.

Daily Bag and Possession Limits: 5 and 10 pigeons, respectively.

Mourning Doves

Season Dates: Open September 1 through 30, 2012.

Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Ducks (Including Mergansers and Coots)

Season Dates: Open September 22, 2012, through January 6, 2013.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, one mottled duck, one canvasback, two redheads, and two pintail. Coot daily bag limit is 25. Merganser daily bag limit is seven. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Open September 22, 2012, through January 6, 2013.

Daily Bag and Possession Limits: Four and eight, respectively.

General Conditions: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

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(s) *Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters).*

Ducks and Mergansers

Season Dates: Open October 6, 2012, through January 18, 2013.

Daily Bag and Possession Limits: Seven ducks and mergansers, including no more than two hen mallards, two pintail, one canvasback, and two redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots. The possession limit is twice the daily bag limit.

Common Snipe

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

Dark Geese

Season Dates: Open October 6, 2012, through January 18, 2013.

Daily Bag and Possession Limits: Four and eight, respectively.

Light Geese

Season Dates: Open October 6, 2012, through January 18, 2013.

Daily Bag and Possession Limits: 10 and 20, respectively.

General Conditions: Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

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(w) *Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only).*

Band-Tailed Pigeon

Season Dates: Open September 1 through October 31, 2012.

Daily Bag and Possession Limits: Four and eight, respectively.

Mourning Dove

Season Dates: Open September 1 through October 31, 2012.

Daily Bag and Possession Limits: 10 and 20, respectively.

Ducks

Season Dates: Open October 1, 2012, through February 15, 2013.

Daily Bag and Possession Limits: 10 ducks, including no more than three hen mallards, seven mallards, three pintail, three canvasback, three scaup, and three redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Open October 1, 2012, through January 31, 2013.

Daily Bag and Possession Limits: 25 coots. The possession limit is twice the daily bag limit.

Common Snipe

Season Dates: Open October 1, 2012, through January 31, 2013.

Daily Bag and Possession Limits: 10 and 20 snipe, respectively.

Geese

Season Dates: Open October 1, 2012, through February 15, 2013.

Daily Bag and Possession Limits: 6 and 12, respectively.

Brant

Season Dates: Open October 1, 2012, through January 31, 2013.

Daily Bag and Possession Limits: 3 and 6, respectively.

Tribal members hunting on lands will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

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(y) *The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Nontribal Hunters).*

Tribal Members Only

Ducks

Season Dates: Open September 7, 2012, through February 28, 2013.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, two pintail, one canvasback, three scaup, and two redheads. Possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 7, 2012, through February 28, 2013.

Daily Bag and Possession Limits: Seven geese. Possession limit is twice the daily bag limit.

Brant

Season Dates: Open September 7, 2012, through February 28, 2013.

Daily Bag and Possession Limits: Two and four brant, respectively.

Coots

Season Dates: Open September 7, 2012, through February 28, 2013.

Daily Bag and Possession Limits: 25 and 25 coots, respectively.

Snipe

Season Dates: Open September 7, 2012, through February 28, 2013.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

Nontribal Hunters

Ducks

Season Dates: Open October 13, 2012, through January 27, 2013.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, two pintail, one canvasback, and two redheads. Possession limit is twice the daily bag limit.

Dark Geese

Season Dates: October 13, 2012, through January 27, 2013.

Daily Bag and Possession Limits: Four dark geese. Possession limit is twice the daily bag limit.

Light Geese

Season Dates: November 14, 2012, through February 28, 2013.

Daily Bag and Possession Limits: 10 light geese. Possession limit is twice the daily bag limit.

Brant

Season Dates: Open October 13 through October 28, 2012.

Daily Bag and Possession Limits: Two and four brant, respectively.

Coots

Season Dates: Open October 13, 2012, through January 27, 2013.

Daily Bag and Possession Limits: 25 and 25 coots, respectively.

Snipe

Season Dates: Open November 14, 2012, through February 28, 2013.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

General Conditions: All tribal hunters must have a valid Tribal ID card on his or her person while hunting. All nontribal hunters must obtain and possess while hunting a valid Tulalip Tribe hunting permit and be accompanied by a Tulalip Tribal member. Shooting hours are one-half hour before sunrise to sunset, and steel shot is required for all migratory bird hunting. Hunters must observe all other basic Federal migratory bird hunting regulations in 50 CFR part 20.

(z) *Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only).*

Ducks

Season Dates: Open October 1, 2012, through February 28, 2013.

Daily Bag and Possession Limits: 15 and 20, respectively.

Coots

Season Dates: Open October 1, 2012, through February 15, 2013.

Daily Bag and Possession Limits: 20 and 30, respectively.

Geese

Season Dates: Open October 1, 2012, through February 28, 2013.

Daily Bag and Possession Limits: Seven and ten geese, respectively.

Brant

Season Dates: Open November 1 through 10, 2012.

Daily Bag and Possession Limits: Two and two, respectively.

Mourning Dove

Season Dates: Open September 1 through December 31, 2012.

Daily Bag and Possession Limits: 12 and 15 mourning doves, respectively.

General Conditions: Tribal members must have the tribal identification and harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be one-half hour before official sunrise to one-half hour after official sunset.

(aa) *Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only).*

Teal

Season Dates: Open October 11, 2012, through February 23, 2013.

Daily Bag Limits: Six teal.

Ducks

Season Dates: Open October 13 through 21, 2012, and open October 29, 2012, through February 23, 2013.

Daily Bag Limits: Six ducks, including no more than four hen mallards, six black ducks, four mottled ducks, one fulvous whistling duck, four mergansers, three scaup, two hooded merganser, three wood ducks, one canvasback, two redheads, and two pintail. The season is closed for harlequin ducks.

Sea Ducks

Season Dates: Open October 6, 2012, through February 23, 2013.

Daily Bag Limits: Seven ducks including no more than four of any one species (only one of which may be a hen eider).

Woodcock

Season Dates: Open October 11 through November 24, 2012.

Daily Bag Limits: Three woodcock.

Canada Geese

Season Dates: Open September 5 through 22, 2012, and open October 29, 2012, through February 23, 2013.

Daily Bag Limits: Eight Canada geese.

Snow Geese

Season Dates: Open September 5 through 22, 2012, and open November 26, 2012, through February 23, 2013.

Daily Bag Limits: 15 snow geese.

Sora and Virginia Rails

Season Dates: Open September 1 through November 10, 2012.

Daily Bag Limits: 5 sora and 10 Virginia rails.

Snipe

Season Dates: Open September 1 through December 16, 2012.

Daily Bag Limits: Eight snipe.

General Conditions: Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. All other basic Federal migratory bird hunting regulations contained in 50 CFR part 20 will be observed.

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(cc) *White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters).*

Band-Tailed Pigeons (Wildlife Management Unit 10 and Areas South of Y–70 and Y–10 in Wildlife Management Unit 7, Only)

Season Dates: Open September 1 through 15, 2012.

Daily Bag and Possession Limits: Three and six pigeons, respectively.

Mourning Doves (Wildlife Management Unit 10 and Areas South of Y–70 and Y–10 in Wildlife Unit 7, only)

Season Dates: Open September 1 through 15, 2012.

Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Ducks and Mergansers

Season Dates: Open October 20, 2012, through January 27, 2013.

Daily Bag Limits: Seven, including no more than two female mallards, two redhead, two pintail, and one canvasback.

Coots

Season Dates: Open October 20, 2012, through January 27, 2013.

Daily Bag and Possession Limits: 25 and 50, respectively.

Canada Geese

Season Dates: Open October 20, 2012, through January 27, 2013.

Daily Bag and Possession Limits: Three and six geese, respectively.

General Conditions: All nontribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands shall have in their possession a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all nontribal hunters hunting band-tailed pigeons must have in their possession a White Mountain Special Band-tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

(dd) *Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)*

Tribal Members Only

Ducks (Including Mergansers and Coots)

Season Dates: Open October 6, 2012, through January 20, 2013.

Daily Bag Limits: Six ducks, which may include no more than five mallards (no more than two hens), one canvasback, two redheads, two pintail, three wood ducks, and two hooded mergansers. The Coot daily bag limit is 15.

Dark Geese

Season Dates: Open October 27, 2012, through February 24, 2013.

Daily Bag and Possession Limits: Three and six geese, respectively.

Light Geese

Season Dates: Open October 27, 2012, through February 24, 2013.

Daily Bag Limits: 20 geese.

Non-Tribal Members

Ducks (Including Mergansers and Coots)

Season Dates: Open October 6, 2012, through December 18, 2013.

Daily Bag Limits: Six ducks, which may include no more than five mallards (no more than two hens), one canvasback, two redheads, two pintail, three wood ducks, and two hooded mergansers. The coot daily bag limit is 15.

Dark Geese

Season Dates: Open November 3, 2012, through February 15, 2013.

Daily Bag and Possession Limits: Three and six geese, respectively.

Light Geese

Season Dates: Open November 3, 2012, through February 15, 2013.

Daily Bag Limits: 20 geese.

Dated: September 10, 2012.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2012–23073 Filed 9–20–12; 8:45 am]

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Part IV

Environmental Protection Agency

40 CFR Parts 9 and 721

Significant New Use Rules on Certain Chemical Substances; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2011–0941; FRL–9357–2]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 107 chemical substances which were the subject of premanufacture notices (PMNs). Eight of these chemical substances are subject to TSCA consent orders issued by EPA. This action requires persons who intend to manufacture, import, or process any of these 107 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

DATES: This rule is effective on November 20, 2012. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on October 5, 2012.

Written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs must be received on or before October 22, 2012 (see Unit VI. of the **SUPPLEMENTARY INFORMATION**).

For additional information on related reporting requirement dates, see Units I.A., VI., and VII. of the **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2011–0941, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* OPPT Document Control Office (DCO), EPA East, Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2011–0941. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2011–0941. EPA's policy is that all comments received will be included in the docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. The regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substances contained in this rule. Potentially affected entities may include, but are not limited to:

- Manufacturers, importers, or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable

rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

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

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What action is the agency taking?

EPA is promulgating these SNURs using direct final procedures. These SNURs will require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of a chemical substance for any activity designated by these SNURs as a significant new use. Receipt of such notices allows EPA to assess risks that may be presented by the intended uses and, if appropriate, to regulate the proposed use before it occurs. Additional rationale and background to these rules are more fully set out in the preamble to EPA's first direct final SNUR published in the **Federal Register** issue of April 24, 1990 (55 FR 17376) (April 24, 1990 SNUR). Consult that preamble for further information on the objectives, rationale, and procedures for SNURs and on the basis for significant new use designations, including provisions for developing test data.

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

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. Persons who must report are described in § 721.5.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the 107 chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, taking into consideration the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for 107 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) number (if assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) consent order or, for non-section 5(e) SNURs, the basis for the SNUR (*i.e.,* SNURs without TSCA section 5(e) consent orders).
- Tests recommended by EPA to provide sufficient information to evaluate the chemical substance (see Unit VIII. for more information).
- CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of this rule specifies the activities designated as significant new uses. Certain new uses, including production volume limits (*i.e.,* limits on manufacture and importation volume) and other uses designated in this rule may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

This rule includes 8 PMN substances (P–00–346, P–01–470, P–02–120, P–02–285, P–04–834, P–10–58, P–10–59, and P–10–60) for which EPA determined, pursuant to TSCA section 5(e), that uncontrolled manufacture, import, processing, distribution in commerce, use, and disposal may present an unreasonable risk of injury to human health and the environment. Accordingly, these substances are subject to ''risk-based'' consent orders under TSCA section 5(e)(1)(A)(ii)(I). Those consent orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The so-called ''5(e) SNURs'' on these PMN substances are promulgated pursuant to § 721.160, and are based on and consistent with the provisions in the underlying consent orders. The section 5(e) SNURs designate as a ''significant new use'' the absence of the protective measures required in the corresponding consent orders.

Where EPA determined that the PMN substance may present an unreasonable risk of injury to human health via inhalation exposure, the SNUR usually requires, among other things, that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below a New Chemical Exposure Limit (NCEL) that is established by EPA to provide adequate protection to human health. In addition to the actual NCEL concentration, the comprehensive NCELs provisions, which are modeled after Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PELs) provisions, include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. However, no comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELs as an alternative to the § 721.63 respirator requirements may request to do so under § 721.30.

This rule also includes SNURs on 99 PMN substances that are not subject to consent orders under TSCA section 5(e). In these cases, for a variety of reasons, EPA did not find that the use scenario described in the PMN triggered the determinations set forth under TSCA section 5(e). However, EPA does believe that certain changes from the use scenario described in the PMN could result in increased exposures, thereby constituting a ''significant new use.'' These so-called ''non-5(e) SNURs'' are promulgated pursuant to § 721.170. EPA has determined that every activity designated as a ''significant new use'' in all non-5(e) SNURs issued under § 721.170 satisfies the two requirements stipulated in § 721.170(c)(2), *i.e.,* these significant new use activities, ''(i) are different from those described in the premanufacture notice for the substance, including any amendments, deletions, and additions of activities to the premanufacture notice, and (ii) may be accompanied by changes in exposure or release levels that are significant in relation to the health or environmental concerns identified'' for the PMN substance.

PMN Number P–96–308

Chemical name: Aminoalkanol (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a chemical intermediate. Based on structure-activity relationship (SAR) analysis of the potential reaction of the PMN substance with nitrosating agents, and by analogy to monoethanolamine, diethanolamine and dimethylisopropylamine, EPA identified concerns for skin, eye, liver, kidney, lung, bone marrow, brain, testes, heart, and blood toxicity from exposure to the PMN substance via inhalation and dermal exposures, and the gastrointestinal (GI) tract. In addition, based on ecological structure-activity relationship (EcoSAR) analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 600 ppb of the PMN substance in surface waters. For the use described in the PMN, EPA does not expect dermal or inhalation exposures to manufacturing or processing workers or other targeted populations, nor does it expect releases to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN, or any use of the substance resulting in surface water concentrations exceeding 600 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i), (b)(3)(ii), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) with a functional observational battery and histopathology; a prenatal developmental toxicity test (OPPTS Test Guideline 870.3700); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish acute toxicity test mitigated by humic acid (OPPTS Test Guideline 850.1085); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the human health and environmental effect of the PMN substance.

CFR citation: 40 CFR 721.10427.

PMN Numbers P–96–1021 and P–96–1022

Chemical names: (P–96–1021) Fatty acids, C_{18}-unsatd., dimers, reaction products with 1-piperazineethanamine and (P–96–1022) Fatty acids, C_{18}-unsatd., dimers, reaction products with 1-piperazineethanamine and tall-oil fatty acids.

CAS numbers: (P–96–1021) 206565–90–4 and (P–96–1022) 206565–89–1.

Basis for action: The consolidated PMN states that the substances will be used as water based epoxy curing agents. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substances in surface waters. As described in the PMN, the substances are not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the PMN substances may present an unreasonable risk. EPA has determined, however, that any use of the substances resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a modified semi-continuous activated

sludge (SCAS) test (OPPTS Test Guideline 835.3210); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) on PMN P–96–1022 would help characterize the environmental effects of the PMN substances.

CFR citations: 40 CFR 721.10428 (P–96–1021) and 40 CFR 721.10429 (P–96–1022).

PMN Number P–97–823

Chemical name: Tetra alkyl ammonium salt (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a curing agent for coatings. Based on test data submitted on the PMN substance at varying concentrations, EPA identified concerns for ocular lethality for occupational exposures to the PMN substance at concentrations greater than 25 percent. For the use described in the PMN, significant worker exposures are not expected as the PMN substance is used at concentrations no greater than 25 percent, and the material safety data sheet (MSDS) provides the ocular lethality results from the submitted eye irritation studies. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without including the hazard communication warnings concerning the eye irritation test results in the MSDS, or any use of the substance in concentrations greater than 25 percent may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i).

Recommended testing: EPA has determined that the results of an acute eye irritation test (OPPTS Test Guideline 870.2400) on the PMN substance at concentrations greater than 25 percent would help characterize human health effects of the PMN substance.

CFR citation: 40 CFR 721.10430.

PMN Numbers P–98–141 and P–98–142

Chemical name: Phosphoric acid esters (generic).

CAS number: Not available.

Basis for action: The consolidated PMN states that the generic (non-confidential) use of the substances will be as metal extractants. Based on EcoSAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 100 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the PMN substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 100 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) on the PMN substances would help characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10431.

PMN Number P–98–1028

Chemical name: 1,2,4,5,7,8-Hexoxonane, 3,6,9-triethyl-3,6,9-trimethyl-.

CAS number: 24748–23–0.

Basis for action: The PMN states that the substance will be used as a viscosity modifier in the manufacture of polypropylene, manufactured and supplied as a solution in at least 40 percent mineral spirits. Based on EcoSAR analysis of test data on analogous peroxides, EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, where the PMN substance is supplied as a solution of at least 40 percent mineral spirits, significant environmental releases are not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the PMN substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as a viscosity modifier, manufactured and supplied as a solution in at least 40 percent mineral spirits, in the manufacture of polypropylene may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a porous pot test (OPPTS Test Guideline 835.3220); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10432.

PMN Number P–99–184

Chemical name: Cyclopentene, 1,2,3,3,4,4,5,5-octafluoro-.

CAS number: 559–40–0.

Basis for action: The PMN states that the substance will be used as a dry etching agent and a chemical vapor deposition (CVD) agent for the production of semiconductors. Based on test data on the PMN substance, EPA identified concerns for acute toxicity, systemic toxicity, developmental toxicity, cardiac sensitization, and mutagenicity from inhalation exposures. As described in the PMN, the substance will be imported and not manufactured in the United States. As described in the PMN, EPA does not expect significant worker exposures during processing and use activities for the uses described in the PMN nor does it expect general population exposures for the uses described in the PMN. Therefore, EPA has not determined that the proposed processing or use may present an unreasonable risk. EPA has determined, however, that domestic manufacture, or any use of the substance other than as a dry etching agent and a CVD agent for the production of semiconductors may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i).

Recommended testing: EPA has determined that inhalation monitoring data, collected according to the EPA draft Inhalation Monitoring Data Collection Guidelines (located in the docket under docket ID number EPA–HQ–OPPT–2011–0941), would help characterize the human health effects of the PMN substance.

CFR citations: 40 CFR 721.10433.

PMN Number P–99–214

Chemical name: Cyclopentane, 1,1,2,2,3,3,4-heptafluoro-.

CAS number: 15290–77–4.

Basis for action: The PMN states that the substance will be used as a solvent and a cleaning and drying agent. Based on test data on the PMN substance, EPA identified concerns for acute, systemic,

and developmental toxicity, cardiac sensitization, and mutagenicity from inhalation exposures. As described in the PMN, the substance will be imported and not manufactured in the United States. As described in the PMN, EPA does not expect significant worker exposures during processing and use activities for the uses described in the PMN nor does it expect general population or consumer exposures for the uses described in the PMN. Therefore, EPA has not determined that the proposed processing or use may present an unreasonable risk. EPA has determined, however, that any domestic manufacture of the substance, use of the substance other than as a solvent or a cleaning and drying agent, or use in a consumer product may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i).

Recommended testing: EPA has determined that inhalation monitoring data, collected according to the EPA draft Inhalation Monitoring Data Collection Guidelines (located in the docket under docket ID number EPA–HQ–OPPT–2011–0941), would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10434.

PMN Number P–99–1179

Chemical name: Phenol, 2-(1-methyl-1-phenylethyl)-4-(1,1,3,3-tetramethylbutyl)-.

CAS number: 73936–80–8.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an ultraviolet (UV) stabilizer for automotive coatings. Based on EcoSAR analysis of test data on analogous phenols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10435.

PMN Numbers P–99–1217 and P–99–1218

Chemical name: Amine neutralized phosphated polyesters (generic).

CAS number: Not available.

Basis for action: The consolidated PMN states that the generic (non-confidential) use of the substances will be as pigment dispersants. Based on EcoSAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur as a result of releases of the PMN substances in quantities greater than the combined 50,000 kilograms (kgs) per year production volume stated in the PMN. At the annual production volume of 50,000 kgs stated in the consolidated PMN, there were no significant environmental releases. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that exceeding an annual aggregate manufacturing and importation volume of 50,000 kgs may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400) and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10436.

PMN Numbers P–99–1280, P–99–1281, and P–99–1282

Chemical name: Sulfonic acid, linear xylene alkylate, mono, sodium salts (generic).

CAS number: Not available.

Basis for action: The consolidated PMN states that the substances will be used as enhanced oil recovery surfactants. Based on EcoSAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 ppb of the substances in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substances to surface water, from uses other than as described in the PMNs, exceed releases from the use described in the PMNs. For the use described in the PMNs, environmental releases did not exceed 2 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the PMN substances may present an unreasonable risk. EPA has determined, however, that any use of the substances other than as enhanced oil recovery surfactants may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10437.

PMN Number P–00–346

Chemical name: Dialkyl hydroxybenzenealkanoic acid ester (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) consent order: August 16, 2001.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the substance will be as a petroleum additive. Based on test data on the PMN substance and SAR analysis of structurally similar substances, EPA identified concerns for liver and thyroid toxicity from dermal exposures. The consent order was issued under TSCA sections 5(e)(1)(A)(i), 5(e)(1)(A)(ii)(I), and 5(e)(1)(A)(ii)(II), based on a finding that this substance may present an unreasonable risk of injury to human health, the substance may be produced in substantial quantities, and there may be significant (or substantial) human exposure to the substance. To protect against these risks, the consent order requires:

1. Use of personal protective equipment including impervious gloves (when there is potential dermal exposure).
2. Establishment and use of a hazard communication program.
3. Submission of certain human health testing prior to exceeding the confidential production volume limit specified in the consent order.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of a 28-day dermal toxicity test (The Organisation for Economic Co-operation and Development (OECD) Test Guideline 410) with emphasis on the thyroid (per OPPTS Test Guideline 870.3465) would help characterize the human health effects of the PMN substance. The PMN submitter has agreed not to exceed the confidential production volume limit specified in the consent order without performing this test.

CFR citation: 40 CFR 721.10438.

PMN Number P–00–635

Chemical name: 1,3-Dioxolan-2-one, 4-ethenyl.

CAS number: 4427–96–7.

Basis for action: The PMN states that the generic (non-confidential) uses of the substance will be as a chemical intermediate and an industrial chemical additive. Based on test data on the PMN substance and SAR analysis of test data on analogous vinylene carbonate, EPA predicts acute toxicity, liver toxicity, kidney toxicity, developmental toxicity, immunotoxicity, and oncogenicity. For the uses described in the PMN, significant dermal exposures are not expected due to the use of impervious gloves. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without the use of impervious gloves where there is a potential for dermal exposures, or any use other than as described in the PMN may cause serious human health effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(i), and (b)(3)(ii).

Recommended testing: EPA has determined that no additional testing is recommended at this time as the health effects have been adequately characterized by the testing submitted on the PMN substance.

CFR citation: 40 CFR 721.10439.

PMN Number P–00–1165

Chemical name: Diphosphoric acid, polymers with ethoxylated reduced Me esters of reduced polymd, oxidized tetrafluoroethylene.

CAS number: 200013–65–6.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a surface active agent. Based on analogous high molecular weight polymers, EPA identified concerns from inhalation exposures. For the industrial uses described in the PMN, worker inhalation exposures are not expected as the substance is not applied by a method that generates a vapor, mist, or spray. Therefore, EPA has not determined that the proposed manufacturing, processing, or use may present an unreasonable risk. EPA has determined, however, that any use of the substance in consumer products, or any use involving an application method that generates a vapor, mist, or spray may cause serious health effects. Based on the information, the PMN substance meets the criteria at 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of an acute inhalation toxicity test (OPPTS Test Guideline 870.1300) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10440.

PMN Numbers P–01–382 and P–01–383

Chemical names: (P–01–382) 1, 2-Benzenedicarboxylic acid, di-C_{7-14}-branched and linear alkyl esters and (P–01–383) 1,2-Benzenedicarboxylic acid, di-C_{6-14}-branched and linear alkyl esters.

CAS numbers: (P–01–382) 309934–68–7 and (P–01–383) 309934–69–8.

Basis for action: The consolidated PMN states that the substances will be used as plasticizers for flexible poly-vinyl chloride. Based on SAR analysis of the expected ester hydrolysis product of the PMNs, EPA identified concerns for liver, developmental, and reproductive toxicity; and oncogenicity. For the use described in the PMNs, neither significant worker exposures nor general population exposures are expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances in children's toys (*e.g.,* pacifiers, rattles, and teethers) may cause serious health effects. Based on this information, the PMN substances meet the criteria at § 721.170(b)(1)(i)(C) and (b)(3)(ii).

Recommended testing: EPA has determined that the results of an acute oral toxicity test (OECD Test Guideline 401 or 420); an acute dermal toxicity test (OECD Test Guideline 402); an acute inhalation toxicity test (OECD Test Guideline 403); a repeated dose 28-day oral toxicity test in rodents (OECD Test Guideline 407); a 28-day dermal toxicity test (OECD Test Guideline 410); a 28-day subacute inhalation toxicity test (OECD Test Guideline 412); a prenatal developmental toxicity test (OECD Test Guideline 414); a 1-generation reproduction test (OECD Test Guideline 415); a reproduction and fertility effects test (OECD Test Guideline 416); a reproduction/development toxicity screening test (OECD Test Guideline 421); a combined repeated dose toxicity test with the reproduction/development toxicity screening test (OECD Test Guideline 422); a bacterial reverse mutation test (OECD Test Guideline 471); an *in vitro* mammalian chromosome aberration test (OECD Test Guideline 473); a mammalian erythrocyte micronucleus test (OECD Test Guideline 474); and a mammalian bone marrow chromosomal aberration test (OECD Test Guideline 475) would help characterize the human health effects of the PMN substances.

CFR citations: 40 CFR 721.10441 (P–01–382) and 40 CFR 721.10442 (P–01–383).

PMN Number P–01–470

Chemical name: Ethoxylated alkylphenol sulfate, ammonium salt (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) consent order: August 26, 2002.

Basis for TSCA section 5(e) consent order: The PMN states that the substance will be used as a dispersant for carbon black and organic pigments. Based on test data on the PMN substance, and EcoSAR analysis of test data on analogous ethoxylated anionic surfactants, EPA predicts environmental toxicity that varies depending on the average number of moles of ethoxylate. As the number of ethoxylate decreases, the aquatic toxicity of the substance increases. For this PMN substance, the average number of moles may vary. Based on submitted test data on the PMN—with an average number of 16.4 moles of ethoxylate—EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 200 ppb of the PMN substance in surface waters. When the average number of moles of ethoxylate is less than or equal to 10, EPA expects toxicity to aquatic organisms may occur at concentrations that exceed 60 ppb of the substance in surface waters. The consent order was issued under TSCA sections 5(e)(1)(A)(i), 5(e)(1)(A)(ii)(I), and 5(e)(1)(A)(ii)(II), based on a finding that the substance may present an unreasonable risk of injury to the environment, may be produced in substantial quantities, and may be reasonably anticipated to enter the environment in substantial quantities. To protect against these risks, the consent order prohibits the company from manufacturing or importing the PMN substance unless either: The mean number of moles of the ethoxy group is greater than or equal to 10, or the

average number molecular weight is greater than 950 daltons. The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize environmental effects of the PMN substance. Testing should be conducted on the PMN substance with less than 10 moles of ethoxylate, or an average number molecular weight of less than 950 daltons. The consent order does not require the submission of the aforementioned testing at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN will remain in effect until the consent order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10443.

PMN Number P–01–499 and P–01–500

Chemical name: (P–01–499) Propanol, mercapto- and (P–01–500) 2-Propen-1-ol, reaction products with hydrogen sulfide, distn. residues.

CAS number: (P–01–499) 63947–56–8 and (P–01–500) 374078–75–8.

Basis for action: The PMNs state that the substances will be used as chemical intermediates. Based on SAR analysis of test data on structurally similar 3-mercaptopropanol, EPA identified concerns for developmental and maternal effects from dermal exposures to the PMN substances. In addition, based on test data on P–01–499 and EcoSAR analysis of analogous thiols, EPA predicts toxicity to aquatic organisms may occur at surface water concentrations that exceed 11 ppb for P–01–499 and 1 ppb for P–01–500. For the chemical intermediate use described in the PMNs, significant worker exposures are not expected due to the use of impervious dermal protection, and the substances are not released to surface water. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances without impervious dermal protection where there is a potential for dermal exposures, or any use of the substances resulting in surface water concentrations exceeding 11 ppb (P–01–499) or 1 ppb (P–01–500) may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(3)(ii), (b)(4)(i), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010) on P–01–500 would help to characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10444 (P–01–499) and 40 CFR 721.10445 (P–01–500).

PMN Number P–01–762

Chemical name: 1,9-Cyclohexadecadiene.

CAS number: 4277–06–9.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as open, non-dispersive use with limited employee exposure. Based on test data on the PMN substance, EPA identified concerns for dermal sensitization and irritation. In addition, based on test data on the PMN substance and EcoSAR analysis of test data on analogous neutral organic chemicals, EPA predicts toxicity to aquatic organisms at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, significant dermal exposures are not expected due to the use of impervious gloves, and releases of the substance to surface waters are not expected in concentrations that exceed 1 ppb. Therefore, EPA has not determined that manufacturing, processing, and use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance without impervious protective equipment where there is a potential for dermal exposures, or any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria in § 721.170(b)(3)(i), (b)(4)(i), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10446.

PMN Number P–01–829

Chemical name: 17-Oxabicyclo[14.1.0]heptadec-8-ene.

CAS number: 34748–97–5.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as open, non-dispersive with limited employee exposure. Based on test data on the PMN substance, EPA identified concerns for dermal sensitization, respiratory sensitization, mutagenicity, developmental toxicity, male reproductive toxicity, liver toxicity, and kidney toxicity. In addition, based on test data on the PMN substance and EcoSAR analysis of test data on analogous epoxides, EPA predicts toxicity to aquatic organisms at concentrations that exceed 1 ppb of the substance in surface waters. As described in the PMN, significant exposures are not expected due to the use of protective dermal and respiratory equipment, and the substance is not released to surface waters in concentrations that exceed 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without impervious dermal and adequate respiratory protection where there is a potential for exposures, or any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause serious health effects and significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(3)(i), (b)(4)(i), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10447.

PMN Number P–02–120

Chemical name: Acetic acid, hydroxymethoxy-, methyl ester, reaction products with substituted alkylamine (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) consent order: September 12, 2003.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the substance will be as an emulsifier. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur when the average number molecular weight is below 850 daltons. The order was issued under TSCA sections 5(e)(1)(A)(i), 5(e)(1)(A)(ii)(I) and 5(e)(1)(A)(ii)(II), based on a finding that this substance may reasonably be anticipated to enter the environment in substantial quantities and may present an unreasonable risk of injury to the environment. The consent order for this substance prohibits manufacturing or importing of the PMN substance unless the average number molecular weight is greater than or equal to 850 daltons. The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500), on the PMN substance where the average number molecular weight is less than 850 daltons would help characterize possible environmental effects of the substance. The order does not require submission of the aforementioned information at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN substance will remain in effect until the order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10448.

PMN Number P–02–172

Chemical name: Aromatic polyester polyol (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an adhesive component. Based on EcoSAR analysis of test data on analogous esters, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 40 ppb of the PMN substance in surface waters. As described in the PMN, EPA does not expect releases to surface waters to exceed 40 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has, however, determined that any use of the substance resulting in surface water concentrations exceeding 40 ppb may cause significant adverse environmental effects. Based on this information, the substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10449.

PMN Number P–02–285

Chemical name: Oxirane, 2-[[3-(trimethoxysilyl)propoxy]methyl]-, reaction products with wollastonite ($Ca(SiO_3)$).

CAS number: 100402–91–3.

Effective date of TSCA section 5(e) consent order: October 14, 2002.

Basis for TSCA section 5(e) consent order: The PMN states that the substance will be used as functional filler for polymer systems. Based on SAR analysis of analogous respirable, poorly soluble particulates, EPA identified concerns for lung toxicity based on lung overload, and concern for carcinogenicity based on test data on the starting raw material—wollastonite. The consent order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), based on a finding that this substance may present an unreasonable risk of injury to human health. To protect against this exposure and risk, the consent order requires the company to manufacture and process the PMN substance with an average aspect ratio of no greater than 5, and no more than 15 percent of the PMN substance shall have an aspect ratio greater than 10. The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA had determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) with a 60-day holding period and a carcinogenicity test (OPPTS Test Guideline 870.4200) would help characterize the human health effects of the PMN substance. These tests should be conducted on the PMN substance with an average aspect ratio of greater than 5, and more than 15 percent of the PMN substance with an aspect ratio of greater than 10. The order does not require submission of the aforementioned information at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN substance will remain in effect until the order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10450.

PMN Number P–02–436

Chemical name: Alkyd amide polyol (generic).

CAS number: Not available.

Basis for action: The PMN states that the substance will be used as an intermediate for polyurethane polymers. Based on EcoSAR analysis of test data on analogous nonionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 3 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 3 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10451.

PMN Number P–02–659

Chemical name: 9-Octadecenoic acid (9Z)-, 1,1′-(dimethylstannylene) ester.

CAS number: 3865–34–7.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a catalyst. Based on EcoSAR analysis of test data on analogous nonionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 10 ppb of the substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding

10 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10452.

PMN Number P–02–796

Chemical name: Polyglycerin alkyl ether (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a lubricant additive. Based on test data on the PMN substance and EcoSAR analysis of test data on analogous nonionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 3 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 3 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10453.

PMN Number P–02–828

Chemical name: Propoxylated ethoxylated alkylamine (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a concrete admixture. Based on EcoSAR analysis of analogous cationic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 80 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters in concentrations that exceed 80 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 80 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10454.

PMN Number P–03–61

Chemical name: Oxirane, 2,2′,2″-[ethylidynetris(4,1-phenyleneoxymethylene)]tris-.

CAS number: 87093–13–8.

Basis for action: The PMN states that the substance will be used as a high-density cross-linked polymer in resins, composites, and adhesives. Based on test data on the PMN substance and SAR analysis of test data on analogous epoxides, EPA identified concerns for cancer, reproductive toxicity in males, developmental toxicity, and sensitization to lungs from worker and consumer inhalation exposures. As described in the PMN, significant occupational and consumer inhalation exposures are not expected, as the substance is not spray applied. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance involving an application method that generates a mist, vapor, or aerosol may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(i), and (b)(3)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) in rats would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10455.

PMN Number P–03–104

Chemical name: Tristyryl phenol alkoxylate salt (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an agricultural inert. Based on EcoSAR analysis of test data on analogous cationic and anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 2 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10456.

PMN Number P–03–154

Chemical name: 1,2-Benzenedicarboxylic acid, mixed esters with benzyl alc., cyclohexanol, 2-ethyl-1-hexanol, fumaric acid and propylene glycol.

CAS number: 464920–01–2.

Basis for action: The PMN states that the substance will be used as a monomer combined with styrene and unsaturated polyester resins. Based on

EcoSAR analysis of test data on analogous acrylates and esters, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk to the environment. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10457.

PMN Number P–03–238

Chemical name: Acrylate of hydroxyimide (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be in adhesives. Based on test data on the PMN substance and SAR analysis of test data on analogous acrylates, EPA identified concerns for developmental toxicity and sensitization from inhalation exposure to the PMN substance. In addition, based on EcoSAR analysis of test data on analogous acrylates, EPA expects toxicity to aquatic organisms may occur at concentrations that exceed 20 ppb of the PMN substance in surface waters. As described in the PMN, significant worker exposures are not expected as the substance is used in the liquid form, and the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any manufacturing, processing, or use of the substance in a solid form, or any use resulting in surface water concentrations exceeding 20 ppb may cause serious health effects and significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(3)(i), (b)(3)(ii), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a prenatal developmental toxicity test (OPPTS Test Guideline 870.3700) in rats; a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the human health and environmental effects of the substance.

CFR citation: 40 CFR 721.10458.

PMN Number P–03–282

Chemical name: Amino-substituted carbopolycycle (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a raw material. Based on test data on the PMN substance and SAR analysis of test data on analogous alpha-naphthylamine, aniline, aromatic amine, and naphthalene, EPA identified concerns for mutagenicity, oncogenicity, sensitization, developmental toxicity, blood effects, neurotoxicity, liver effects, and cancer to workers exposed to the PMN substance. As described in the PMN, significant worker exposures are not expected due to the use of adequate personal protective equipment. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without the use of impervious gloves where there is potential for dermal exposure, use of the substance without the use of a National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 50 where there is potential inhalation exposure, domestic manufacture, or use of the substance other than as described in the PMN may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(i), and (b)(3)(ii).

Recommended testing: EPA has determined that inhalation monitoring data, collected according to the EPA draft Inhalation Monitoring Data Collection Guidelines (located in the docket under docket ID number EPA–HQ–OPPT–2011–0941), would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10459.

PMN Number P–03–307

Chemical name: Azo nickel complex (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a colorant. EPA identified concerns for oncogenicity, pulmonary sensitization, immunotoxicity, developmental toxicity, and neurotoxicity for released nickel. In addition, test data for nickel sulfate hexahydrate has shown effects on the brain, kidney, liver, testes, thymus, and spleen. For the use described in the PMN, worker inhalation exposures from the liquid form of the PMN are not expected. Therefore, EPA has not determined that manufacturing, processing, and use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN, or any use of the substance as a powder, may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C) and (b)(3)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465); a reproduction and fertility effects test (OPPTS Test Guideline 870.3800); and a carcinogenicity study (OPPTS Test Guideline 870.4200) would help to characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10460.

PMN Number P–03–325

Chemical name: Oxazolidine, 3,3′-methylenebis[5-methyl-.

CAS number: 66204–44–2.

Basis for action: The PMN states that the substance will be used as a metalworking fluid. Based on test data on the PMN substance, EPA identified concerns for systemic toxicity and severe skin and eye irritation. In addition, based on test data on the PMN substance and EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at surface water concentrations that exceed 40 ppb of the substance in saltwater, and 100 ppb of the substance in freshwater. For the use described in the PMN, worker exposures are not expected as the substance is used in an enclosed system, and the substance is not released to surface waters. Therefore, EPA has not determined that manufacturing, processing, and use of the substance may present an unreasonable risk. EPA has determined, however, that use of the

substance other than as a metalworking fluid, or any use of the substance resulting in surface water concentrations exceeding the freshwater and saltwater concentrations of concern may cause serious health effects and significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(3)(i), (b)(4)(i), and (b)(4)(ii).

Recommended testing: EPA has determined that the no additional testing is recommended at this time as the human health and environmental effects have been adequately characterized by the testing submitted on the PMN substance.

CFR citation: 40 CFR 721.10461.

PMN Number P–03–354

Chemical name: 1-Penten-3-one, 1-(4-chlorophenyl)-4,4-dimethyl-.

CAS number: 1577–03–3.

Basis for action: The PMN states that the substance will be used as an intermediate. Based on EcoSAR analysis of test data on analogous vinyl ketones, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 30 ppb of the substance in surface waters. For the use described in the PMN, EPA does not expect releases of the substance to surface waters in concentrations that exceed 30 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. However, EPA has determined that any use of the substance other than as an intermediate, or any use of the substance resulting in surface water concentrations exceeding 30 ppb may cause significant adverse environmental effects. Based on this information, the substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a porous pot test (OPPTS Test Guideline 835.3220); a fish early life-stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10462.

PMN Number P–03–388

Chemical name: Fatty acid amides (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a paint and coating additive. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 1 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10463.

PMN Number P–03–461

Chemical name: Fatty acid, reaction products with alkanolamine (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a petroleum additive. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 6 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 6 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10464.

PMN Numbers P–03–561, P–03–563, P–03–564, P–03–565, and P–03–566

Chemical names: (P–03–561) 2-Propenoic acid, 2-methyl-, 3-hydroxytricyclo[3.3.1.13,7]dec-1-yl ester; (P–03–563) 2-Propenoic acid, 2-methyl-, 2-ethyltricyclo[3.3.1.13,7]dec-2-yl ester; (P–03–564) 2-Propenoic acid, 3-hydroxytricyclo [3.3.1.13,7] dec-1-yl ester; (P–03–565) 2-Propenoic acid, 2-methyltricyclo[3.3.1.13,7]dec-2-yl ester; and (P–03–566) 2-Propenoic acid, 2-ethyltricyclo[3.3.1.13,7]dec-2-yl ester.

CAS numbers: (P–03–561) 115372–36–6; (P–03–563) 209982–56–9; (P–03–564) 216581–76–9; (P–03–565) 249562–06–9; and (P–03–566) 303186–14–3.

Basis for action: The consolidated PMN states that the generic (non-confidential) use of the substances will be as monomers. Based on test data on the PMN substances and SAR analysis of test data on analogous acrylates and methacrylates, EPA identified concerns for systemic toxicity and pulmonary sensitization. In addition, based on EcoSAR analysis of test data on analogous acrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 3 ppb of the PMN substances in surface waters. For the uses described in the PMN, significant worker exposures are not expected due to the use of impervious gloves, protective clothing, eye protection, and adequate warnings in the MSDS; and the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substance without worker protection where there is a potential for dermal or inhalation exposure, or any use of the substance resulting in surface water

concentrations exceeding 3 ppb may cause serious health effects and significant adverse environmental effects. Based on this information the PMN substances meet the concern criteria at § 721.170(b)(3)(i), (b)(3)(ii), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish acute toxicity test mitigated by humic acid (OPPTS Test Guideline 850.1085); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the environmental effects of the PMN substances.

CFR citations: 40 CFR 721.10465 (P–03–561); 40 CFR 721.10466; (P–03–563); 40 CFR 721.10467 (P–03–564); 40 CFR 721.10468 (P–03–565); and 40 CFR 721.10469 (P–03–566).

PMN Number P–03–567

Chemical name: Phosphonium, tetrabutyl-, 1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonate (1:1).

CAS number: 220689–12–3.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a polymer additive. Based on test data on the PMN substance, EPA identified concerns for systemic toxicity and neurotoxicity from inhalation exposures. In addition, EPA identified concern for potential degradation products, byproducts, unreacted material, and low molecular weight species. The PMN substance is a derivative of perfluorobutanesulfonate (PFBS) and may degrade to form PFBS. Further, concerns for the substance are based on analogous perfluorooctanesulfonate (PFOS). For the use described in the PMN, significant exposures and environmental releases are not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i), (b)(3)(ii), and (b)(4)(iii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465); a 2 generation reproduction and fertility effects test (OPPTS Test Guideline 870.3200); a porous pot test (OPPTS Test Guideline 835.3220); and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10470.

PMN Number P–03–622

Chemical name: 2-Propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester.

CAS number: 64194–22–5.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a component of a UV coating agent. Based on SAR analysis of test data on analogous acrylates, EPA identified concerns for carcinogenicity and sensitization. In addition, based on EcoSAR analysis of test data on analogous acrylates, EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface waters, from uses other than as described in the PMN, exceed releases from the use described in the PMN. As described in the PMN, the substance will be imported and not manufactured in the United States. For the use described in the PMN, significant worker exposures are not expected during processing and use activities for the uses described in the PMN, and significant environmental releases are not expected. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that domestic manufacture or use of the substance other than as described in the PMN may cause serious health effects and significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(ii), and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a carcinogenicity test (OPPTS Test Guideline 870.4200); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10471.

PMN Number P–03–645

Chemical name: 1,3-Benzenedimethanamine, polymers with epichlorohydrin-polyethylene glycol reaction products.

CAS number: 652968–34–8.

Basis for action: The PMN states that the substance will be used as a water retention aid for ornamental plants. Based on analogous swellable, high molecular weight polymers, EPA identified concerns for lung toxicity and cancer. As described in the PMN, the substance will be imported and not manufactured in the United States. For the use described in the PMN, significant worker exposures are not expected during processing and use activities for the uses described in the PMN. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that any domestic manufacture of the PMN substance may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C) and (b)(3)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) with a 60-day holding period, and a teabag test for water retention capacity (see *http://www.epa.gov/oppt/newchems/pubs/teabag.pdf*) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10472.

PMN Number P–03–865

Chemical name: 1-Propanaminium, 3-amino-N-(2-carboxyethyl)-N,N-dimethyl-, N-coco acyl derivs., inner salts.

CAS number: 499781–63–4.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a non-corrosive foamer in the oil and gas industry. Based on test data on the PMN substance, and EcoSAR analysis of test data on analogous amphoteric and cationic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 85 ppb of the PMN substance in surface waters. As described in the PMN, EPA does not expect releases of the substance to surface waters in concentrations that exceed 85 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 85 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish

acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10473.

PMN Number P–04–107

Chemical name: Substituted amino ethane sulfonic acid salt (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be a contained use in digital and imaging products. Based on EcoSAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 4 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 4 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10474.

PMN Number P–04–118

Chemical name: Hexanedioic acid, compd. with N1-(6-aminohexyl)-N1-methyl-1,6-hexanediamine (1:1).

CAS number: 659733–29–6.

Basis for action: The PMN states that the substance will be used as an intermediate for polymer manufacture. Based on SAR analysis of test data on analogous hexamethyl diamine, EPA identified concerns for immunotoxicity, systemic toxicity, developmental toxicity, and reproductive toxicity. In addition, based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 20 ppb of the PMN substance in surface waters. As described in the PMN, EPA does not expect significant worker exposures or releases of the substance to surface waters in concentrations that exceed 20 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as intermediate for polymer manufacture, or any use of the substance resulting in surface water concentrations exceeding 20 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a prenatal developmental toxicity test (OPPTS Test Guideline 870.3700); a reproduction and fertility effects test (OPPTS Test Guideline 870.3800); an immunotoxicity test (OPPTS Test Guideline 870.7800); a fish early life-stage toxicity test (OPPTS Test Guideline 850.1400); and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10475.

PMN Number P–04–275

Chemical name: Oxetane, 3-(bromomethyl)-3-methyl-.

CAS number: 78385–26–9.

Basis for action: The PMN substance will be used as a chemical intermediate. Based on SAR analysis of test data on analogous chemical substances EPA identified concerns for cancer for the PMN material from dermal exposures. For the use described in the PMN, significant worker exposures are unlikely due to the use of impervious clothing. Therefore, EPA has not determined that manufacturing, processing, and use of the substance may present an unreasonable risk. EPA has determined, however, any use of the substance without impervious clothing where there is a potential for dermal exposures, or any use of the substance other than as an intermediate for the pharmaceutical, photographic, and other fine chemical industries may cause serious health effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C).

Recommended testing: EPA has determined that an *in vivo* micronucleus assay in erythrocytes (OPPTS Test Guideline 870.5395 or OECD Test Guideline 474), with exposure by the intraperitoneal route, would help to characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10476.

PMN Number P–04–290

Chemical name: Acrylate ester (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a monomer in radiation cured inks and coatings. Based on EcoSAR analysis of test data on analogous acrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 1 ppb more than 20 days per year. Therefore, EPA had not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10477.

PMN Number P–04–318

Chemical name: Polyether polyol (generic).

CAS number: Not available.

Basis for action: The PMN states that the substance will be used as an intermediate for urethane polymers.

Based on SAR analysis of test data on similar molecular structure chemicals, EPA identified concerns for developmental kidney and liver toxicity. In addition, based on EcoSAR analysis of test data on analogous nonionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 30 ppb of the substance in surface waters. For the use described in the PMN, significant worker exposures are not expected and the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as an intermediate for urethane polymers, or any use of the substance resulting in surface water concentrations exceeding 30 ppb may cause serious health effects and significant environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of an acute oral toxicity test (OPPTS Test Guideline 870.1100 or OECD Test Guideline 425); a bacterial reverse mutation test (OPPTS Test Guideline 870.5100); a mammalian erythrocyte micronucleus test (intraperitoneal route) (OPPTS Test Guideline 870.5395); a repeated dose 28-day oral toxicity in rodents (OPPTS Test Guideline 870.3050 or OECD Test Guideline 407), which should include, for all test doses, a neurotoxicity functional observational battery, as described in neurotoxicity screening battery test (OPPTS Test Guideline 870.6200); a prenatal developmental toxicity test (one species, oral route) (OPPTS Test Guideline 870.3700); a Zahn-Wellens/EMPA test (OPPTS Test Guideline 835.3200); an aerobic aquatic biodegredation test (OPPTS Test Guideline 835.3100); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the human health, environmental and fate effects for PMN substance.

CFR citation: 40 CFR 721.10478.

PMN Number P–04–335

Chemical name: Quaternary ammonium compounds, tris(hydrogenated tallow alkyl)methyl, chlorides.

CAS number: 308074–73–9.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a rheology additive. Based on EcoSAR analysis of test data on analogous dialkyl cationic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 1 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10479.

PMN Number P–04–384

Chemical name: Trimethylolpropane polyol, aminated (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a resin curing agent. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 9 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing and processing of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 9 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish acute toxicity test mitigated by humic acid (OPPTS Test Guideline 850.1085); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10480.

PMN Numbers P–04–429, P–04–430, P–04–431, and P–04–432

Chemical names: (P–04–429) Siloxanes and Silicones, Me vinyl, hydroxy-terminated, reaction products with silica; (P–04–430) Siloxanes and Silicones, di-Me, Me vinyl, hydroxy-terminated, reaction products with silica; (P–04–431) Siloxanes and Silicones, di-Me, Me vinyl, hydroxy-terminated, reaction products with [(ethenyldimethylsilyl)oxy]-modified silica; and (P–04–432) Siloxanes and Silicones, Me vinyl, hydroxy-terminated, reaction products with [(ethenyldimethylsilyl)oxy]-modified silica.

CAS numbers: (P–04–429) 630106–01–3; (P–04–430) 630106–00–2; (P–01–431) 630106–04–6; and (P–04–432) 630106–02–4.

Basis for action: The consolidated PMN states that the substances will be used as chemical fillers. Based on high molecular weight polymers, EPA identified concerns for lung overload. Further, based on analogy to respirable, poorly soluble particulates, under the subcategory of crystalline silica, EPA identified concerns for lung toxicity and cancer. For the use described in the PMN, significant worker inhalation exposures are not expected as the substance is used in a liquid form. Therefore, EPA has not determined that the proposed manufacturing, processing, and use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances in a powder form may cause serious health effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(1)(i)(C) and (b)(3)(ii).

Recommended testing: EPA has determined that a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) in rats with special attention to histopathology (inflammation and cell proliferation) of the lung tissues and

to various parameters of the bronchoalveolar lavage fluid (BALF) with a recovery period of 60 days; and a carcinogenicity test (OPPTS Test Guideline 870.4200) in rats would help characterize the human health effects of the PMN substance.

CFR citations: 40 CFR 721.10481 (P–04–429); 40 CFR 721.10482 (P–04–430); 40 CFR 721.10483 (P–01–431); and 40 CFR 721.10484 (P–04–432).

PMN Number P–04–479

Chemical name: Reaction products of alcohols, alkyl alcohols, amino alcohols and methanol sodium salts (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a cleaning agent. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 30 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 30 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400) and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10485.

PMN Number P–04–591

Chemical name: Alkyl substituted amino-benzamide (generic).

CAS number: Not available.

Basis for action: The PMN states that the substance will be used as an acetaldehyde scavenger for plastic bottle production. Based on EcoSAR analysis of test data on analogous anilines, EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface waters, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, significant environmental releases are not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as an acetaldehyde scavenger for plastic bottle production could result in exposures which may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria as § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10486.

PMN Numbers P–04–599, P–04–600, P–04–605, and P–04–606

Chemical name: Alkylbenzenes sulfonic acids, metal salts (generic).

CAS number: Not available.

Basis for action: The PMNs state that the generic (non-confidential) use of the substances will be as metalworking detergents. Based on EcoSAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 60 ppb of the substances in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substances to surface water, from uses other than as described in the PMNs, exceed releases from the use described in the PMNs. For the use described in the PMNs, environmental releases did not exceed 60 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that use of the substances other than as described in the PMNs may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria as § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10487.

PMN Number P–04–636

Chemical name: Cuprate, [[[[[[[(sulfonaphthalenyl)]azo]-(substitutedphenyl)]azo]-(substitutedsulfonaphthalenyl)]azo]-substituted phenyl-substituted heteromonocycle], sodium salts (generic).

CAS number: Not available.

Basis for action: The PMN states that the substance will be used as an ink jet dye. Based on SAR analysis of test data on structurally similar substances, EPA identified concerns for oncogenicity. As described in the PMN, inhalation exposures are not expected for the use specified due to the use of a NIOSH-certified respirator with an APF of at least 5. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that uses of the substance without respiratory protection where there is a potential for inhalation exposure may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C) and (b)(3)(ii).

Recommended testing: EPA has determined that the results of an unscheduled deoxyribonucleic acid (DNA) synthesis in mammalian cells in culture (OPPTS Test Guideline 870.5550), and if warranted by the results of the first test, a carcinogenicity test (OPPTS Test Guideline 870.4200) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10488.

PMN Number P–04–718

Chemical name: Substituted aryl sulfonium polyfluorophosphate salts (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a catalyst. Based on SAR analysis of test data on structurally

similar substances, EPA identified concerns for corrosion and ocular lethality. In addition, based on EcoSAR analysis of test data on analogous cationic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 6 ppb of the PMN substance in surface waters. As described in the PMN, significant worker exposures are not expected as the PMN is used in the form of a liquid and releases of the substance to surface waters are not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use may present an unreasonable risk. EPA has determined, however, that any use of the substance in the form of a powder or solid, or any use of the substance resulting in surface water concentrations exceeding 6 ppb may cause serious health effects and significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of an acute eye irritation test (OPPTS Test Guideline 870.2400); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10489.

PMN Number P–04–834

Chemical name: HDI biuret, hydroxyethyl methacrylate prepolymer (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) consent order: March 20, 2006.

Basis for TSCA section 5(e) consent order: The PMN states that the substance will be used as an ingredient in 2-component polyurethane coatings. Based on test data on analogous diisocyanates, EPA identified concerns for dermal and respiratory sensitization, pulmonary toxicity, and carcinogenicity from dermal and inhalation exposures. The consent order was issued under TSCA sections 5(e)(1)(A)(i), 5(e)(1)(A)(ii)(I), and 5(e)(1)(A)(ii)(II) based on a finding that this substance may present an unreasonable risk of injury to human health, the substance may be produced in substantial quantities, and there may be significant (or substantial) human exposure to the substance. To protect against this exposure and risk, the consent order requires:

1. Use of personal protective equipment including impervious gloves (when there is potential dermal exposure) and either a NIOSH-certified respirator with an APF of at least 25, or compliance with a NCEL of 0.05 mg/m^3 as an 8-hour time-weighted average (when there is potential inhalation exposure).

2. Establishment and use of a hazard communication program.

3. Submission of certain human health testing prior to exceeding two confidential production volume limits specified in the consent order.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of a dermal sensitization test (OPPTS Test Guideline 870.2600) and a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) would help characterize the human health effects of the PMN substance. The PMN submitter has agreed not to exceed the first confidential production volume limit specified in the consent order without performing the dermal sensitization test, and has agreed not to exceed the second confidential production volume limit without performing the 90-day toxicity test. The order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN will remain in effect until the consent order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10490.

PMN Number P–05–55

Chemical name: Benzenepropanal,.alpha.-methyl-.

CAS number: 5445–77–2.

Basis for action: The PMN states that the substance will be used as a site-limited intermediate. Based on SAR analysis of test data on structurally similar substances, EPA has identified concerns for developmental toxicity. For the use described in the PMN, significant dermal and inhalation exposures are not expected. Therefore, EPA has not determined that proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the PMN substance other than as a site-limited intermediate may cause serious health effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of a prenatal developmental toxicity test (OPPTS Test Guideline 870.3700), by the dermal route in mice, would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10491.

PMN Number P–05–301

Chemical name: Trisphenol (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a hardener for epoxy resin. Based on EcoSAR analysis of test data on analogous phenols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 20 ppb of the PMN substance in surface waters. As described in the PMN, releases of the PMN substance are not expected to result in surface water concentrations that exceed 20 ppb. Therefore, EPA has not determined that manufacturing, processing, and use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 20 ppb may cause significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10492.

PMN Number P–05–417

Chemical name: Tris-alkyl-alkoxy melamine polymer (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a crosslinking resin. Based on test data on the PMN substance, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 5 ppb of the PMN substance in surface waters. As described in the PMN, releases of the PMN substance are not expected to result in surface water concentrations that exceed 5 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in

surface water concentrations exceeding 5 ppb may cause significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(4)(i).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300), and an algal toxicity test (OCSPP Test Guideline 850.4500) on the hydrolysis products of the PMN substance would help to characterize the environmental effects of the PMN substance and its hydrolysis products.

CFR citation: 40 CFR 721.10493.

PMN Number P–05–501

Chemical name: Reaction product of trimethylolpropane triacrylate and alkylene imine (generic).

CAS number: Not available.

Basis for action: The PMN substance will be used as an amine synergist for coatings and inks. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 5 ppb in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 5 ppb may cause significant adverse environmental effects. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish acute toxicity test mitigated by humic acid (OPPTS Test Guideline 850.1085); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10494.

PMN Number P–05–634

Chemical name: Metal silicate (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as an additive use restricted to enclosed toner cartridges. Based on SAR analysis of test data on analogous respirable, poorly soluble particulates, EPA identified concerns for lung effects for the PMN substance. Based on physical properties, EPA identified concerns for potential systemic effects from dermal exposure to the PMN substance. As described in the PMN, the substance will be imported and not manufactured in the United States. For the use described in the PMN, worker dermal and inhalation exposures are not expected during processing and use activities. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that domestic manufacture, or use of the substance other than as described in the PMN may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) in rats with special attention to histopathology (inflammation and cell proliferation) of the lung tissues and to various parameters of the BALF with a recovery period of 60 days would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10495.

PMN Number P–06–9

Chemical name: Amino alkoxy polydimethylsiloxane, hydroxy-terminated (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a textile additive. Based on EcoSAR analysis of test data on analogous polycationic polymers, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 10 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 10 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10496.

PMN Numbers P–06–276, P–06–277, P–06–278, P–06–279, P–06–280, and P–06–281

Chemical names: (P–06–276 and P–06–279) Substituted alkyl ester, hydrolysis products with silica and substituted silane (generic); (P–06–277 and P–06–280) Substituted alkyl ester, hydrolysis products with silica (generic); and (P–06–278 and P–06–281) Substituted silane, hydrolysis products with silica (generic).

CAS numbers: Not available.

Basis for action: The consolidated PMN states that the generic (non-confidential) use of the substances will be as components of clearcoat. Based on SAR analysis of test data on analogous respirable, poorly soluble particulates, EPA identified potential lung and systemic effects from inhalation and dermal exposures to the PMN substances. For the use described in the consolidated PMN, EPA does not expect significant worker exposures to the substances due to the use of appropriate impervious gloves and clothing; use of an appropriate NIOSH-certified respirator with an APF of at least 5; and no manufacturing, processing, or use in the form of a powder. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances without impervious gloves and clothing where there is a potential for dermal exposures; any use of the substances without a NIOSH-certified respirator with an APF of at least 5 where there is a potential for inhalation exposures; use of the substances other than as described in the PMN; or manufacturing, processing, or use of the substances in the form of a powder may cause serious adverse health effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) would help characterize the human health effects of the PMN substances.

CFR citations: 40 CFR 721.10497 (P–06–276 and P–06–279); 40 CFR 721.10498 (P–06–277 and P–06–280); and 40 CFR 721.10499 (P–06–278 and P–06–281).

PMN Number P–06–341

Chemical name: Acrylated mixed metal oxides (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a film coating additive. Based on SAR analysis of test data on analogous respirable, poorly soluble particulates, EPA identified concerns for potential lung effects from inhalation exposures and potential systemic effects from dermal exposures. For the use described in the PMN, inhalation and dermal exposures are not expected due to use of the substance as a liquid and with impervious dermal protection for exposed workers. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance without the use of impervious dermal protection where there is potential for dermal exposures; any manufacture, processing, or use of the substance in the form of a powder; or any use of the substance other than as described in the PMN may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10500.

PMN Number P–06–542

Chemical name: Tridecyl phthalate (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a plasticizer. Based on SAR analysis of test data on analogous phthalates, EPA identified concerns for developmental toxicity. For the use stated in the PMN, significant worker or consumer exposures are unlikely. Therefore, EPA has not determined that the proposed manufacturing, processing, and use of the substance may present an unreasonable risk. EPA has determined, however, that any other use of the substance other than as described in the PMN may cause serious adverse human health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of an oral reproduction and fertility effects test (OPPTS Test Guideline 870.3800) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10501.

PMN Number P–06–616

Chemical name: Modified triethylene glycol dithiol (generic).

CAS number: Not available.

Basis for action: The PMN states that the substance will be used as a reactive diluent/binder in aerospace sealants. Based on EcoSAR analysis of test data on analogous thiols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 ppb of the substance in surface waters. As described in the PMN, the substance is not expected to be released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 2 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10502.

PMN Number P–06–622

Chemical name: 1,2-Ethanediol, 1-carbamate.

CAS number: 5395–01–7.

Basis for action: The PMN states that the substance will be used as an intermediate monomer for polymer synthesis. Based on test data on the PMN substance, and SAR analysis of test data on analogous urethanes and carbamates, EPA identified concerns for liver toxicity, developmental toxicity, and oncogenicity. For the use described in the PMN, EPA expects no significant dermal exposures due to the use of impervious gloves. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without impervious gloves where there is a potential for dermal exposures may cause serious adverse health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C),(b)(3)(i), and (b)(3)(ii).

Recommended testing: EPA has determined that the results of a prenatal developmental toxicity test (OPPTS Test Guideline 870.3700) and a carcinogenicity test (OPPTS Test Guideline 870.4200) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10503.

PMN Number P–06–682

Chemical name: Surface modified magnesium hydroxide (generic).

CAS number: Not available.

Basis for action: The PMN states the substance will be used as a compatibilizer for flame retardant for plastics. Based on SAR analysis of test data on analogous respirable, poorly soluble particulates, EPA identified concerns for lung toxicity due to lung overload from inhalation exposure to the PMN substance. At the production volume of 100,000 kgs per year and for the specific use as a compatibilizer for flame retardant for plastics, significant worker exposures are not expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as a compatibilizer for flame retardant for plastics, or any use of the substance in quantities greater than 100,000 kgs per year may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that a 90-day inhalation toxicity test with a 60-day holding period (OPPTS Test Guideline 870.3465) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10504.

PMN Number P–06–694

Chemical name: Phosphoric acid, mixed mono- and diesters with 2-ethyl-1-hexanol and polyethylene glycol mono-C_{12-16}-alkyl ethers.

CAS number: 882693–50–7.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a hydraulic fluid. Based on test data on the PMN substance and EcoSAR analysis of test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur as a result of

releases of the PMN substance to surface waters from manufacture or import in quantities greater than 75,000 kgs per year, or from uses other than as stated in the PMN. At the annual production volume of 75,000 kgs per year, and for the use stated in the PMN, no significant environmental releases are expected. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as stated in the PMN, or exceeding an annual manufacturing and importation volume of 75,000 kgs may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(i) and (b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075) and an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10505.

PMN Numbers P–07–11 and P–08–29

Chemical name: Alkylated phenols (generic).

CAS number: Not available.

Basis for action: The PMNs state that the generic (non-confidential) use of the substance will be as an antioxidant (P–07–11) and an intermediate (P–08–29). Based on test data on P–07–11 and SAR analysis of test data on analogous molecular structure chemicals, EPA identified concerns for liver effects, thyroid effects, and neurotoxicity. As described in the PMNs, worker dermal exposure to the PMN substances will be minimal due to impervious gloves. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance without the use of impervious gloves where there is potential for dermal exposure may cause serious adverse health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i) and (b)(3)(ii).

Recommended testing: EPA has determined that a repeated dose 90-day oral toxicity test in rodents (OPPTS Test Guideline 870.3100) and a developmental neurotoxicity test (OPPTS Test Guideline 870.6300) would help characterize the health effects of the PMN substances.

CFR citation: 40 CFR 721.10506.

PMN Number P–07–107

Chemical name: Biphenyl substituted benzopyran (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a polymer additive. Based on EcoSAR analysis of test data on analogous neutral organic chemicals, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 ppb of the PMN substance in surface waters. As described in the PMN, releases of the PMN substance are not expected to result in surface water concentrations that exceed 2 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 2 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10507.

PMN Number P–07–161

Chemical name: Alkene substituted Bis phenol (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a hardener for epoxy resins. EPA identified human health and environmental concerns because the PMN substance may be a persistent, bio-accumulative, and toxic (PBT) chemical, based on the physical/chemical properties of the PMN substance, as described in the New Chemicals Program's PBT category (64 FR 60194, November 4, 1999) (FRL–6097–7). EPA estimates that the substance will persist in the environment for more than 2 months and estimates a bioaccumulation factor of greater than or equal to 5,000. Also, based on SAR analysis of test data on analogous safrole, methyleugenal and bisphenol A, EPA identified concerns for carcinogenicity and mutagenicity, systemic effects, and endocrine disruption. Further, based on EcoSAR analysis of test data on analogous phenols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the substance in surface waters. As described in the PMN, significant worker exposures are not expected due to the use of impervious dermal protective equipment, and the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance without impervious dermal protection where there is a potential for dermal exposures, or any purposeful or predictable release of the substance to surface waters may cause serious health effects and significant adverse environmental risks. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C), (b)(3)(ii), (b)(4)(ii), and (b)(4)(iii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OPPTS Test Guideline 835.3110); a fish bioconcentration test (OPPTS Test Guideline 850.1730); an oral combined chronic toxicity/carcinogenicity study (OPPTS Test Guideline 870.4300); a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.5400) would help to characterize the human health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10508.

PMN Number P–07–204

Chemical name: Pentane, 1,1,1,2,3,3-hexafluoro-4-(1,1,2,3,3,3-hexafluoropropoxy)-.

CAS number: 870778–34–0.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a heat transfer fluid. Based on test data on the PMN substance and SAR analysis of test data on analogous perfluorinated substances, EPA identified concerns for neurotoxicity, liver effects, and cardiac sensitization from exposures to the PMN substance. For the use described in the PMN, EPA does not expect significant worker exposures due to the use of impervious gloves. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use without impervious gloves where there is a potential for dermal

exposures, or any use of the substance other than as described in the PMN may cause serious adverse health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i) and (b)(3)(ii).

Recommended testing: EPA has determined that the results of a 28-day dermal toxicity test (OPPTS Test Guideline 870.3200) in rats; a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465), and a test using the ''Standard Test Method for Permeation of Liquids and Gases through Protective Clothing Materials under Conditions of Continuous Contact'' (ASTM International standard F739) as reported in the ''Standard Guide for Documenting the Results of Chemical Permeation Testing of Materials Used in Protective Clothing'' (ASTM International standard F1194) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10509.

PMN Number P–07–319

Chemical name: Alkylaminoalcohol (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a raw material for a polymer paint additive. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10510.

PMN Numbers P–07–320, P–07–321, P–07–322, P–07–323, and P–07–324

Chemical name: Quaternary ammonium salts (generic).

CAS number: Not available.

Basis for action: The consolidated PMN states that the generic (non-confidential) use of the substances will be as inhibitors for oil field applications. Based on EcoSAR analysis of test data on analogous cationic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 20 ppb of the substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases did not exceed 20 ppb more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that use of the substances other than as described in the PMN could result in exposures which may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish acute toxicity test mitigated by humic acid (OPPTS Test Guideline 850.1085); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substances.

CFR citations: 40 CFR 721.10511.

PMN Numbers P–07–563 and P–07–564

Chemical name: Fatty acid maleic acid amides (generic).

CAS number: Not available.

Basis for action: The consolidated PMN states that the substances will be used as emulsifiers for oil well drilling fluids. Based on EcoSAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 10 ppb of the PMN substances in surface waters. As described in the PMN, the substances are not released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances resulting in surface water concentrations exceeding 10 ppb may cause significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); a fish acute toxicity test mitigated by humic acid (OPPTS Test Guideline 850.1085); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10512.

PMN Number P–07–599

Chemical name: Aromatic acrylate monomer (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be in the production of polymers. Based on EcoSAR analysis of test data on analogous acrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, the substance is not expected to be released to surface waters. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test, freshwater and marine (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test, freshwater daphnids (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10513.

PMN Number P–07–679

Chemical name: [1,1′-Biphenyl]-2,2′-disulfonic acid, 4-[2-(4,5-dihydro-3-methyl-5-oxo-1-phenyl-1H-pyrazol-4-yl)diazenyl]-4′-[2-(2-hydroxy-1-naphthalenyl)diazenyl]-, sodium salt (1:2).

CAS number: 6470–20–8.

Basis for action: The PMN states that substance will be used as a dye for stationery ink. Based on SAR analysis of test data on analogs of an azo reduction product (pyrazole and methyl pyrazole), EPA identified concerns for liver, blood, and developmental toxicity; neurotoxicity; mutagenicity; and oncogenicity. As described in the PMN, inhalation exposures to workers and consumers are not expected as the PMN substance will be imported in rollerball pens and refills for rollerball pens. Therefore, EPA has not determined that the proposed processing or use of the substance may present an unreasonable risk. EPA has determined, however, that domestic manufacture, or any processing or use of the substance in the form of a solid may cause serious adverse health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(1)(i)(C) and (b)(3)(ii).

Recommended testing: EPA has determined that the results of a bacterial reverse mutation test (OPPTS Test Guideline 870.5100); a mammalian erythrocyte micronucleus test (OPPTS Test Guideline 870.5395) via the intraperitoneal route; a repeated dose 28-day oral toxicity test (OPPTS Test Guideline 870.3050) in rodents; and an acute oral toxicity test (OPPTS Test Guideline 870.1100) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10514.

PMN Numbers P–10–58, P–10–59, and P–10–60

Chemical name: Partially fluorinated alcohol substituted glycols (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) consent order: October 8, 2010.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) uses of the PMN substances will be as an intermediate (P–10–58 and P–10–59) and a surface active agent (P–10–60). EPA has concerns for potential incineration or other decomposition products of the PMN substances. These perfluorinated decomposition products may be released to the environment from incomplete incineration of the PMN substances at low temperatures. EPA has preliminary evidence, including data on some fluorinated polymers, that suggests that, under some conditions, the PMN substances could degrade in the environment. EPA has concerns that these degradation products will persist in the environment, could bioaccumulate or biomagnify, and could be toxic to people, wild mammals, and birds. These concerns are based on data on analog chemicals, including perfluorooctanoic acid (PFOA) and other perfluorinated alkyls, including the presumed environmental degradant. The order was issued under TSCA sections 5(e)(1)(A)(i), 5(e)(1)(A)(ii)(I), and 5(e)(1)(A)(ii)(II), based on a finding that these substances may present an unreasonable risk of injury to the environment and human health, the substances may be produced in substantial quantities and may reasonably be anticipated to enter the environment in substantial quantities, and there may be significant (or substantial) human exposure to the substances and their potential degradation products. To protect against these exposures and risks, the consent order requires submission of testing on the PMN substance P–10–60 at five identified aggregate manufacture and importation volumes; requires analysis of raw materials; and restricts the use of P–10–58 and P–10–59 to use as intermediates to manufacture P–10–60. The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the results of certain fate and physical/chemical property testing identified in the TSCA section 5(e) consent order would help characterize possible effects of the substances and their degradation products. The consent order contains five production volume limits. The PMN submitter has agreed not to exceed the confidential production volume limits without performing the specified testing on the PMN substance P–10–60. Additional testing is included in the preamble to the consent order, but this testing is not required at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, use, and disposal of the PMN will remain in effect until the order is modified or revoked by EPA based on submission of that or other relevant information.

CFR citation: 40 CFR 721.10515.

V. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that for 8 of the 107 chemical substances, regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) consent orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. The SNUR provisions for these chemical substances are consistent with the provisions of the TSCA section 5(e) consent orders. These SNURs are promulgated pursuant to § 721.160.

In the other 99 cases, where the uses are not regulated under a TSCA section 5(e) consent order, EPA determined that one or more of the criteria of concern established at § 721.170 were met, as discussed in Unit IV.

B. Objectives

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this rule:

- EPA will receive notice of any person's intent to manufacture, import, or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing, importing, or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers, importers, or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6, or 7.
- EPA will ensure that all manufacturers, importers, and processors of the same chemical substance that is subject to a TSCA section 5(e) consent order are subject to similar requirements.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VI. Direct Final Procedures

EPA is issuing these SNURs as a direct final rule, as described in § 721.160(c)(3) and § 721.170(d)(4). In accordance with § 721.160(c)(3)(ii) and § 721.170(d)(4)(i)(B), the effective date of this rule is November 20, 2012 without further notice, unless EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments before October 22, 2012.

If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before October 22, 2012, EPA will withdraw the relevant sections of this direct final rule before its effective date. EPA will then issue a proposed SNUR for the chemical substance(s) on which adverse or critical comments were received, providing a 30-day period for public comment.

This rule establishes SNURs for a number of chemical substances. Any person who submits adverse or critical comments, or notice of intent to submit adverse or critical comments, must identify the chemical substance and the new use to which it applies. EPA will not withdraw a SNUR for a chemical substance not identified in the comment.

VII. Applicability of Rule to Uses Occurring Before Effective Date of the Rule

Significant new use designations for a chemical substance are legally established as of the date of publication of this direct final rule (September 21, 2012).

To establish a significant ''new'' use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. TSCA section 5(e) consent orders have been issued for eight chemical substances and the PMN submitters are prohibited by the TSCA section 5(e) consent orders from undertaking activities which EPA is designating as significant new uses. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no other person may commence such activities without first submitting a PMN. For chemical substances for which an NOC has not been submitted at this time, EPA concludes that the uses are not ongoing. However, EPA recognizes that prior to the effective date of the rule, when chemical substances identified in this SNUR are added to the TSCA Inventory, other persons may engage in a significant new use as defined in this rule before the effective date of the rule. However, 67 of the 108 chemical substances contained in this rule have CBI chemical identities, and since EPA has received a limited number of post-PMN *bona fide* submissions (per §§ 720.25 and 721.11), the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376), EPA has decided that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of this direct final rule rather than as of the effective date of the rule. If uses begun after publication were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements because a person could defeat the SNUR by initiating the significant new use before the rule became effective, and then argue that the use was ongoing before the effective date of the rule. Persons who begin commercial manufacture, import, or processing of the chemical substances regulated through this SNUR will have to cease any such activity before the effective date of this rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including any extensions, expires.

EPA has promulgated provisions to allow persons to comply with this SNUR before the effective date. If a person meets the conditions of advance compliance under § 721.45(h), the person is considered exempt from the requirements of the SNUR.

VIII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN. The two exceptions are:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see § 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. In cases where EPA issued a TSCA section 5(e) consent order that requires or recommends certain testing, Unit IV. describes those tests. Unit IV. also lists recommended testing for non-5(e) SNURs. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency about protocol selection and test reporting. To access the harmonized test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines'' or for guidelines that are not currently available on the Web site EPA has placed a copy of that guideline in the public docket. The Organisation for Economic Co-operation and Development (OECD) test guidelines are available from the OECD Bookshop at *http://www.oecdbookshop.org* or SourceOECD at *http://www.sourceoecd.org.* The ASTM International standards are available at *http://www.astm.org/Standard/index.shtml.*

In the TSCA section 5(e) consent orders for eight of the chemical substances regulated under this rule, EPA has established restrictions in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These restrictions will not be removed until EPA determines that the unrestricted use will not present an unreasonable risk of injury, or result in significant or substantial exposure or environmental release. This determination is usually made based on the results of the required or recommended toxicity tests.

The recommended tests specified in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

• Potential benefits of the chemical substances.

• Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at § 721.1725(b)(1).

Under these procedures a manufacturer, importer, or processor may request that EPA determine whether a proposed use would be a significant new use under the rule. The manufacturer, importer, or processor must show that it has a *bona fide* intent to manufacture, import, or process the chemical substance and must identify the specific use for which it intends to manufacture, import, or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture, import, or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers, importers, and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture, import, or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in § 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in §§ 721.25 and 720.40. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers, importers, and processors of the chemical substances subject to this rule. EPA's complete Economic Analysis is available in the docket under docket ID number EPA–HQ–OPPT–2011–0941.

XII. Statutory and Executive Order Reviews

A. Executive Order 12866

This rule establishes SNURs for several new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act

On February 18, 2012, EPA certified pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUN submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this rule.

This rule is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit XI. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

• A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

• Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant

economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this rule. As such, EPA has determined that this rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

E. Executive Order 13132

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This rule does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This rule does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), do not apply to this rule.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

In addition, since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

XIII. Congressional Review Act

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

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 13, 2012.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 14;9.1, add the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB Control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.10427	2070–0012
721.10428	2070–0012
721.10429	2070–0012
721.10430	2070–0012
721.10431	2070–0012
721.10432	2070–0012
721.10433	2070–0012
721.10434	2070–0012
721.10435	2070–0012
721.10436	2070–0012
721.10437	2070–0012
721.10438	2070–0012
721.10439	2070–0012
721.10440	2070–0012
721.10441	2070–0012
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721.10443	2070–0012
721.10444	2070–0012
721.10445	2070–0012
721.10446	2070–0012
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721.10459	2070–0012
721.10460	2070–0012
721.10461	2070–0012
721.10462	2070–0012
721.10463	2070–0012
721.10464	2070–0012
721.10465	2070–0012
721.10466	2070–0012
721.10467	2070–0012
721.10468	2070–0012
721.10469	2070–0012
721.10470	2070–0012
721.10471	2070–0012
721.10472	2070–0012
721.10473	2070–0012
721.10474	2070–0012
721.10475	2070–0012
721.10476	2070–0012
721.10477	2070–0012

40 CFR citation	OMB Control No.
721.10478	2070–0012
721.10479	2070–0012
721.10480	2070–0012
721.10481	2070–0012
721.10482	2070–0012
721.10483	2070–0012
721.10484	2070–0012
721.10485	2070–0012
721.10486	2070–0012
721.10487	2070–0012
721.10488	2070–0012
721.10489	2070–0012
721.10490	2070–0012
721.10491	2070–0012
721.10492	2070–0012
721.10493	2070–0012
721.10494	2070–0012
721.10495	2070–0012
721.10496	2070–0012
721.10497	2070–0012
721.10498	2070–0012
721.10499	2070–0012
721.10500	2070–0012
721.10501	2070–0012
721.10502	2070–0012
721.10503	2070–0012
721.10504	2070–0012
721.10505	2070–0012
721.10506	2070–0012
721.10507	2070–0012
721.10508	2070–0012
721.10509	2070–0012
721.10510	2070–0012
721.10511	2070–0012
721.10512	2070–0012
721.10513	2070–0012
721.10514	2070–0012
721.10515	2070–0012

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PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.10427 to subpart E to read as follows:

§ 721.10427 Aminoalkanol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aminoalkanol (PMN P–96–308) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=600).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 5. Add § 721.10428 to subpart E to read as follows:

§ 721.10428 Fatty acids, C_{18}-unsatd., dimers, reaction products with 1-piperazineethanamine.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as fatty acids, C_{18}-unsatd., dimers, reaction products with 1-piperazineethanamine (PMN P–96–1021; CAS No. 206565–90–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Add § 721.10429 to subpart E to read as follows:

§ 721.10429 Fatty acids, C_{18}-unsatd., dimers, reaction products with 1-piperazineethanamine and tall-oil fatty acids.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as fatty acids, C_{18}-unsatd., dimers, reaction products with 1-piperazineethanamine and tall-oil fatty acids (PMN P–96–1022; CAS No. 206565–89–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 7. Add § 721.10430 to subpart E to read as follows:

§ 721.10430 Tetra alkyl ammonium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as tetra alkyl ammonium salt (PMN P–97–823) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication program.* Requirements as specified in § 721.72(a) and (c)(2) (the following statement must be included in the material safety data sheet (MSDS): ''The results of an eye irritation test in rabbits resulted in deaths at levels of the PMN substance greater than 25 percent concentration'').

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (use of the substance as described in the PMN at concentrations less than or equal to 25 percent).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (f), (h), and (i) and are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 8. Add § 721.10431 to subpart E to read as follows:

§ 721.10431 Phosphoric acid esters (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as phosphoric acid esters

(PMNs P–98–141 and P–98–142) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=100).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 9. Add § 721.10432 to subpart E to read as follows:

§ 721.10432 1,2,4,5,7,8-Hexoxonane, 3,6,9-triethyl-3,6,9-trimethyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2,4,5,7,8-hexoxonane, 3,6,9-triethyl-3,6,9-trimethyl-. (PMN P–98–1028; CAS No. 24748–23–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (viscosity modifier in the manufacture of polypropylene manufactured and supplied as a solution in at least 40 percent mineral spirits).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 10. Add § 721.10433 to subpart E to read as follows:

§ 721.10433 Cyclopentene, 1,2,3,3,4,4,5,5-octafluoro-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cyclopentene, 1,2,3,3,4,4,5,5-octafluoro- (PMN P–99–184; CAS No. 559–40–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (j) (dry etching agent and chemical vapor deposition agent for the production of semiconductors).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 11. Add § 721.10434 to subpart E to read as follows:

§ 721.10434 Cyclopentane, 1,1,2,2,3,3,4-heptafluoro-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cyclopentane, 1,1,2,2,3,3,4-heptafluoro- (PMN P–99–214; CAS No. 15290–77–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (j) (solvent and a cleaning and drying agent), and (o).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. Add § 721.10435 to subpart E to read as follows:

§ 721.10435 Phenol, 2-(1-methyl-1-phenylethyl)-4-(1,1,3,3-tetramethylbutyl)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phenol, 2-(1-methyl-1-phenylethyl)-4-(1,1,3,3-tetramethylbutyl)- (PMN P–99–1179; CAS No. 73936–80–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 13. Add § 721.10436 to subpart E to read as follows:

§ 721.10436 Amine neutralized phosphated polyesters (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as amine neutralized phosphated polyesters (PMN P–99–1217 and P–99–1218) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(s) (50,000 kilograms combined for the substances identified in PMNs P–99–1217 and P–99–1218).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 14. Add § 721.10437 to subpart E to read as follows:

§ 721.10437 Sulfonic acid, linear xylene alkylate, mono, sodium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as sulfonic acid, linear xylene alkylate, mono, sodium salts (PMNs P–99–1280, P–99–1281, and P–99–1282) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (enhanced oil recovery surfactants).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 15. Add § 721.10438 to subpart E to read as follows:

§ 721.10438 Dialkyl hydroxybenzenealkanoic acid ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dialkyl hydroxybenzenealkanoic acid ester (PMN P–00–346) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(iv), (g)(2)(i), (g)(2)(v), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 16. Add § 721.10439 to subpart E to read as follows:

§ 721.10439 1,3-Dioxolan-2-one, 4-ethenyl.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-dioxolan-2-one, 4-ethenyl (PMN P–00–635; CAS No. 4427–96–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 0.1 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 17. Add § 721.10440 to subpart E to read as follows:

§ 721.10440 Diphosphoric acid, polymers with ethoxylated reduced Me esters of reduced polymd. oxidized tetrafluoroethylene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as diphosphoric acid, polymers with ethoxylated reduced Me esters of reduced polymd. oxidized tetrafluoroethylene (PMN P–00–1165; CAS No. 200013–65–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o) and (y)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 18. Add § 721.10441 to subpart E to read as follows:

§ 721.10441 1,2-Benzenedicarboxylic acid, di-C_{7-14}-branched and linear alkyl esters.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2-benzenedicarboxylic acid, di-C_{7-14}-branched and linear alkyl esters (PMN P–01–382; CAS No. 309934–68–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o) (use as plasticizers for flexible polyvinyl chloride not to include children's toys (*e.g.,* pacifiers, rattles, and teethers)).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 19. Add § 721.10442 to subpart E to read as follows:

§ 721.10442 1,2-Benzenedicarboxylic acid, di-C_{6-14}-branched and linear alkyl esters.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2-benzenedicarboxylic acid, di-C_{6-14}-branched and linear alkyl esters (PMN P–01–383; CAS No. 309934–69–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o) (use as plasticizers for flexible polyvinyl chloride not to include children's toys (*e.g.,* pacifiers, rattles, and teethers)).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 20. Add § 721.10443 to subpart E to read as follows:

§ 721.10443 Ethoxylated alkylphenol sulfate, ammonium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as ethoxylated alkylphenol sulfate, ammonium salt (PMN P–01–470) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (manufacture and import of the PMN substance according to the chemical composition section of the consent order where the substance must have either a mean number of moles of ethoxy groups greater than or equal to 10, or the average number molecular weight is greater than 950 daltons).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 21. Add § 721.10444 to subpart E to read as follows:

§ 721.10444 Propanol, mercapto-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as propanol, mercapto- (PMN P–01–499; CAS No. 63947–56–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=11).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 22. Add § 721.10445 to subpart E to read as follows:

§ 721.10445 2-Propen-1-ol, reaction products with hydrogen sulfide, distn. residues.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propen-1-ol, reaction products with hydrogen sulfide, distn. residues (PMN P–01–500; CAS No. 374078–75–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 23. Add § 721.10446 to subpart E to read as follows:

§ 721.10446 1, 9-Cyclohexadecadiene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,9-cyclohexadecadiene (PMN P–01–762; CAS No. 4277–06–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 24. Add § 721.10447 to subpart E to read as follows:

§ 721.10447 17-Oxabicyclo[14.1.0]heptadec-8-ene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 17-oxabicyclo[14.1.0]heptadec-8-ene (PMN P–01–829; CAS No. 34748–97–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified air purifying respirator equipped with a high efficiency particulate filter including disposable cartridge), (a)(5)(vii), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirement as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 25. Add § 721.10448 to subpart E to read as follows:

§ 721.10448 Acetic acid, hydroxy-methoxy-, methyl ester, reaction products with substituted alkylamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acetic acid, hydroxymethoxy-, methyl ester, reaction products with substituted alkylamine (PMN P–02–120) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (manufacture and import of the PMN substance according to the average number molecular weight section of the consent order where the average molecular weight is greater than or equal to 850 daltons).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 26. Add § 721.10449 to subpart E to read as follows:

§ 721.10449 Aromatic polyester polyol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aromatic polyester polyol (PMN P–02–172) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=40).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 27. Add § 721.10450 to subpart E to read as follows:

§ 721.10450 Oxirane, 2-[[3-(trimethoxysilyl)propoxy]methyl]-, reaction products with wollastonite ($Ca(SiO_3)$).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-[[3-(trimethoxysilyl)propoxy]methyl]-, reaction products with wollastonite ($Ca(SiO_3)$) (PMN P–02–285; CAS No. 100402–91–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (manufacture and process the PMN substance with an average number aspect ratio no greater than 5, and no more than 15 percent of the PMN substance shall have an aspect ratio greater than 10).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 28. Add § 721.10451 to subpart E to read as follows:

§ 721.10451 Alkyd amide polyol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyd amide polyol (PMN P–02–436) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=3).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 29. Add § 721.10452 to subpart E to read as follows:

§ 721.10452 9-Octadecenoic acid (9Z)-, 1,1′-(dimethylstannylene) ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 9-octadecenoic acid (9Z)-, 1,1′-(dimethylstannylene) ester (PMN P–02–659; CAS No. 3865–34–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=10).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 30. Add § 721.10453 to subpart E to read as follows:

§ 721.10453 Polyglycerin alkyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyglycerin alkyl ether (PMN P–02–796) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 31. Add § 721.10454 to subpart E to read as follows:

§ 721.10454 Propoxylated ethoxylated alkylamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as propoxylated ethoxylated alkylamine (PMN P–02–828) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=80).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 32. Add § 721.10455 to subpart E to read as follows:

§ 721.10455 Oxirane, 2,2′,2″-[ethylidynetris(4,1-phenyleneoxymethylene)]tris-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2,2′,2″-[ethylidynetris(4,1-phenyleneoxymethylene)]tris- (PMN P–03–61; CAS No. 87093–13–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(y)(1).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 33. Add § 721.10456 to subpart E to read as follows:

§ 721.10456 Tristyryl phenol alkoxylate salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as tristyryl phenol alkoxylate salt (PMN P–03–104) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 34. Add § 721.10457 to subpart E to read as follows:

§ 721.10457 1,2-Benzenedicarboxylic acid, mixed esters with benzyl alc., cyclohexanol, 2-ethyl-1-hexanol, fumaric acid and propylene glycol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2-benzenedicarboxylic acid, mixed esters with benzyl alc., cyclohexanol, 2-ethyl-1-hexanol, fumaric acid and propylene glycol (PMN P–03–154; CAS No. 464920–01–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 35. Add § 721.10458 to subpart E to read as follows:

§ 721.10458 Acrylate of hydroxyimide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acrylate of hydroxyimide (PMN P–03–238) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(v)(2), (w)(2), and (x)(2).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=20).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 36. Add § 721.10459 to subpart E to read as follows:

§ 721.10459 Amino-substituted carbopolycycle (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as amino-substituted carbopolycycle (PMN P–03–282) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (a)(4) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor of at least 50), (a)(6), (b) (concentration set at 0.1 percent), and (c). Best's Viton model 878, Best's Butyl model 878, Barrier Laminated Film, and PVA Supported Polyvinyl Alcohol have been demonstrated to satisfy the requirements of § 721.63(a)(3)(i). Other demonstrated impervious gloves that satisfy § 721.63(a)(3)(i) are permissible. The following respirators meet the minimum requirements of § 721.63(a)(4): NIOSH-certified air-purifying, tight-fitting, half-face respirator equipment with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified air-purifying, tight-fitting full-face respirator with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters; NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; or NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (g)(1)(i), (g)(1)(vii), and (g)(2).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (j).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to

manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 37. Add § 721.10460 to subpart E to read as follows:

§ 721.10460 Azo nickel complex (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as azo nickel complex (PMN P–03–307) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j), (v)(1), (w)(1), and (x)(1).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 38. Add § 721.10461 to subpart E to read as follows:

§ 721.10461 Oxazolidine, 3,3′-methylenebis[5-methyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxazolidine, 3,3′-methylenebis[5-methyl- (PMN P–03–325; CAS No. 66204–44–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (metalworking fluid).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=40 (saltwater) and N=100 (freshwater)).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 39. Add § 721.10462 to subpart E to read as follows:

§ 721.10462 1-Penten-3-one, 1-(4-chlorophenyl)-4,4-dimethyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1-penten-3-one, 1-(4-chlorophenyl)-4,4-dimethyl- (PMN P–03–354; CAS No. 1577–03–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=30).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 40. Add § 721.10463 to subpart E to read as follows:

§ 721.10463 Fatty acid amides (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fatty acid amides (PMN P–03–388) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 41. Add § 721.10464 to subpart E to read as follows:

§ 721.10464 Fatty acid, reaction products with alkanolamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fatty acid, reaction products with alkanolamine (PMN P–03–461) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 42. Add § 721.10465 to subpart E to read as follows:

§ 721.10465 2-Propenoic acid, 2-methyl-, 3-hydroxytricyclo[3.3.1.13,7]dec-1-yl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 2-methyl-, 3-hydroxytricyclo[3.3.1.13,7]dec-1-yl ester (PMN P–03–561; CAS No. 115372–36–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10), (a)(6)(i), (a)(6)(ii), (a)(6)(v),

(a)(6)(vi), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=3).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) and are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 43. Add § 721.10466 to subpart E to read as follows:

§ 721.10466 2-Propenoic acid, 2-methyl-, 2-ethyltricyclo[3.3.1.13,7]dec-2-yl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 2-methyl-, 2-ethyltricyclo[3.3.1.13,7]dec-2-yl ester (PMN P–03–563; CAS No. 209982–56–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (a)(6)(vi), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=3).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) and are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 44. Add § 721.10467 to subpart E to read as follows:

§ 721.10467 2-Propenoic acid, 3-hydroxytricyclo[3.3.1.13,7]dec-1-yl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 3-hydroxytricyclo[3.3.1.13,7]dec-1-yl ester (PMN P–03–564; CAS No. 216581–76–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (a)(6)(vi), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=3).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) and are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 45. Add § 721.10468 to subpart E to read as follows:

§ 721.10468 2-Propenoic acid, 2-methyltricyclo[3.3.1.13,7]dec-2-yl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 2-methyltricyclo[3.3.1.13,7]dec-2-yl ester (PMN P–03–565; CAS No. 249562–06–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (a)(6)(vi), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=3).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) and are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 46. Add § 721.10469 to subpart E to read as follows:

§ 721.10469 2-Propenoic acid, 2-ethyltricyclo[3.3.1.13,7]dec-2-yl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 2-ethyltricyclo[3.3.1.13,7]dec-2-yl ester (PMN P–03–566; CAS No. 303186–14–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (a)(6)(vi), (b) (concentration set at 1.0 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=3).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) and are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 47. Add § 721.10470 to subpart E to read as follows:

§ 721.10470 Phosphonium, tetrabutyl-, 1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonate (1:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phosphonium, tetrabutyl-, 1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonate (1:1) (PMN P–03–567; CAS No. 220689–12–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 48. Add § 721.10471 to subpart E to read as follows:

§ 721.10471 2-Propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 1,1′-(3-methyl-1,5-pentanediyl) ester (PMN P–03–622; CAS No. 64194–22–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (f) and (j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 49. Add § 721.10472 to subpart E to read as follows:

§ 721.10472 1,3-Benzenedimethanamine, polymers with epichlorohydrin-polyethylene glycol reaction products.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-benzenedimethanamine, polymers with epichlorohydrin-polyethylene glycol reaction products (PMN P–03–645; CAS No. 652968–34–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 50. Add § 721.10473 to subpart E to read as follows:

§ 721.10473 1-Propanaminium, 3-amino-N-(2-carboxyethyl)-N,N-dimethyl-, N-coco acyl derivs., inner salts.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1-propanaminium, 3-amino-N-(2-carboxyethyl)-N,N-dimethyl-, N-coco acyl derivs., inner salts (PMN P–03–865; CAS No. 499781–63–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=85).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 51. Add § 721.10474 to subpart E to read as follows:

§ 721.10474 Substituted amino ethane sulfonic acid salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted amino ethane sulfonic acid salt (PMN P–04–107) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 52. Add § 721.10475 to subpart E to read as follows:

§ 721.10475 Hexanedioic acid, compd. with N1-(6-aminohexyl)-N1-methyl-1,6-hexanediamine (1:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as hexanedioic acid, compd. with N1-(6-aminohexyl)-N1-methyl-1,6-hexanediamine (1:1) (PMN P–04–118; CAS No. 659733–29–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (intermediate for polymer manufacture).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=20).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply this section.

■ 53. Add § 721.10476 to subpart E to read as follows:

§ 721.10476 Oxetane, 3-(bromomethyl)-3-methyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxetane, 3-(bromomethyl)-3-methyl- (PMN P–04–275; CAS No. 78385–26–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 54. Add § 721.10477 to subpart E to read as follows:

§ 721.10477 Acrylate ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acrylate ester (PMN P–04–290) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 55. Add § 721.10478 to subpart E to read as follows:

§ 721.10478 Polyether polyol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyether polyol (PMN P–04–318) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (intermediate for making urethane polymer).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=30).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 56. Add § 721.10479 to subpart E to read as follows:

§ 721.10479 Quaternary ammonium compounds, tris(hydrogenated tallow alkyl)methyl, chlorides.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as quaternary ammonium compounds, tris(hydrogenated tallow alkyl)methyl, chlorides (PMN P–04–335; CAS No. 308074–73–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 57. Add § 721.10480 to subpart E to read as follows:

§ 721.10480 Trimethylolpropane polyol, aminated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as trimethylolpropane polyol, aminated (PMN P–04–384) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=9).

(ii) [Reserved].

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 58. Add § 721.10481 to subpart E to read as follows:

§ 721.10481 Siloxanes and Silicones, Me vinyl, hydroxy-terminated, reaction products with silica.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as Siloxanes and Silicones, Me vinyl, hydroxy-terminated, reaction products with silica (PMN P–04–429; CAS No. 630106–01–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(v)(1), (w)(1), and (x)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 59. Add § 721.10482 to subpart E to read as follows:

§ 721.10482 Siloxanes and Silicones, di-Me, Me vinyl, hydroxy-terminated, reaction products with silica.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as Siloxanes and Silicones, di-Me, Me vinyl, hydroxy-terminated, reaction products with silica (PMN P–04–430; CAS No. 630106–00–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (v)(1), (w)(1), and (x)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 60. Add § 721.10483 to subpart E to read as follows:

§ 721.10483 Siloxanes and Silicones, di-Me, Me vinyl, hydroxy-terminated, reaction products with [(ethenyldimethylsilyl)oxy]-modified silica.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as Siloxanes and Silicones, di-Me, Me vinyl, hydroxy-terminated, reaction products with [(ethenyldimethylsilyl)oxy]-modified silica (PMN P–04–431; CAS No. 630106–04–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (v)(1), (w)(1), and (x)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 61. Add § 721.10484 to subpart E to read as follows:

§ 721.10484 Siloxanes and Silicones, Me vinyl, hydroxy-terminated, reaction products with [(ethenyldimethylsilyl)oxy]-modified silica.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as Siloxanes and Silicones, Me vinyl, hydroxy-terminated, reaction products with [(ethenyldimethylsilyl)oxy]-modified silica (PMN P–04–432; CAS No. 630106–02–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (v)(1), (w)(1), and (x)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 62. Add § 721.10485 to subpart E to read as follows:

§ 721.10485 Reaction products of alcohols, alkyl alcohols, amino alcohols and methanol sodium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as reaction products of alcohols, alkyl alcohols, amino alcohols and methanol sodium salts (PMN P–04–479) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 63. Add § 721.10486 to subpart E to read as follows:

§ 721.10486 Alkyl substituted amino-benzamide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyl substituted amino-benzamide (PMN P–04–591) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (acetaldehyde scavenger for plastic bottle production).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 64. Add § 721.10487 to subpart E to read as follows:

§ 721.10487 Alkylbenzenes sulfonic acids, metal salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as alkylbenzenes sulfonic acids, metal salts (PMNs P–04–599, P–04–600, P–04–605, and P–04–606) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 65. Add § 721.10488 to subpart E to read as follows:

§ 721.10488 Cuprate, [[[[[[[(sulfonaphthalenyl)]azo]-(substitutedphenyl)]azo]-(substitutedsulfonaphthalenyl)]azo]-substituted phenyl-substituted heteromonocycle], sodium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as cuprate, [[[[[[[(sulfonaphthalenyl)]azo]-

(substitutedphenyl)]azo]-(substitutedsulfonaphthalenyl)]azo]-substituted phenyl-substituted heteromonocycle], sodium salts (PMN P–04–636) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(4) (National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 5), (a)(6)(i), (a)(6)(ii), (a)(6)(v), (a)(6)(vi), (b) (concentration set at 0.1 percent), and (c).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 66. Add § 721.10489 to subpart E to read as follows:

§ 721.10489 Substituted aryl sulfonium polyfluorophosphate salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted aryl sulfonium polyfluorophosphate salts (PMN P–04–718) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (v)(1), (v)(2), (w)(1), (w)(2), (x)(1), and (x)(2).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N = 6).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 67. Add § 721.10490 to subpart E to read as follows:

§ 721.10490 HDI biuret, hydroxyethyl methacrylate prepolymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as HDI biuret, hydroxyethyl methacrylate prepolymer (PMN P–04–834) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2), (a)(3), (a)(4), (b) (concentration set at 0.1 percent), and (c). The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 25 meet the minimum requirements for § 721.63(a)(4): NIOSH-certified air-purifying, tight-fitting half-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified powered air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters; NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (either half-face or full-face) and HEPA filters; or NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (either half-face or full-face).

(A) As an alternative to the respiratory requirements listed in paragraph (a)(2)(i), a manufacturer, importer, or processor may choose to follow the new chemical exposure limit (NCEL) provisions listed in the TSCA section 5(e) consent order for this substance. The NCEL is 0.05 mg/m^3 as an 8-hour time-weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) consent order.

(B) [Reserved]

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (g)(1)(i), (g)(1)(ii), (g)(1)(vii), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 68. Add § 721.10491 to subpart E to read as follows:

§ 721.10491 Benzenepropanal,.alpha.-methyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as benzenepropanal,.alpha.-methyl- (PMN P–05–55; CAS No. 5445–77–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(h).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 69. Add § 721.10492 to subpart E to read as follows:

§ 721.10492 Trisphenol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as trisphenol (PMN P–05–301) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N = 20).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 70. Add § 721.10493 to subpart E to read as follows:

§ 721.10493 Tris-alkyl-alkoxy melamine polymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as tris-alkyl-alkoxy melamine polymer (PMN P–05–417) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N = 5).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 71. Add § 721.10494 to subpart E to read as follows:

§ 721.10494 Reaction product of trimethylolpropane triacrylate and alkylene imine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as reaction product of trimethylolpropane triacrylate and alkylene imine (PMN P–05–501) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N = 5).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 72. Add § 721.10495 to subpart E to read as follows:

§ 721.10495 Metal silicate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as metal silicate (PMN P–05–634) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (f) and (j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 73. Add § 721.10496 to subpart E to read as follows:

§ 721.10496 Amino alkoxy polydimethylsiloxane, hydroxy-terminated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as amino alkoxy polydimethylsiloxane, hydroxy-terminated (PMN P–06–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N = 10).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 74. Add § 721.10497 to subpart E to read as follows:

§ 721.10497 Substituted alkyl ester, hydrolysis products with silica and substituted silane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as substituted alkyl ester, hydrolysis products with silica and substituted silane (PMNs P–06–276 and P–06–279) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iv), (a)(3), (a)(4), (b) (concentration set 1.0 percent), and (c). The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 5 meet the requirements of § 721.63(a)(4): NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters; NIOSH-certified powered air-purifying respirator equipped with a tightfitting facepiece (full-face) and HEPA filters; or NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j), (v)(1), (w)(1), and (x)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions

of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 75. Add § 721.10498 to subpart E to read as follows:

§ 721.10498 Substituted alkyl ester, hydrolysis products with silica (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as substituted alkyl ester, hydrolysis products with silica (PMNs P–06–277 and P–06–280) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iv), (a)(3), (a)(4), (b) (concentration set at 1.0 percent), and (c). The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an assigned protection factor (APF) of at least 5 meet the requirements of § 721.63(a)(4): NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters; NIOSH-certified powered air-purifying respirator equipped with a tightfitting facepiece (full-face) and HEPA filters; or NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j), (v)(1), (w)(1), and (x)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 76. Add § 721.10499 to subpart E to read as follows:

§ 721.10499 Substituted silane, hydrolysis products with silica (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as substituted silane, hydrolysis products with silica (PMNs P–06–278 and P–06–281) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iv), (a)(3), (a)(4), (b) (concentration set at 1.0 percent), and (c). The following National Institute for Occupational Safety and Health NIOSH-certified respirators with an assigned protection factor (APF) of at least 5 meet the requirements of § 721.63(a)(4): NIOSH-certified air-purifying, tight-fitting full-face respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters; NIOSH-certified air-purifying respirator equipped with a loose-fitting hood or helmet and high efficiency particulate air (HEPA) filters; NIOSH-certified powered air-purifying respirator equipped with a tight-fitting facepiece (full-face) and HEPA filters; or NIOSH-certified supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a hood or helmet, or tight-fitting facepiece (full-face).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j), (v)(1), (w)(1), and (x)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 77. Add § 721.10500 to subpart E to read as follows:

§ 721.10500 Acrylated mixed metal oxides (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acrylated mixed metal oxides (PMN P–06–341) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j), (v)(1), (w)(1), and (x)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 78. Add § 721.10501 to subpart E to read as follows:

§ 721.10501 Tridecyl phthalate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as tridecyl phthalate (PMN P–06–542) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 79. Add § 721.10502 to subpart E to read as follows:

§ 721.10502 Modified triethylene glycol dithiol (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as modified triethylene glycol dithiol (PMN P–06–616) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=2).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 80. Add § 721.10503 to subpart E to read as follows:

§ 721.10503 1,2-Ethanediol, 1-carbamate.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,2-ethanediol, 1-carbamate (PMN P–06–622; CAS No. 5395–01–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(2)(i), (a)(3), (b) (concentration set at 0.1 percent), and (c).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 81. Add § 721.10504 to subpart E to read as follows:

§ 721.10504 Surface modified magnesium hydroxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as surface modified magnesium hydroxide (PMN P–06–682) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j) (compatibilizer for flame retardant for plastics) and (s) (100,000 kilograms).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 82. Add § 721.10505 to subpart E to read as follows:

§ 721.10505 Phosphoric acid, mixed mono- and diesters with 2-ethyl-1-hexanol and polyethylene glycol mono-$C_{12–16}$-alkyl ethers.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phosphoric acid, mixed mono- and diesters with 2-ethyl-1-hexanol and polyethylene glycol mono-$C_{12–16}$-alkyl ethers (PMN P–06–694; CAS No. 882693–50–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j) and (s) (75,000 kilograms).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 83. Add § 721.10506 to subpart E to read as follows:

§ 721.10506 Alkylated phenols (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as alkylated phenols (PMNs P–07–11 and P–08–29) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 84. Add § 721.10507 to subpart E to read as follows:

§ 721.10507 Biphenyl substituted benzopyran (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as biphenyl substituted benzopyran (PMN P–07–107) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=2).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 85. Add § 721.10508 to subpart E to read as follows:

§ 721.10508 Alkene substituted Bis phenol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkene substituted bis phenol (PMN P–07–161) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 0.1 percent), and (c).

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 86. Add § 721.10509 to subpart E to read as follows:

§ 721.10509 Pentane, 1,1,1,2,3,3-hexafluoro-4-(1,1,2,3,3,3-hexafluoropropoxy)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as pentane, 1,1,1,2,3,3-hexafluoro-4-(1,1,2,3,3,3-hexafluoropropoxy)- (PMN P–07–204; CAS No. 870778–34–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 87. Add § 721.10510 to subpart E to read as follows:

§ 721.10510 Alkylaminoalcohol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkylaminoalcohol (PMN P–07–319) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 88. Add § 721.10511 to subpart E to read as follows:

§ 721.10511 Quaternary ammonium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as quaternary ammonium salts (PMNs P–07–320, P–07–321, P–07–322, P–07–323, and P–07–324) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 89. Add § 721.10512 to subpart E to read as follows:

§ 721.10512 Fatty acid maleic acid amides (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as fatty acid maleic acid amides (PMNs P–07–563 and P–07–564) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=10).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 90. Add § 721.10513 to subpart E to read as follows:

§ 721.10513 Aromatic acrylate monomer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aromatic acrylate monomer (PMN P–07–599) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 91. Add § 721.10514 to subpart E to read as follows:

§ 721.10514 [1,1'-Biphenyl]-2,2'-disulfonic acid, 4-[2-(4,5-dihydro-3-methyl-5-oxo-1-phenyl-1H-pyrazol-4-yl)diazenyl]-4'-[2-(2-hydroxy-1-naphthalenyl)diazenyl]-, sodium salt (1:2).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as [1,1'-Biphenyl]-2,2'-disulfonic acid, 4-[2-(4,5-dihydro-3-methyl-5-oxo-1-phenyl-1H-pyrazol-4-yl)diazenyl]-4'-[2-(2-hydroxy-1-naphthalenyl)diazenyl]-, sodium salt (1:2) (PMN P–07–679; CAS No. 6470–20–8) is subject to reporting

under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (f), (v)(2), and (x)(2).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 92. Add § 721.10515 to subpart E to read as follows:

§ 721.10515 Partially fluorinated alcohol substituted glycols (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances identified generically as partially fluorinated alcohol substituted glycols (PMNs P–10–58, P–10–59, and P–10–60) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (k) (manufacture and import of the PMN substances according to the chemical synthesis and composition section of the consent order, including analysis, reporting, and limitations of maximum impurity levels of certain fluorinated impurities; manufacture and import of P–10–58 and P–10–59 only as described in the manufacturing section of the consent order), (l) (compliance with the maximum established percentage of the PMN substances in a non-industrial product or distributed for use as a non-industrial product), (o) (use of P–10–60 in a consumer product that could be spray applied), and (q).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of these substances, except the recordkeeping requirements for § 721.125 (b) and (c) do not apply to importers or processors when any one of the substances are contained in a formulation at less than 3 weight percent.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

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Part V

Department of the Interior

National Indian Gaming Commission

25 CFR Part 543

Minimum Internal Control Standards; Final Rule

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 543

RIN 3141–AA27

Minimum Internal Control Standards

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Final rule.

SUMMARY: The National Indian Gaming Commission (NIGC) amends its minimum internal control standards for Class II gaming under the Indian Gaming Regulatory Act to provide comprehensive and updated standards for all aspects of Class II gaming. These amendments replace the partial standards published in 2008 with a set of comprehensive standards for the entire Class II gaming environment. The new sections include, for example: Card games; drop and count; surveillance; and gaming promotions and player tracking. The amendments also update and reorganize existing sections, such as bingo and information technology. The amendments reflect advancements in technology and provide auditable standards while leaving more areas in which the Tribal Gaming Regulatory Authorities (TGRAs) may exercise discretion.

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

FOR FURTHER INFORMATION CONTACT: Jennifer Ward, National Indian Gaming Commission, 1441 L Street NW., Suite 9100, Washington, DC 20005. Telephone: 202–632–7009; email: *reg.review@nigc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Indian Gaming Regulatory Act (IGRA or Act), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* was signed into law on October 17, 1988. The Act establishes the NIGC and sets out a comprehensive framework for the regulation of gaming on Indian lands. On January 5, 1999, the NIGC published a final rule in the **Federal Register** called *Minimum Internal Control Standards.* 64 FR 590. The rule added a new part to the Commission's regulations establishing Minimum Internal Control Standards (MICS) to reduce the risk of loss because of customer or employee access to cash and cash equivalents within a casino. The part contains standards and procedures that govern cash handling, documentation, game integrity, auditing, surveillance, and variances, as well as other areas.

Part 543 addresses minimum internal control standards (MICS) for Class II gaming operations. The regulations require tribes establish controls and implement procedures at least as stringent as those described in this part to maintain the integrity of the gaming operation and minimize the risk of theft.

The Commission recognized from their inception that the MICS would require periodic review and updates to keep pace with technology, and has amended them three times since: June 27, 2002 (67 FR 43390), August 12, 2005 (70 FR 47108), and October 10, 2008 (73 FR 60498). In addition to making updates to account for advances in technology, the 2008 MICS also included part 543 and began the process of relocating all Class II controls into that part. The MICS do not classify games as Class II or Class III; rather, they provide minimum controls for gaming that is assumed to be Class II.

On November 18, 2010, the NIGC issued a Notice of Inquiry and Notice of Consultation advising the public that the NIGC endeavored to conduct a comprehensive review of its regulations and requesting public comment on which were most in need of revision, in what order the Commission should review its regulations, and the process NIGC should utilize to make revisions. 75 FR 70680. On April 4, 2011, after consulting with tribes and reviewing all comments, the NIGC published a Notice of Regulatory Review Schedule (NRR) setting out a consultation schedule and process for review. 76 FR 18457. The Commission's regulatory review process established a tribal consultation schedule with a description of the regulation groups to be covered at each consultation. Part 543 was included in this regulatory review.

II. Previous Rulemaking Activity

The Commission consulted with tribes as part of its review of part 543. In response to comments received, the Commission appointed a Tribal Advisory Committee (TAC) to review and recommend changes to part 543. The TAC submitted its recommendations for part 543 on February 14, 2012.

The Commission developed a preliminary discussion draft based upon recommendations from current and previous TACs, NIGC staff and subject matter experts. The Commission published the preliminary draft on its Web site on March 16, 2012, and requested that all comments from the public be provided to the Agency by April 27, 2012. The Commission held two consultations on the preliminary draft and received numerous written comments.

After reviewing comments and making revisions, the Commission published a Proposed Rule on June 1, 2012 (77 FR 32444). The Commission held several consultations. At the request of commenters, the Commission published a notice on July 24, 2012, extending the comment period to August 15, 2012 (77 FR 43196).

III. Review of Public Comments

A. General Comments

Commenters generally stated that the rule is an improvement over the current MICS. Some commenters noted that these regulations provide tribes with more flexibility than the existing MICS or the 2010 proposal, but many stated that part 543 should be drafted to provide even more flexibility to tribal regulators and gaming operations. Commenters suggested removing the procedural requirements and measuring compliance by the extent to which tribes have successfully achieved a regulatory standard, rather than the extent to which tribes have followed step-by-step procedures in the MICS. The Commission declines to take this approach and believes the standards set forth in this part are both appropriate and sufficiently detailed to be implemented by tribes.

Commenters noted several provisions in the MICS—notably in the Bingo and Information Technology sections—that they argued either surpassed the requirements of 547 or would be more appropriately placed there. Necessarily, there is substantial interplay between the Technical Standards in part 547 and the MICS of this part, and many standards could arguably be placed in either. The Commission reviewed each of these comments and determined that the standards to which the commenters refer are best categorized as control standards and declines to move them to Part 547. Further, where a standard may unintentionally require older devices to produce a report that it is not capable of producing (bingo card sales tracking or kiosk reports, for example), the Commission has revised the standard to allow an exemption for the devices, so long as their limitations are noted.

Similarly, commenters suggested that provisions for vouchers and cash and cash equivalents should be relocated from individual sections to § 543.18 (Cage, vault, etc.). The Commission declines to relocate those provisions because the controls are specific to the section in which they appear. The exception is the vouchers subsection of

§ 543.8 (Bingo), which is identical to the subsection added to § 543.18. It is needed in § 543.8 because bingo department agents, for example, sometimes pay vouchers on the floor. The subsection is also necessary in § 543.18 because the cage (and kiosks) redeems the majority of vouchers. Therefore, despite the redundancies, the Commission included the voucher subsection in both § 543.8 (Bingo) and § 543.18 (Cage, vault, etc.).

Additionally, two commenters provided extensive comments in red-line format. The Commission has reviewed those comments, and, to the extent those comments identified inconsistent language, noted grammatical errors, or suggested stylistic changes, the Commission has made changes where appropriate. One of the changes suggested in the red-line comments was to delete ''authorized'' where it modified ''agent'' because agents are necessarily authorized. The Commission understands that point, but stresses that, where the MICS require an ''authorized agent'', the term refers to an agent specifically authorized for the particular department or function. The red-line comments also noted that variance thresholds are more appropriately determined by the gaming operation and approved by the TGRA. The Commission agrees and has revised the rule accordingly.

B. Definitions

Based on comments, the Commission added definitions for the following: cashless transaction, complimentary services or items, coupon, financial instrument storage component, voucher, and voucher system.

Commenters also suggested that the terms kiosk, sufficient clarity, and surveillance system be revised to avoid limiting technology. Accordingly, the Commission redefined kiosk to be a device capable of performing one of two core functions. Kiosks may perform additional functions beyond those in the definition, but only the devices that are able to perform those core functions are subject to the kiosk controls. ''Sufficient clarity'' was revised to allow for an equivalent to the 20 frames per second recording speed. The Commission declines, however, to revise the definition of surveillance system in response to commenters who suggested that the specified equipment, specifically ''video'' cameras may limit technology. Video cameras are not limited to tape formats and may be digital. The Commission also revised the definition of the TICS to provide a more complete definition.

Commenters also suggested that the definition of ''Gaming promotion'' should be limited to promotions requiring Class II game play as a condition of eligibility. The Commission declines to limit the definition, believing that NIGC's authority is already sufficiently described by the title of the part (Class II MICS). Promotions offered solely to Class III gaming participants are not covered by this part or the gaming promotion definition, in particular. However, where eligibility may be secured by playing either Class II *or* III games, this definition applies. Because the suggested revision fails to include ''either II or III'' promotions, the Commission declines to adopt it.

Finally, the Commission notes that commenters requested language requiring the implementation of procedures ''to prevent unauthorized access, misappropriation, forgery, theft, or fraud.'' Rather than repeat the language, the Commission added it to the definition of SICS so that it applies to all implementing procedures. Consequently, the Commission removed the language from individual provisions where it appeared.

C. Interpretive Provisions and Compliance

Commenters suggested adding five interpretive provisions to § 543.3. First, commenters requested a provision stating that nothing in this part is intended to limit technology. The Commission agrees that nothing in this part is intended to limit technology, but believes such a provision is properly located in the technical standards rather than control standards. Although the Commission declines to add a general statement that nothing in this part is intended to limit technology, it reviewed and made appropriate changes regarding all comments that specifically noted possible limitations. Similarly, several commenters requested that the Commission expand computer applications in § 543.3(e) to include other technologies. The Commission declines, but clarifies that computer applications include software regardless of whether it is commonly regarded as a ''computer application''.

Second, commenters recommended that the Commission include a section specifying that only applicable control standards apply. The Commission addressed this concern by changing § 543.3(b) to require TGRAs to ensure that ''TICS are established and implemented that provide a level of control that equals or exceeds *the applicable standards* set forth in this part.'' (emphasis added). In other words, TGRAs need only establish TICS for applicable standards. The Commission does not believe any further clarification is necessary.

Third, some commenters advocated for the inclusion of a severability clause to ensure that, should a court conclude that any part of this regulation is invalid, such invalidity will not affect the rest of the part. The Commission also addressed this concern in the previous preamble, stating that severability clauses are not conclusive of an agency's intent (*Canterbury Liquors* v. *Sullivan,* 999 F. Supp. 144 (D.MA. 1994)) and that ''the ultimate determination of severability will rarely turn on the presence or absence of such a clause.'' *Community for Creative Non-violence* v. *Turner,* 893 F. 2d 1387 (D.C. Cir. 1990), citing *United States* v. *Jackson,* 390 U.S. 570, 585 n. 27 (1968). Again, the Commission declines to include a severability clause in this regulation because it believes that the regulations are not so intertwined that striking one provision would necessarily always require invalidation of the entire part, and the lack of a severability clause will not compel a court's finding on the issue.

Fourth, many commenters requested the inclusion of a provision recognizing that tribes are the primary regulatory authority for Class II gaming. The Commission declines to insert the requested language into the regulation. The Commission agrees that tribes are the primary regulators of Indian gaming, but has never understood that to mean that the regulatory authority of a TGRA is superior to that of the NIGC. Rather, the Commission recognizes that TGRAs are the day-to-day regulators of Indian gaming and the first line of oversight at every facility. Although the findings section of IGRA states that tribes have the exclusive right to regulate gaming activity on Indian lands, IGRA also establishes a regulatory scheme that includes the NIGC as well as tribes.

Fifth, several commenters requested a provision stating that the regulations are not intended to require a particular organizational structure. The Commission declines to add the provision because it could be read too broadly, but clarifies that the terms ''supervisor'' or ''manager'', as they are used within the MICS, reference the agent's authority level, not the agent's job title.

In addition to the five requested interpretative provisions, commenters also questioned the Commission's authority to require a System of Internal Controls (SICS) and the standard by which the Commission will judge deficiencies in the SICS. In response,

the Commission has revised the part to clarify that Tribal Internal Control Standards (TICS) must be implemented, and that SICS are the policies and procedures to carry out the implementation. The enforcement provisions have also been revised to reflect the Commission's intent that it not judge the sufficiency of the SICS. The provision now provides that enforcement action may be initiated for deficiencies in the TICS or absence of SICS.

D. Charitable Operations

Commenters requested clarification that the charitable gaming operations described in § 543.4 are not limited to those with a 501(c)(3) designation. The Commission agrees that it does not intend to limit the definition of charitable organizations to those with a 501(c)(3) designation. For purposes of the MICS, an organization is charitable if the regulating tribe recognizes it as such.

Further, the Commission reviewed the exception for charitable operations. Rather than cause unnecessary confusion by removing it, the Commission has left the charitable gaming exception in place, despite any redundancy it may have with the small gaming operation exception.

E. Alternate Minimum Standard

The Commission received several comments at consultations asking for clarification of the process. Provisions were added to clarify that operations may implement an alternate standard once it has been approved by the TGRA, that operations may continue to implement the standard upon approval from the Chair, and that operations must revert to the relevant MICS if the Chair objects to the standard.

F. Bingo

Commenters generally supported the Commission's consolidation of manual and Class II gaming system bingo into a single Bingo section, but many of the other comments on this section were very specific.

In response to comments requesting that § 543.8(d)(1) be limited to ''physical'' objects, the Commission made the change, but also re-ordered the subsection to eliminate redundancy and better clarify which controls apply to physical objects.

Commenters objected to the installation testing requirements, suggesting that all testing standards should be included in part 547. The Commission disagrees and emphasizes that—contrary to technical standards, which test the system itself—installation testing standards are meant to ensure that components have been properly connected to associated equipment and are functioning as intended.

Commenters also objected to the removal, retirement and/or destruction standards, explaining that these details are often spelled out in their lease agreements. The Commission understands that tribes may not have control over the disposition of machines and software, and points out that the MICS do not require specific procedures, only that they address certain areas.

Many expressed confusion resulting from a missing line break between § 543.8(g)(8) Dispute resolution and (h) Operations. Dispute resolution is the final of eight areas for which procedures must be developed relating to the use of technological aids in bingo. ''Operations'' begins a new subsection.

Finally, some also questioned clarification for the term ''other associated meter information'' as it appears in Class II gaming system sales. This refers to meter information that reflects anomalies such as malfunctions.

G. Pull Tabs and Card Games

As a result of a number of comments that questioned the usefulness of analyzing pull tab statistical records before the deal is finished, the Commission eliminated requirements for conducting a statistical review at regular intervals. The Commission agrees that statistical analysis is useful for pull tabs only when the deal is finished or has been removed from play.

Regarding card room supervision, one commenter expressed concern that allowing a supervisor to function as a dealer without other supervision could result in inadequate supervision. The Commission specifically requested additional comments regarding that issue and received no additional comments. Therefore, the Commission declines to revise the provision, but notes that it is an area where TGRAs may wish to issue more stringent controls.

Some comments suggested that it is unheard of in the industry to require supervisory authorization for every exchange or transfer from a card table. These comments do not take into account the second half of the provision, which does not require supervisory authorization for banks maintained at an imprest level. Because nearly all card room banks are maintained at an imprest level, exchanges requiring supervisory authorization are very rare.

H. Player Tracking, Gaming Promotions, and Complimentary Items

Many commenters objected to the gaming promotion and player tracking standards, arguing that the Commission should defer to TGRAs to establish standards, and that the NIGC lacks authority to regulate these areas. The Commission agrees that TGRAs should establish standards, which is precisely the reason the standards do not detail requirements, and instead provide a general outline of areas that must be addressed and displayed to patrons. The Commission disagrees with commenters regarding its authority. Gaming promotions, as defined in the rule, require game play as a condition of eligibility. For example, the promotions standards are not applicable to the type of promotion in which a patron drops a free card into a tumbler drawing. This rule applies to promotions that are directly related to gaming activity and are, therefore, within the scope of the Commission's authority to establish Class II MICS. Further, although player tracking systems may be useful for gathering other customer data, their primary purpose is to track game play and issue rewards based upon that play. Because the player tracking and gaming promotions in this rule require game play to become eligible for rewards, the Commission concludes that they relate to gaming activities and are within the scope of its authority.

Commenters also questioned the inclusion of promotions, patron accounts, coupons and vouchers in the player tracking subsection because they are all controlled in separate sections. The Commission revised the heading to include both player tracking and promotions, but also points out that there are no coupon or voucher controls in this section. The standard requires that changes to the ''player tracking systems * * * which control external bonusing system parameters such as the * * * issuance of * * * coupons or vouchers * * * must be performed under the authority of a supervisory agent * * *.'' (§ 543.12(d)).

Finally, commenters requested clarification of the use of ''tracking'' in the complimentary services and items section. The Commission agrees that the term caused confusion and revised the standard to require ''documenting and recording the authorization, issuance, and *redemption*'' of complimentary services or items.

I. Patron Deposit Accounts

As a result of comments, the Commission added a provision specifically allowing for a Personal

Identification Number as a method of verifying identity. The Commission rejected comments suggesting that the industry standard definition of smart card conflicts with this section because it prohibits smart cards from being the only source of account data. While that may have been the case at one time, today, a smart card must not be the only source of account data in this section because it must retrieve the data from some other source.

J. Drop and Count

Many commented generally that the section is too procedural and it should be one streamlined standard instead of separated by game. The Commission agrees this section is more procedural than others, but drop is a process that differs by game and count is necessarily detailed.

Some comments suggested using one term for both financial instrument storage components and drop boxes. Although they serve the same purpose, financial instrument storage components are an industry term specific to player interfaces, while drop boxes are specific to card tables. Applying either of the terms universally could create confusion. The Commission revised the card game drop and player interface drop standards in response to comments suggesting that the two should mirror each other where they address the same control (notifying surveillance of the drop, for example).

The Commission also agrees with comments suggesting that a cage/vault agent should be allowed to be on the count team if they are not the sole recorder of the count and do not participate in the transfer of drop proceeds to the cage/vault. The Commission declines to revise the provisions requiring supervisory participation because it is a necessary control.

K. Cage, Vault, Kiosk, Cash and Cash Equivalents

The Commission accepted numerous suggestions in this section. Most notably, the Commission revised the kiosk section to require a series of reconciliation reports be available on demand. If the system is not capable of producing a report(s), the limitation must be documented. Commenters stated that the physical and logical controls from the kiosk subsection are already addressed in the information technology section, but the Commission does not agree that the redundancy is clear and declines to remove them.

The Commission agrees with a suggestion to eliminate the $100 minimum threshold for requiring specific documentation on cage increases or decreases. Specific documentation is now required for all increases or decreases to cage inventory.

Finally, the Commission accepted a suggestion to raise the threshold from $100 to $600 for specifically documenting card game promotional payouts.

L. Information and Technology

Some commenters were concerned that the requirement to secure communications from Network Communication Equipment, or to secure some of the more portable equipment, such as cell phones, may be an impossible standard. The Commission clarifies that, where endpoints of communication are controlled by an entity other than a tribe, an attestation by the third party confirming the security of the communications is sufficient. Further, a procedure ensuring that highly portable Network Communication Equipment, such as tablets and cell phones, are distributed only to appropriate persons will satisfy the standard for that equipment.

Commenters also requested a provision requiring operations to consult with a manufacturer before disabling ports suspected of being unused. While consulting with manufacturers regarding services and ports may be worthwhile, it is more appropriately included as a suggestion in future guidance documents.

Finally, commenters suggested deleting the annual requirement for testing recovery procedures. The Commission disagrees, and notes that removing the phrase would not change the standard, because an independent auditor conducts yearly reviews to determine whether each requirement has been met.

M. Surveillance

Several commenters questioned the need for surveillance of all jackpot meters. The Commission agrees and has limited the standard to progressive prize meters exceeding specified thresholds. The Commission believes this revision more adequately reflects the risks addressed by the standard.

One commenter expressed concern that the one-year retention period for surveillance footage of suspected crimes, suspicious activity, and security detentions is arbitrary. The Commission invited further comment on this concern. After clarifying that digital copies of surveillance are acceptable forms of retention, the Commission received no further comment and declines to revise the standard. The Commission emphasizes, however, that it intentionally declined to provide a definition of suspicious activity and believes that TGRAs are in the best position to define the term for their operations.

N. Audit and Accounting and Revenue Audit

Many commenters requested that the Commission limit the instances of noncompliance requiring action or reporting to ''material'' instances. The Commission disagrees. Although most instances of noncompliance would not be deemed material, they may pose a significant risk, individually or collectively, to the gaming operation and must, therefore, be reported and corrected as required in this part.

The Commission accepts commenters' request to clarify that independent accountants may, but are not required to, create journal entries.

The Commission accepted several comments for § 543.24. It agreed that the title ''Revenue Audit'' may be misleading for operations who have departments by that name. As clarification, the Commission has retitled § 543.24 ''Auditing Revenue''. It also agreed that once per quarter may not be a frequent enough interval for review of player tracking systems. One comment suggested weekly review, but the Commission determined that monthly is a more appropriate minimum interval. Additionally, the Commission understands commenters' concerns with the list of entities required to be provided with a report detailing complimentary services and items and has revised it to include entities authorized by the TGRA or by tribal law or ordinance.

Finally, the Commission reviewed the provision that required reconciling lines of credit payments with sequential receipts as a result of comments requesting clarification. Upon review, the Commission realizes that the provision was mis-numbered and should have been included in (7)(i). The Commission clarified and reordered the provision.

IV. Regulatory Matters

Regulatory Flexibility Act

The rule will not have a significant impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Moreover, Indian tribes are not considered to be small entities for the purposes of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. The rule does not have an effect on the economy of $100 million or more. The rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, local government agencies or geographic regions, nor will the rule have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the enterprises, to compete with foreign based enterprises.

Unfunded Mandate Reform Act

The Commission, as an independent regulatory agency, is exempt from compliance with the Unfunded Mandates Reform Act, 2 U.S.C. 1502(1); 2 U.S.C. 658(1).

Takings

In accordance with Executive Order 12630, the Commission has determined that the rule does not have significant takings implications. A takings implication assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Commission has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act

The Commission has determined that the rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*

Paperwork Reduction Act

The information collection requirements contained in this rule were previously approved by the Office of Management and Budget (OMB) as required by 44 U.S.C. 3501 *et seq.* and assigned OMB Control Number 3141–0012, which expired in August of 2011. The NIGC published a notice to reinstate that control number on April 25, 2012. 77 FR 24731. There is no change to the paperwork created by this revision.

List of Subjects in 25 CFR Part 543

Gambling, Indian—Indian lands, Indian—tribal government.

■ For the reasons set forth in the preamble, the Commission revises 25 CFR Part 543 to read as follows:

PART 543—MINIMUM INTERNAL CONTROL STANDARDS FOR CLASS II GAMING

Sec.

543.1 What does this part cover?
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543.7 [Reserved]
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543.18 What are the minimum internal control standards for the cage, vault, kiosk, cash and cash equivalents?
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543.22 [Reserved]
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543.24 What are the minimum internal control standards for auditing revenue?
543.25–543.49 [Reserved]

Authority: 25 U.S.C. 2702(2), 2706(b)(1–4), 2706(b)(10).

§ 543.1 What does this part cover?

This part establishes the minimum internal control standards for the conduct of Class II games on Indian lands as defined in 25 U.S.C. 2701 *et seq.*

§ 543.2 What are the definitions for this part?

The definitions in this section apply to all sections of this part unless otherwise noted.

Accountability. All financial instruments, receivables, and patron deposits constituting the total amount for which the bankroll custodian is responsible at a given time.

Agent. A person authorized by the gaming operation, as approved by the TGRA, to make decisions or perform assigned tasks or actions on behalf of the gaming operation.

Automated payout. Payment issued by a machine.

Cage. A secure work area within the gaming operation for cashiers, which may include a storage area for the gaming operation bankroll.

Cash equivalents. Documents, financial instruments other than cash, or anything else of representative value to which the gaming operation has assigned a monetary value. A cash equivalent includes, but is not limited to, tokens, chips, coupons, vouchers, payout slips and tickets, and other items to which a gaming operation has assigned an exchange value.

Cashless system. A system that performs cashless transactions and maintains records of those cashless transactions.

Cashless transaction. A movement of funds electronically from one component to another, such as to or from a patron deposit account.

Chair. The Chair of the National Indian Gaming Commission.

Class II gaming. Class II gaming has the same meaning as defined in 25 U.S.C. 2703(7)(A).

Class II gaming system. All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II games, including accounting functions mandated by these regulations or part 547 of this chapter.

Commission. The National Indian Gaming Commission, established by the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*

Complimentary services and items. Services and items provided to a patron at the discretion of an agent on behalf of the gaming operation or by a third party on behalf of the gaming operation. Services and items may include, but are not limited to, travel, lodging, food, beverages, or entertainment expenses.

Count. The act of counting and recording the drop and/or other funds. Also, the total funds counted for a particular game, player interface, shift, or other period.

Count room. A secured room where the count is performed in which the cash and cash equivalents are counted.

Coupon. A financial instrument of fixed wagering value, that can only be used to acquire non-cashable credits through interaction with a voucher

system. This does not include instruments such as printed advertising material that cannot be validated directly by a voucher system.

Dedicated camera. A video camera that continuously records a specific activity.

Drop box. A locked container in which cash or cash equivalents are placed at the time of a transaction, typically used in card games.

Drop proceeds. The total amount of financial instruments removed from drop boxes and financial instrument storage components.

Exception report. A listing of occurrences, transactions or items that fall outside a predetermined range of acceptability.

Financial instrument. Any tangible item of value tendered in Class II game play, including, but not limited to bills, coins, vouchers, and coupons.

Financial instrument storage component. Any component that stores financial instruments, such as a drop box, but typically used in connection with player interfaces.

Gaming promotion. Any promotional activity or award that requires game play as a condition of eligibility.

Generally Accepted Accounting Principles (GAAP). A widely accepted set of rules, conventions, standards, and procedures for reporting financial information, as established by the Financial Accounting Standards Board (FASB), including, but not limited to, the standards for casino accounting published by the American Institute of Certified Public Accountants (AICPA).

Generally Accepted Auditing Standards (GAAS). A widely accepted set of standards that provide a measure of audit quality and the objectives to be achieved in an audit, as established by the Auditing Standards Board of the American Institute of Certified Public Accountants (AICPA).

Governmental Accounting Standards Board (GASB). Generally accepted accounting principles used by state and local governments.

Independent. The separation of functions to ensure that the agent or process monitoring, reviewing, or authorizing the controlled activity, function, or transaction is separate from the agents or process performing the controlled activity, function, or transaction.

Kiosk. A device capable of redeeming vouchers and/or wagering credits or initiating electronic transfers of money to or from a patron deposit account.

Lines of credit. The privilege granted by a gaming operation to a patron to:

(1) Defer payment of debt; or

(2) Incur debt and defer its payment under specific terms and conditions.

Manual payout. Any non-automated payout.

Marker. A document, signed by the patron, promising to repay credit issued by the gaming operation.

MICS. Minimum internal control standards in this part.

Network communication equipment. A device or collection of devices that controls data communication in a system including, but not limited to, cables, switches, hubs, routers, wireless access points, landline telephones and cellular telephones.

Patron. A person who is a customer or guest of the gaming operation and may interact with a Class II game. Also may be referred to as a ''player.''

Patron deposit account. An account maintained on behalf of a patron, for the deposit and withdrawal of funds for the primary purpose of interacting with a gaming activity.

Player interface. Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds, fixed units, etc.), that directly enables player interaction in a Class II game.

Prize payout. Payment to a player associated with a winning or qualifying event.

Promotional progressive pots and/or pools. Funds contributed to a game by and for the benefit of players that are distributed to players based on a predetermined event.

Shift. A time period, unless otherwise approved by the tribal gaming regulatory authority, not to exceed 24 hours.

Shill. An agent financed by the gaming operation and acting as a player.

Smart card. A card with embedded integrated circuits that possesses the means to electronically store or retrieve account data.

Sufficient clarity. The capacity of a surveillance system to record images at a minimum of 20 frames per second or equivalent recording speed and at a resolution sufficient to clearly identify the intended activity, person, object, or location.

Surveillance operation room(s). The secured area(s) where surveillance takes place and/or where active surveillance equipment is located.

Surveillance system. A system of video cameras, monitors, recorders, video printers, switches, selectors, and other equipment used for surveillance.

SICS (System of Internal Control Standards). An overall operational framework for a gaming operation that incorporates principles of independence and segregation of function, and is comprised of written policies, procedures, and standard practices based on overarching regulatory standards specifically designed to create a system of checks and balances to safeguard the integrity of a gaming operation and protect its assets from unauthorized access, misappropriation, forgery, theft, or fraud.

Tier A. Gaming operations with annual gross gaming revenues of more than $3 million but not more than $8 million.

Tier B. Gaming operations with annual gross gaming revenues of more than $8 million but not more than $15 million.

Tier C. Gaming operations with annual gross gaming revenues of more than $15 million.

TGRA. Tribal gaming regulatory authority, which is the entity authorized by tribal law to regulate gaming conducted pursuant to the Indian Gaming Regulatory Act.

TICS. Tribal Internal Control Standards established by the TGRA that are at least as stringent as the standards set forth in this part.

Vault. A secure area where cash and cash equivalents are stored.

Voucher. A financial instrument of fixed wagering value, usually paper, that can be used only to acquire an equivalent value of cashable credits or cash through interaction with a voucher system.

Voucher system. A system that securely maintains records of vouchers and coupons; validates payment of vouchers; records successful or failed payments of vouchers and coupons; and controls the purging of expired vouchers and coupons.

§ 543.3 How do tribal governments comply with this part?

(a) *Minimum standards.* These are minimum standards and a TGRA may establish and implement additional controls that do not conflict with those set out in this part.

(b) *TICS.* TGRAs must ensure that TICS are established and implemented that provide a level of control that equals or exceeds the applicable standards set forth in this part.

(1) *Evaluation of existing TICS.* Each TGRA must, in accordance with the tribal gaming ordinance, determine whether and to what extent their TICS require revision to ensure compliance with this part.

(2) *Compliance date.* All changes necessary to ensure compliance with this part must be promulgated within twelve months of the effective date of this part and implemented at the

commencement of the next fiscal year. At the discretion of the TGRA, gaming operations may have an additional six months to come into compliance with the TICS.

(c) *SICS.* Each gaming operation must develop a SICS, as approved by the TGRA, to implement the TICS.

(1) *Existing gaming operations.* All gaming operations that are operating on or before the effective date of this part, must comply with this part within the time requirements established in paragraph (b) of this section. In the interim, such operations must continue to comply with existing TICS.

(2) *New gaming operations.* All gaming operations that commence operations after the effective date of this part must comply with this part before commencement of operations.

(d) *Variances.* Where referenced throughout this part, the gaming operation must set a reasonable threshold, approved by the TGRA, for when a variance must be reviewed to determine the cause, and the results of the review must be documented and maintained.

(e) *Computer applications.* For any computer applications utilized, alternate documentation and/or procedures that provide at least the level of control established by the standards of this part, as approved in writing by the TGRA, will be acceptable.

(f) *Determination of tier.*

(1) The determination of tier level will be made based upon the annual gross gaming revenues indicated within the gaming operation's audited financial statements.

(2) Gaming operations moving from one tier to another will have nine months from the date of the independent certified public accountant's audit report to achieve compliance with the requirements of the new tier. The TGRA may extend the deadline by an additional six months if written notice is provided to the Commission no later than two weeks before the expiration of the nine month period.

(g) *Submission to Commission.* Tribal regulations promulgated pursuant to this part are not required to be submitted to the Commission pursuant to § 522.3(b) of this chapter.

(h) *Enforcement of Commission MICS.*

(1) Each TGRA is required to establish and implement TICS pursuant to paragraph (b) of this section. Each gaming operation is then required, pursuant to paragraph (c) of this section, to develop a SICS that implements the TICS. Failure to comply with this subsection may subject the tribal operator of the gaming operation, or the management contractor, to penalties under 25 U.S.C. 2713.

(2) Enforcement action by the Commission will not be initiated under this part without first informing the tribe and TGRA of deficiencies in the TICS or absence of SICS for its gaming operation and allowing a reasonable period of time to address such deficiencies. Such prior notice and opportunity for corrective action are not required where the threat to the integrity of the gaming operation is immediate and severe.

§ 543.4 Does this part apply to small and charitable gaming operations?

(a) *Small gaming operations.* This part does not apply to small gaming operations provided that:

(1) The TGRA permits the operation to be exempt from this part;

(2) The annual gross gaming revenue of the operation does not exceed $3 million; and

(3) The TGRA develops, and the operation complies with, alternate procedures that:

(i) Protect the integrity of games offered;

(ii) Safeguard the assets used in connection with the operation; and

(iii) Create, prepare and maintain records in accordance with Generally Accepted Accounting Principles.

(b) *Charitable gaming operations.* This part does not apply to charitable gaming operations provided that:

(1) All proceeds are for the benefit of a charitable organization;

(2) The TGRA permits the charitable organization to be exempt from this part;

(3) The charitable gaming operation is operated wholly by the charitable organization's agents;

(4) The annual gross gaming revenue of the charitable operation does not exceed $3 million; and

(5) The TGRA develops, and the charitable gaming operation complies with, alternate procedures that:

(i) Protect the integrity of the games offered;

(ii) Safeguard the assets used in connection with the gaming operation; and

(iii) Create, prepare and maintain records in accordance with Generally Accepted Accounting Principles.

(c) *Independent operators.* Nothing in this section exempts gaming operations conducted by independent operators for the benefit of a charitable organization.

§ 543.5 How does a gaming operation apply to use an alternate minimum standard from those set forth in this part?

(a) *TGRA approval.*

(1) A TGRA may approve an alternate standard from those required by this part if it has determined that the alternate standard will achieve a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace. A gaming operation may implement an alternate standard upon TGRA approval subject to the Chair's decision pursuant to paragraph (b) of this section.

(2) For each enumerated standard for which the TGRA approves an alternate standard, it must submit to the Chair within 30 days a detailed report, which must include the following:

(i) An explanation of how the alternate standard achieves a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace; and

(ii) The alternate standard as approved and the record on which it is based.

(3) In the event that the TGRA or the tribal government chooses to submit an alternate standard request directly to the Chair for joint government to government review, the TGRA or tribal government may do so without the approval requirement set forth in paragraph (a)(1) of this section.

(b) *Chair review.*

(1) The Chair may approve or object to an alternate standard approved by a TGRA.

(2) If the Chair approves the alternate standard, the Tribe may continue to use it as authorized by the TGRA.

(3) If the Chair objects, the operation may no longer use the alternate standard and must follow the relevant MICS set forth in this part.

(4) Any objection by the Chair must be in writing and provide reasons that the alternate standard, as approved by the TGRA, does not provide a level of security or integrity sufficient to accomplish the purpose of the standard it is to replace.

(5) If the Chair fails to approve or object in writing within 60 days after the date of receipt of a complete submission, the alternate standard is considered approved by the Chair. The Chair may, upon notification to the TGRA, extend this deadline an additional 60 days.

(c) *Appeal of Chair decision.* A TGRA may appeal the Chair's decision pursuant to 25 CFR chapter III, subchapter H.

§ 543.6 [Reserved]

§ 543.7 [Reserved]

§ 543.8 What are the minimum internal control standards for bingo?

(a) *Supervision.* Supervision must be provided as needed for bingo operations by an agent(s) with authority equal to or greater than those being supervised.

(b) *Bingo cards.*

(1) Physical bingo card inventory controls must address the placement of orders, receipt, storage, issuance, removal, and cancellation of bingo card inventory to ensure that:

(i) The bingo card inventory can be accounted for at all times; and

(ii) Bingo cards have not been marked, altered, or otherwise manipulated.

(2) *Receipt from supplier.*

(i) When bingo card inventory is initially received from the supplier, it must be inspected (without breaking the factory seals, if any), counted, inventoried, and secured by an authorized agent.

(ii) Bingo card inventory records must include the date received, quantities received, and the name of the individual conducting the inspection.

(3) *Storage.*

(i) Bingo cards must be maintained in a secure location, accessible only to authorized agents, and with surveillance coverage adequate to identify persons accessing the storage area.

(ii) For Tier A operations, bingo card inventory may be stored in a cabinet, closet, or other similar area; however, such area must be secured and separate from the working inventory.

(4) *Issuance and returns of inventory.*

(i) Controls must be established for the issuance and return of bingo card inventory. Records signed by the issuer and recipient must be created under the following events:

(A) Issuance of inventory from storage to a staging area;

(B) Issuance of inventory from a staging area to the cage or sellers;

(C) Return of inventory from a staging area to storage; and

(D) Return of inventory from cage or seller to staging area or storage.

(ii) [Reserved]

(5) *Cancellation and removal.*

(i) Bingo cards removed from inventory that are deemed out of sequence, flawed, or misprinted and not returned to the supplier must be cancelled to ensure that they are not utilized in the play of a bingo game. Bingo cards that are removed from inventory and returned to the supplier or cancelled must be logged as removed from inventory.

(ii) Bingo cards associated with an investigation must be retained intact outside of the established removal and cancellation policy.

(6) *Logs.*

(i) The inventory of bingo cards must be tracked and logged from receipt until use or permanent removal from inventory.

(ii) The bingo card inventory record(s) must include:

(A) Date;

(B) Shift or session;

(C) Time;

(D) Location;

(E) Inventory received, issued, removed, and returned;

(F) Signature of agent performing transaction;

(G) Signature of agent performing the reconciliation;

(H) Any variance;

(I) Beginning and ending inventory; and

(J) Description of inventory transaction being performed.

(c) *Bingo card sales.*

(1) Agents who sell bingo cards must not be the sole verifier of bingo cards for prize payouts.

(2) Manual bingo card sales: In order to adequately record, track, and reconcile sales of bingo cards, the following information must be documented:

(i) Date;

(ii) Shift or session;

(iii) Number of bingo cards issued, sold, and returned;

(iv) Dollar amount of bingo card sales;

(v) Signature, initials, or identification number of the agent preparing the record; and

(vi) Signature, initials, or identification number of an independent agent who verified the bingo cards returned to inventory and dollar amount of bingo card sales.

(3) Bingo card sale voids must be processed in accordance with the rules of the game and established controls that must include the following:

(i) Patron refunds;

(ii) Adjustments to bingo card sales to reflect voids;

(iii) Adjustment to bingo card inventory;

(iv) Documentation of the reason for the void; and

(v) Authorization for all voids.

(4) Class II gaming system bingo card sales. In order to adequately record, track and reconcile sales of bingo cards, the following information must be documented from the server (this is not required if the system does not track the information, but system limitation(s) must be noted):

(i) Date;

(ii) Time;

(iii) Number of bingo cards sold;

(iv) Dollar amount of bingo card sales; and

(v) Amount in, amount out and other associated meter information.

(d) *Draw.*

(1) Controls must be established and procedures implemented to ensure that all eligible objects used in the conduct of the bingo game are available to be drawn and have not been damaged or altered. Verification of physical objects must be performed by two agents before the start of the first bingo game/session. At least one of the verifying agents must be a supervisory agent or independent of the bingo games department.

(2) Where the selection is made through an electronic aid, certification in accordance with 25 CFR 547.14 is acceptable for verifying the randomness of the draw and satisfies the requirements of paragraph (d)(1) of this section.

(3) Controls must be established and procedures implemented to provide a method of recall of the draw, which includes the order and identity of the objects drawn, for dispute resolution purposes.

(4) *Verification and display of draw.* Controls must be established and procedures implemented to ensure that:

(i) The identity of each object drawn is accurately recorded and transmitted to the participants. The procedures must identify the method used to ensure the identity of each object drawn.

(ii) For all games offering a prize payout of $1,200 or more, as the objects are drawn, the identity of the objects are immediately recorded and maintained for a minimum of 24 hours.

(e) *Prize payout.*

(1) Controls must be established and procedures implemented for cash or cash equivalents that address the following:

(i) Identification of the agent authorized (by position) to make a payout;

(ii) Predetermined payout authorization levels (by position); and

(iii) Documentation procedures ensuring separate control of the cash accountability functions.

(2) *Verification of validity.*

(i) Controls must be established and procedures implemented to verify that the following is valid for the game in play prior to payment of a winning prize:

(A) Winning card(s);

(B) Objects drawn; and

(C) The previously designated arrangement of numbers or designations on such cards, as described in 25 U.S.C. 2703(7)(A).

(ii) At least two agents must verify that the card, objects drawn, and

previously designated arrangement were valid for the game in play.

(iii) Where an automated verification method is available, verification by such method is acceptable.

(3) *Validation.*

(i) For manual payouts, at least two agents must determine the validity of the claim prior to the payment of a prize. The system may serve as one of the validators.

(ii) For automated payouts, the system may serve as the sole validator of the claim.

(4) *Verification.*

(i) For manual payouts, at least two agents must verify that the winning pattern has been achieved on the winning card prior to the payment of a prize. The system may serve as one of the verifiers.

(ii) For automated payouts, the system may serve as the sole verifier that the pattern has been achieved on the winning card.

(5) *Authorization and signatures.*

(i) At least two agents must authorize, sign, and witness all manual prize payouts above $1,200, or a lower threshold as authorized by management and approved by the TGRA.

(ii) Manual prize payouts above the following threshold (or a lower threshold, as authorized by management and approved by TGRA) must require one of the two signatures and verifications to be a supervisory or management employee independent of the operation of Class II Gaming System bingo:

(A) $5,000 for a Tier A facility;

(B) $10,000 at a Tier B facility;

(C) $20,000 for a Tier C facility; or

(D) $50,000 for a Tier C facility with over $100,000,000 in gross gaming revenues.

(iii) The predetermined thresholds, whether set at the MICS level or lower, must be authorized by management, approved by the TGRA, documented, and maintained.

(iv) A Class II gaming system may substitute for one authorization/signature verifying, validating or authorizing a winning card, but may not substitute for a supervisory or management authorization/signature.

(6) Payout records, including manual payout records, must include the following information:

(i) Date and time;

(ii) Amount of the payout (alpha & numeric for player interface payouts); and

(iii) Bingo card identifier or player interface identifier.

(iv) Manual payout records must also include the following:

(A) Game name or number;

(B) Description of pattern covered, such as cover-all or four corners;

(C) Signature of all, but not less than two, agents involved in the transaction;

(D) For override transactions, verification by a supervisory or management agent independent of the transaction; and

(E) Any other information necessary to substantiate the payout.

(f) *Cash and cash equivalent controls.*

(1) Cash or cash equivalents exchanged between two persons must be counted independently by at least two agents and reconciled to the recorded amounts at the end of each shift or session. Unexplained variances must be documented and maintained. Unverified transfers of cash or cash equivalents are prohibited.

(2) Procedures must be implemented to control cash or cash equivalents based on the amount of the transaction. These procedures must include documentation by shift, session, or other relevant time period of the following:

(i) Inventory, including any increases or decreases;

(ii) Transfers;

(iii) Exchanges, including acknowledging signatures or initials; and

(iv) Resulting variances.

(3) Any change to control of accountability, exchange, or transfer requires that the cash or cash equivalents be counted and recorded independently by at least two agents and reconciled to the recorded amount.

(g) *Technologic aids to the play of bingo.* Controls must be established and procedures implemented to safeguard the integrity of technologic aids to the play of bingo during installations, operations, modifications, removal and retirements. Such procedures must include the following:

(1) *Shipping and receiving.*

(i) A communication procedure must be established between the supplier, the gaming operation, and the TGRA to properly control the shipping and receiving of all software and hardware components. Such procedures must include:

(A) Notification of pending shipments must be provided to the TGRA by the gaming operation;

(B) Certification in accordance with 25 CFR part 547;

(C) Notification from the supplier to the TGRA, or the gaming operation as approved by the TGRA, of the shipping date and expected date of delivery. The shipping notification must include:

(*1*) Name and address of the supplier;

(*2*) Description of shipment;

(*3*) For player interfaces: a serial number;

(*4*) For software: software version and description of software;

(*5*) Method of shipment; and

(*6*) Expected date of delivery.

(ii) Procedures must be implemented for the exchange of Class II gaming system components for maintenance and replacement.

(iii) Class II gaming system components must be shipped in a secure manner to deter unauthorized access.

(iv) The TGRA, or its designee, must receive all Class II gaming system components and game play software packages, and verify the contents against the shipping notification.

(2) *Access credential control methods.*

(i) Controls must be established to restrict access to the Class II gaming system components, as set forth in § 543.20, Information and Technology.

(ii) [Reserved]

(3) *Recordkeeping and audit processes.*

(i) The gaming operation must maintain the following records, as applicable, related to installed game servers and player interfaces:

(A) Date placed into service;

(B) Date made available for play;

(C) Supplier;

(D) Software version;

(E) Serial number;

(F) Game title;

(G) Asset and/or location number;

(H) Seal number; and

(I) Initial meter reading.

(ii) Procedures must be implemented for auditing such records in accordance with § 543.23, Audit and Accounting.

(4) *System software signature verification.*

(i) Procedures must be implemented for system software verifications. These procedures must include comparing signatures generated by the verification programs required by 25 CFR 547.8, to the signatures provided in the independent test laboratory letter for that software version.

(ii) An agent independent of the bingo operation must perform system software signature verification(s) to verify that only approved software is installed.

(iii) Procedures must be implemented for investigating and resolving any software verification variances.

(iv) Internal audits must be conducted as set forth in § 543.23, Audit and Accounting. Such audits must be documented.

(5) *Installation testing.*

(i) Testing must be completed during the installation process to verify that the player interface has been properly installed. This must include testing of the following, as applicable:

(A) Communication with the Class II gaming system;

(B) Communication with the accounting system;

(C) Communication with the player tracking system;

(D) Currency and vouchers to bill acceptor;

(E) Voucher printing;

(F) Meter incrementation;

(G) Pay table, for verification;

(H) Player interface denomination, for verification;

(I) All buttons, to ensure that all are operational and programmed appropriately;

(J) System components, to ensure that they are safely installed at location; and

(K) Locks, to ensure that they are secure and functioning.

(ii) [Reserved]

(6) *Display of rules and necessary disclaimers.* The TGRA or the operation must verify that all game rules and disclaimers are displayed at all times or made readily available to the player upon request, as required by 25 CFR part 547;

(7) TGRA approval of all technologic aids before they are offered for play.

(8) All Class II gaming equipment must comply with 25 CFR part 547, Minimum Technical Standards for Gaming Equipment Used With the Play of Class II Games; and

(9) Dispute resolution.

(h) *Operations.*

(1) *Malfunctions.* Procedures must be implemented to investigate, document and resolve malfunctions. Such procedures must address the following:

(i) Determination of the event causing the malfunction;

(ii) Review of relevant records, game recall, reports, logs, surveillance records;

(iii) Repair or replacement of the Class II gaming component;

(iv) Verification of the integrity of the Class II gaming component before restoring it to operation; and

(2) *Removal, retirement and/or destruction.* Procedures must be implemented to retire or remove any or all associated components of a Class II gaming system from operation. Procedures must include the following:

(i) For player interfaces and components that accept cash or cash equivalents:

(A) Coordinate with the drop team to perform a final drop;

(B) Collect final accounting information such as meter readings, drop and payouts;

(C) Remove and/or secure any or all associated equipment such as locks, card reader, or ticket printer from the retired or removed component; and

(D) Document removal, retirement, and/or destruction.

(ii) For removal of software components:

(A) Purge and/or return the software to the license holder; and

(B) Document the removal.

(iii) For other related equipment such as blowers, cards, interface cards:

(A) Remove and/or secure equipment; and

(B) Document the removal or securing of equipment.

(iv) For all components:

(A) Verify that unique identifiers, and descriptions of removed/retired components are recorded as part of the retirement documentation; and

(B) Coordinate with the accounting department to properly retire the component in the system records.

(v) Where the TGRA authorizes destruction of any Class II gaming system components, procedures must be developed to destroy such components. Such procedures must include the following:

(A) Methods of destruction;

(B) Witness or surveillance of destruction;

(C) Documentation of all components destroyed; and

(D) Signatures of agent(s) destroying components attesting to destruction.

(i) *Vouchers.*

(1) Controls must be established and procedures implemented to:

(i) Verify the authenticity of each voucher redeemed.

(ii) If the voucher is valid, verify that the patron is paid the appropriate amount.

(iii) Document the payment of a claim on a voucher that is not physically available or a voucher that cannot be validated such as a mutilated, expired, lost, or stolen voucher.

(iv) Retain payment documentation for reconciliation purposes.

(v) For manual payment of a voucher of $500 or more, require a supervisory employee to verify the validity of the voucher prior to payment.

(2) Vouchers paid during a period while the voucher system is temporarily out of operation must be marked ''paid'' by the cashier.

(3) Vouchers redeemed while the voucher system was temporarily out of operation must be validated as expeditiously as possible upon restored operation of the voucher system.

(4) Paid vouchers must be maintained in the cashier's accountability for reconciliation purposes.

(5) Unredeemed vouchers can only be voided in the voucher system by supervisory employees. The accounting department will maintain the voided voucher, if available.

(j) All relevant controls from § 543.20, Information and Technology will apply.

(k) Revenue Audit. Standards for revenue audit of bingo are contained in § 543.24, Revenue Audit.

(l) *Variance.* The operation must establish, as approved by the TGRA, the threshold level at which a variance, including deviations from the mathematical expectations required by 25 CFR 547.4, will be reviewed to determine the cause. Any such review must be documented.

§ 543.9 What are the minimum internal control standards for pull tabs?

(a) *Supervision.* Supervision must be provided as needed for pull tab operations and over pull tab storage areas by an agent(s) with authority equal to or greater than those being supervised.

(b) *Pull tab inventory.* Controls must be established and procedures implemented to ensure that:

(1) Access to pull tabs is restricted to authorized agents;

(2) The pull tab inventory is controlled by agents independent of pull tab sales;

(3) Pull tabs exchanged between agents are secured and independently controlled;

(4) Increases or decreases to pull tab inventory are recorded, tracked, and reconciled; and

(5) Pull tabs are maintained in a secure location, accessible only to authorized agents, and with surveillance coverage adequate to identify persons accessing the area.

(c) *Pull tab sales.*

(1) Controls must be established and procedures implemented to record, track, and reconcile all pull tab sales and voids.

(2) When pull tab sales are recorded manually, total sales must be verified by an agent independent of the pull tab sales being verified.

(3) No person may have unrestricted access to pull tab sales records.

(d) *Winning pull tabs.*

(1) Controls must be established and procedures implemented to record, track, and reconcile all redeemed pull tabs and pull tab payouts.

(2) The redeemed pull tabs must be defaced so that they cannot be redeemed for payment again.

(3) Pull tabs that are uniquely identifiable with a machine readable code (including, but not limited to a barcode) may be redeemed, reconciled, and stored by kiosks without the need for defacing, so long as the redeemed pull tabs are secured and destroyed after removal from the kiosk in accordance with the procedures approved by the TGRA.

(4) At least two agents must document and verify all prize payouts above $600,

or lower threshold as authorized by management and approved by the TGRA.

(i) An automated method may substitute for one verification.

(ii) The predetermined threshold must be authorized by management, approved by the TGRA, documented, and maintained.

(5) Total payout must be calculated and recorded by shift.

(e) *Pull tab operating funds.*

(1) All funds used to operate the pull tab game must be accounted for and recorded and all transfers of cash and/or cash equivalents must be verified.

(2) All funds used to operate the pull tab game must be independently counted and verified by at least two agents and reconciled to the recorded amounts at the end of each shift or session.

(f) *Statistical records.*

(1) Statistical records must be maintained, including (for games sold in their entirety or removed from play) a win-to-write hold percentage as compared to the expected hold percentage derived from the flare.

(2) A manager independent of the pull tab operations must review statistical information when the pull tab deal has ended or has been removed from the floor and must investigate any unusual statistical fluctuations. These investigations must be documented, maintained for inspection, and provided to the TGRA upon request.

(g) *Revenue audit.* Standards for revenue audit of pull tabs are contained in § 543.24, Revenue Audit.

(h) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.10 What are the minimum internal control standards for card games?

(a) *Supervision.* Supervision must be provided as needed during the card room operations by an agent(s) with authority equal to or greater than those being supervised.

(1) A supervisor may function as a dealer without any other supervision if disputes are resolved by supervisory personnel independent of the transaction or independent of the card games department; or

(2) A dealer may function as a supervisor if not dealing the game.

(b) *Exchanges or transfers.*

(1) Exchanges between table banks and the main card room bank (or cage, if a main card room bank is not used) must be authorized by a supervisor. All exchanges must be evidenced by the use of a lammer unless the exchange of chips, tokens, and/or cash takes place at the table. If table banks are maintained at an imprest level and runners are used for the exchanges at the table, no supervisory authorization is required.

(2) Exchanges from the main card room bank (or cage, if a main card room bank is not used) to the table banks must be verified by the card room dealer and the runner.

(3) Transfers between the main card room bank and the cage must be properly authorized and documented. Documentation must be retained for at least 24 hours.

(c) *Playing cards.*

(1) New and used playing cards must be maintained in a secure location, with appropriate surveillance coverage, and accessible only to authorized agents.

(2) Used playing cards that are not to be re-used must be properly cancelled and removed from service to prevent re-use. The removal and cancellation procedure requires TGRA review and approval.

(3) Playing cards associated with an investigation must be retained intact and outside of the established removal and cancellation procedure.

(d) *Shill funds.*

(1) Issuance of shill funds must be recorded and have the written approval of the supervisor.

(2) Returned shill funds must be recorded and verified by a supervisor.

(3) The replenishment of shill funds must be documented.

(e) *Standards for reconciliation of card room bank.* Two agents—one of whom must be a supervisory agent—must independently count the table inventory at the opening and closing of the table and record the following information:

(1) Date;

(2) Shift;

(3) Table number;

(4) Amount by denomination;

(5) Amount in total; and

(6) Signatures of both agents.

(f) *Posted rules.* The rules must be displayed or available for patron review at the gaming operation, including rules governing contests, prize payouts, fees, the rake collected, and the placing of antes.

(g) *Promotional progressive pots and pools.*

(1) All funds contributed by players into the pools must be returned when won in accordance with posted rules, and no commission or administrative fee may be withheld.

(i) The payout may be in the form of personal property, such as a car.

(ii) A combination of a promotion and progressive pool may be offered.

(2) The conditions for participating in current card game promotional progressive pots and/or pools must be prominently displayed or available for patron review at the gaming operation.

(3) Individual payouts for card game promotional progressive pots and/or pools that are $600 or more must be documented at the time of the payout to include the following:

(i) Patron's name;

(ii) Date of payout;

(iii) Dollar amount of payout and/or nature and dollar value of any non-cash payout;

(iv) The signature of the agent completing the transaction attesting to the disbursement of the payout; and

(v) Name of contest/tournament.

(4) If the cash (or cash equivalent) payout for the card game promotional progressive pot and/or pool is less than $600, documentation must be created to support accountability of the bank from which the payout was made.

(5) Rules governing current promotional pools must be conspicuously posted in the card room and/or available in writing for patron review. The rules must designate:

(i) The amount of funds to be contributed from each pot;

(ii) What type of hand it takes to win the pool;

(iii) How the promotional funds will be paid out;

(iv) How/when the contributed funds are added to the pools; and

(v) Amount/percentage of funds allocated to primary and secondary pools, if applicable.

(6) Promotional pool contributions must not be placed in or near the rake circle, in the drop box, or commingled with gaming revenue from card games or any other gambling game.

(7) The amount of the pools must be conspicuously displayed in the card room.

(8) At least once each day that the game is offered, the posted pool amount must be updated to reflect the current pool amount.

(9) At least once each day that the game is offered, agents independent of the card room must reconcile the increases to the posted pool amount to the cash previously counted or received by the cage.

(10) All decreases to the pool must be properly documented, including a reason for the decrease.

(11) Promotional funds removed from the card game must be placed in a locked container.

(i) Agents authorized to transport the locked container are precluded from having access to the contents keys.

(ii) The contents key must be maintained by a department independent of the card room.

(iii) At least once a day, the locked container must be removed by two agents, one of whom is independent of the card games department, and transported directly to the cage or other secure room to be counted, recorded, and verified, prior to accepting the funds into cage accountability.

(h) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.11 [Reserved]

§ 543.12 What are the minimum internal control standards for gaming promotions and player tracking systems?

(a) *Supervision.* Supervision must be provided as needed for gaming promotions and player tracking by an agent(s) with authority equal to or greater than those being supervised.

(b) *Gaming promotions.* The rules of the gaming promotion must be displayed or made readily available to patron upon request. Gaming promotions rules require TGRA approval and must include the following:

(1) The rules of play;

(2) The nature and value of the associated prize(s) or cash award(s);

(3) Any restrictions or limitations on participant eligibility;

(4) The date(s), time(s), and location(s) for the associated promotional activity or activities;

(5) Any other restrictions or limitations, including any related to the claim of prizes or cash awards;

(6) The announcement date(s), time(s), and location(s) for the winning entry or entries; and

(7) Rules governing promotions offered across multiple gaming operations, third party sponsored promotions, and joint promotions involving third parties.

(c) *Player tracking systems and gaming promotions.*

(1) Changes to the player tracking systems, promotion and external bonusing system parameters, which control features such as the awarding of bonuses, the issuance of cashable credits, non-cashable credits, coupons and vouchers, must be performed under the authority of supervisory agents, independent of the department initiating the change. Alternatively, the changes may be performed by supervisory agents of the department initiating the change if sufficient documentation is generated and the propriety of the changes are randomly verified by supervisory agents independent of the department initiating the change on a monthly basis.

(2) All other changes to the player tracking system must be appropriately documented.

(d) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.13 What are the minimum internal control standards for complimentary services or items?

(a) *Supervision.* Supervision must be provided as needed for approval of complimentary services by an agent(s) with authority equal to or greater than those being supervised.

(b) *Complimentary services or items.* Controls must be established and procedures implemented for complimentary services or items that address the following:

(1) Agents authorized to approve the issuance of complimentary services or items, including levels of authorization;

(2) Limits and conditions on the approval and issuance of complimentary services or items;

(3) Making and documenting changes to conditions or limits on the approval and issuance of complimentary services or items;

(4) Documenting and recording the authorization, issuance, and redemption of complimentary services or items, including cash and non-cash gifts;

(i) Records must include the following for all complimentary items and services equal to or exceeding an amount established by the gaming operation and approved by the TGRA:

(A) Name of patron who received the complimentary service or item;

(B) Name(s) of issuer(s) of the complimentary service or item;

(C) The actual cash value of the complimentary service or item;

(D) The type of complimentary service or item (i.e., food, beverage); and

(E) Date the complimentary service or item was issued.

(ii) [Reserved].

(c) Complimentary services and items records must be summarized and reviewed for proper authorization and compliance with established authorization thresholds.

(1) A detailed reporting of complimentary services or items transactions that meet an established threshold approved by the TGRA must be prepared at least monthly.

(2) The detailed report must be forwarded to management for review.

(d) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.14 What are the minimum internal control standards for patron deposit accounts and cashless systems?

(a) *Supervision.* Supervision must be provided as needed for patron deposit accounts and cashless systems by an agent(s) with authority equal to or greater than those being supervised.

(b) *Patron deposit accounts and cashless systems.*

(1) Smart cards cannot maintain the only source of account data.

(2) *Establishment of patron deposit accounts.* The following standards apply when a patron establishes an account.

(i) The patron must appear at the gaming operation in person, at a designated area of accountability, and present valid government issued picture identification; and

(ii) An agent must examine the patron's identification and record the following information:

(A) Type, number, and expiration date of the identification;

(B) Patron's name;

(C) A unique account identifier;

(D) Date the account was opened; and

(E) The agent's name.

(3) The patron must sign the account documentation before the agent may activate the account.

(4) The agent or cashless system must provide the patron deposit account holder with a secure method of access.

(c) *Patron deposits, withdrawals and adjustments.*

(1) Prior to the patron making a deposit or withdrawal from a patron deposit account, the agent or cashless system must verify the patron deposit account, the patron identity, and availability of funds. A personal identification number (PIN) is an acceptable form of verifying identification.

(2) Adjustments made to the patron deposit accounts must be performed by an agent.

(3) When a deposit, withdrawal, or adjustment is processed by an agent, a transaction record must be created containing the following information:

(i) Same document number on all copies;

(ii) Type of transaction, (deposit, withdrawal, or adjustment);

(iii) Name or other identifier of the patron;

(iv) The unique account identifier;

(v) Patron signature for withdrawals, unless a secured method of access is utilized;

(vi) For adjustments to the account, the reason for the adjustment;

(vii) Date and time of transaction;

(viii) Amount of transaction;

(ix) Nature of deposit, withdrawal, or adjustment (cash, check, chips); and

(x) Signature of the agent processing the transaction.

(4) When a patron deposits or withdraws funds from a patron deposit account electronically, the following must be recorded:

(i) Date and time of transaction;

(ii) Location (player interface, kiosk);

(iii) Type of transaction (deposit, withdrawal);

(iv) Amount of transaction; and

(v) The unique account identifier.

(5) Patron deposit account transaction records must be available to the patron upon reasonable request.

(6) If electronic funds transfers are made to or from a gaming operation bank account for patron deposit account funds, the bank account must be dedicated and may not be used for any other types of transactions.

(d) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.15 What are the minimum internal control standards for lines of credit?

(a) *Supervision.* Supervision must be provided as needed for lines of credit by an agent(s) with authority equal to or greater than those being supervised.

(b) *Establishment of lines of credit policy.*

(1) If a gaming operation extends lines of credit, controls must be established and procedures implemented to safeguard the assets of the gaming operation. Such controls must include a lines of credit policy including the following:

(i) A process for the patron to apply for, modify, and/or re-establish lines of credit, to include required documentation and credit line limit;

(ii) Authorization levels of credit issuer(s);

(iii) Identification of agents authorized to issue lines of credit;

(iv) A process for verifying an applicant's credit worthiness;

(v) A system for recording patron information, to include:

(A) Name, current address, and signature;

(B) Identification credential;

(C) Authorized credit line limit;

(D) Documented approval by an agent authorized to approve credit line limits;

(E) Date, time and amount of credit issuances and payments; and

(F) Amount of available credit.

(vi) A process for issuing lines of credit to:

(A) Verify the patron's identity;

(B) Notify the patron of the lines of credit terms, including obtaining patron's written acknowledgment of the terms by signature;

(C) Complete a uniquely identified, multi-part, lines of credit issuance form, such as a marker or counter check, which includes the terms of the lines of credit transaction;

(D) Obtain required signatures;

(E) Determine the amount of the patron's available lines of credit;

(F) Update the credit balance record at the time of each transaction to ensure that lines of credit issued are within the established limit and balance for that patron; and

(G) Require the agent issuing the lines of credit to be independent of the agent who authorized the lines of credit.

(vii) A policy establishing credit line limit exceptions to include the following:

(A) Identification of the agent(s) authorized to permit a credit line limit to be exceeded;

(B) Authorization thresholds; and

(C) Required documentation.

(viii) A policy governing increases and decreases to a patron's lines of credit account balances to include the following:

(A) Documentation and record keeping requirements;

(B) Independence between the department that receives the payment and the department that maintains custody of the credit balance for payments made by mail;

(C) Collections;

(D) Periodic audits and confirmation of balances; and

(E) If a collection agency is used, a process to ensure documentation of increases and decreases to the lines of credit account balances.

(ix) A policy governing write-offs and settlements to include:

(A) Identification of agent(s) authorized to approve write-offs and settlements;

(B) Authorization levels for write-offs and settlements of lines of credit instruments;

(C) Required documentation for write-offs and settlements;

(D) Independence between the agent who established the lines of credit and the agent writing off or settling the lines of credit instrument; and

(E) Necessary documentation for the approval of write-offs and settlements and transmittal to the appropriate department for recording and deductibility.

(c) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.16 [Reserved]

§ 543.17 What are the minimum internal control standards for drop and count?

(a) *Supervision.* Supervision must be provided for drop and count as needed by an agent(s) with authority equal to or greater than those being supervised.

(b) *Count room access.* Controls must be established and procedures implemented to limit physical access to the count room to count team agents, designated staff, and other authorized persons. Such controls must include the following:

(1) Count team agents may not exit or enter the count room during the count except for emergencies or scheduled breaks.

(2) Surveillance must be notified whenever count room agents exit or enter the count room during the count.

(3) The count team policy, at a minimum, must address the transportation of extraneous items such as personal belongings, tool boxes, beverage containers, etc., into or out of the count room.

(c) *Count team.* Controls must be established and procedures implemented to ensure security of the count and the count room to prevent unauthorized access, misappropriation of funds, forgery, theft, or fraud. Such controls must include the following:

(1) For Tier A and B operations, all counts must be performed by at least two agents. For Tier C operations, all counts must be performed by at least three agents.

(2) For Tier A and B operations, at no time during the count can there be fewer than two count team agents in the count room until the drop proceeds have been accepted into cage/vault accountability. For Tier C operations, at no time during the count can there be fewer than three count team agents in the count room until the drop proceeds have been accepted into cage/vault accountability.

(3) For Tier A and B operations, count team agents must be rotated on a routine basis such that the count team is not consistently the same two agents more than four days per week. This standard does not apply to gaming operations that utilize a count team of more than two agents. For Tier C operations, count team agents must be rotated on a routine basis such that the count team is not consistently the same three agents more than four days per week. This standard does not apply to gaming operations that utilize a count team of more than three agents.

(4) Functions performed by count team agents must be rotated on a routine basis.

(5) Count team agents must be independent of the department being

counted. A cage/vault agent may be used if they are not the sole recorder of the count and do not participate in the transfer of drop proceeds to the cage/vault. An accounting agent may be used if there is an independent audit of all count documentation.

(d) *Card game drop standards.* Controls must be established and procedures implemented to ensure security of the drop process. Such controls must include the following:

(1) Surveillance must be notified when the drop is to begin so that surveillance may monitor the activities.

(2) At least two agents must be involved in the removal of the drop box, at least one of whom is independent of the card games department.

(4) Once the drop is started, it must continue until finished.

(5) All drop boxes may be removed only at the time previously designated by the gaming operation and reported to the TGRA. If an emergency drop is required, surveillance must be notified before the drop is conducted and the TGRA must be informed within a timeframe approved by the TGRA.

(6) At the end of each shift:

(i) All locked card game drop boxes must be removed from the tables by an agent independent of the card game shift being dropped;

(ii) For any tables opened during the shift, a separate drop box must be placed on each table, or a gaming operation may utilize a single drop box with separate openings and compartments for each shift; and

(iii) Card game drop boxes must be transported directly to the count room or other equivalently secure area by a minimum of two agents, at least one of whom is independent of the card game shift being dropped, until the count takes place.

(7) All tables that were not open during a shift and therefore not part of the drop must be documented.

(8) All card game drop boxes must be posted with a number corresponding to a permanent number on the gaming table and marked to indicate game, table number, and shift, if applicable.

(e) *Player interface and financial instrument storage component drop standards.*

(1) Surveillance must be notified when the drop is to begin so that surveillance may monitor the activities.

(2) At least two agents must be involved in the removal of the player interface storage component drop, at least one of whom is independent of the player interface department.

(3) All financial instrument storage components may be removed only at the time previously designated by the gaming operation and reported to the TGRA. If an emergency drop is required, surveillance must be notified before the drop is conducted and the TGRA must be informed within a timeframe approved by the TGRA.

(4) The financial instrument storage components must be removed by an agent independent of the player interface department, then transported directly to the count room or other equivalently secure area with comparable controls and locked in a secure manner until the count takes place.

(i) Security must be provided for the financial instrument storage components removed from player interfaces and awaiting transport to the count room.

(ii) Transportation of financial instrument storage components must be performed by a minimum of two agents, at least one of whom is independent of the player interface department.

(5) All financial instrument storage components must be posted with a number corresponding to a permanent number on the player interface.

(f) *Card game count standards.*

(1) Access to stored, full card game drop boxes must be restricted to:

(i) Authorized members of the drop and count teams; and

(ii) In an emergency, authorized persons for the resolution of a problem.

(2) The card game count must be performed in a count room or other equivalently secure area with comparable controls.

(3) Access to the count room during the count must be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel.

(4) If counts from various revenue centers occur simultaneously in the count room, procedures must be in effect to prevent the commingling of funds from different revenue centers.

(5) Count equipment and systems must be tested, with the results documented, at minimum before the first count begins to ensure the accuracy of the equipment.

(6) The card game drop boxes must be individually emptied and counted so as to prevent the commingling of funds between boxes until the count of the box has been recorded.

(i) The count of each box must be recorded in ink or other permanent form of recordation.

(ii) For counts that do not utilize a currency counter, a second count must be performed by a member of the count team who did not perform the initial count. Separate counts of chips and tokens must always be performed by members of the count team.

(iii) Coupons or other promotional items not included in gross revenue must be recorded on a supplemental document by either the count team members or accounting personnel. All single-use coupons must be cancelled daily by an authorized agent to prevent improper recirculation.

(iv) If a currency counter interface is used:

(A) It must be restricted to prevent unauthorized access; and

(B) The currency drop figures must be transferred via direct communications line or computer storage media to the accounting department.

(7) If currency counters are utilized, a count team member must observe the loading and unloading of all currency at the currency counter, including rejected currency.

(8) Two counts of the currency rejected by the currency counter must be recorded per table, as well as in total. Posting rejected currency to a nonexistent table is prohibited.

(9) Card game drop boxes, when empty, must be shown to another member of the count team, to another agent observing the count, or to surveillance, provided that the count is monitored in its entirety by an agent independent of the count.

(10) Procedures must be implemented to ensure that any corrections to the count documentation are permanent and identifiable, and that the original, corrected information remains legible. Corrections must be verified by two count team agents.

(11) The count sheet must be reconciled to the total drop by a count team member who may not function as the sole recorder, and variances must be reconciled and documented.

(12) All count team agents must sign the count sheet attesting to their participation in the count.

(13) A final verification of the total drop proceeds, before transfer to cage/vault, must be performed by at least two agents, one of whom is a supervisory count team member, and one a count team agent.

(i) Final verification must include a comparison of currency counted totals against the currency counter/system report, if any counter/system is used.

(ii) Any unresolved variances must be documented, and the documentation must remain part of the final count record forwarded to accounting.

(iii) This verification does not require a complete recount of the drop proceeds, but does require a review sufficient to verify the total drop proceeds being transferred.

(iv) The two agents must sign the report attesting to the accuracy of the total drop proceeds verified.

(v) All drop proceeds and cash equivalents that were counted must be submitted to the cage or vault agent (who must be independent of the count team), or to an agent independent of the revenue generation source and the count process, for verification. The agent must certify, by signature, the amount of the drop proceeds delivered and received. Any unresolved variances must be reconciled, documented, and/or investigated by accounting/revenue audit.

(14) After verification by the agent receiving the funds, the drop proceeds must be transferred to the cage/vault.

(i) The count documentation and records must not be transferred to the cage/vault with the drop proceeds.

(ii) The cage/vault agent must have no knowledge or record of the drop proceeds total before it is verified.

(iii) All count records must be forwarded to accounting or secured and accessible only by accounting agents.

(iv) The cage/vault agent receiving the transferred drop proceeds must sign the count sheet attesting to the verification of the total received, and thereby assume accountability of the drop proceeds, ending the count.

(v) Any unresolved variances between total drop proceeds recorded on the count sheet and the cage/vault final verification during transfer must be documented and investigated.

(15) The count sheet, with all supporting documents, must be delivered to the accounting department by a count team member or an agent independent of the cage/vault. Alternatively, it may be secured so that it is only accessible to accounting agents.

(g) *Player interface financial instrument count standards.*

(1) Access to stored full financial instrument storage components must be restricted to:

(i) Authorized members of the drop and count teams; and

(ii) In an emergency, authorized persons for the resolution of a problem.

(2) The player interface financial instrument count must be performed in a count room or other equivalently secure area with comparable controls.

(3) Access to the count room during the count must be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel.

(4) If counts from various revenue centers occur simultaneously in the count room, procedures must be in effect that prevent the commingling of funds from different revenue centers.

(5) The count team must not have access to amount-in or bill-in meter amounts until after the count is completed and the drop proceeds are accepted into the cage/vault accountability.

(6) Count equipment and systems must be tested, and the results documented, before the first count begins, to ensure the accuracy of the equipment.

(7) If a currency counter interface is used:

(i) It must be adequately restricted to prevent unauthorized access; and

(ii) The currency drop figures must be transferred via direct communications line or computer storage media to the accounting department.

(8) The financial instrument storage components must be individually emptied and counted so as to prevent the commingling of funds between storage components until the count of the storage component has been recorded.

(i) The count of each storage component must be recorded in ink or other permanent form of recordation.

(ii) Coupons or other promotional items not included in gross revenue may be recorded on a supplemental document by the count team members or accounting personnel. All single-use coupons must be cancelled daily by an authorized agent to prevent improper recirculation.

(9) If currency counters are utilized, a count team member must observe the loading and unloading of all currency at the currency counter, including rejected currency.

(10) Two counts of the currency rejected by the currency counter must be recorded per interface terminal as well as in total. Rejected currency must be posted to the player interface from which it was collected.

(11) Storage components, when empty, must be shown to another member of the count team, to another agent who is observing the count, or to surveillance, provided that the count is monitored in its entirety by an agent independent of the count.

(12) Procedures must be implemented to ensure that any corrections to the count documentation are permanent, identifiable and the original, corrected information remains legible. Corrections must be verified by two count team agents.

(13) The count sheet must be reconciled to the total drop by a count team member who may not function as the sole recorder, and variances must be reconciled and documented. This standard does not apply to vouchers removed from the financial instrument storage components.

(14) All count team agents must sign the report attesting to their participation in the count.

(15) A final verification of the total drop proceeds, before transfer to cage/vault, must be performed by the at least two agents, one of whom is a supervisory count team member and the other a count team agent.

(i) Final verification must include a comparison of currency counted totals against the currency counter/system report, if a counter/system is used.

(ii) Any unresolved variances must be documented and the documentation must remain a part of the final count record forwarded to accounting.

(iii) This verification does not require a complete recount of the drop proceeds but does require a review sufficient to verify the total drop proceeds being transferred.

(iv) The two agents must sign the report attesting to the accuracy of the total drop proceeds verified.

(v) All drop proceeds and cash equivalents that were counted must be turned over to the cage or vault cashier (who must be independent of the count team) or to an agent independent of the revenue generation and the count process for verification. Such cashier or agent must certify, by signature, the amount of the drop proceeds delivered and received. Any unresolved variances must be reconciled, documented, and/or investigated by accounting/revenue audit.

(16) After certification by the agent receiving the funds, the drop proceeds must be transferred to the cage/vault.

(i) The count documentation and records must not be transferred to the cage/vault with the drop proceeds.

(ii) The cage/vault agent must not have knowledge or record of the drop proceeds total before it is verified.

(iii) All count records must be forwarded to accounting secured and accessible only by accounting agents.

(iv) The cage/vault agent receiving the transferred drop proceeds must sign the count sheet attesting to the verification of the total received, and thereby assuming accountability of the drop proceeds, and ending the count.

(v) Any unresolved variances between total drop proceeds recorded on the count room report and the cage/vault final verification during transfer must be documented and investigated.

(17) The count sheet, with all supporting documents, must be delivered to the accounting department by a count team member or agent independent of the cashiers department.

Alternatively, it may be adequately secured and accessible only by accounting department.

(h) *Controlled keys.* Controls must be established and procedures implemented to safeguard the use, access, and security of keys in accordance with the following:

(1) Each of the following requires a separate and unique key lock or alternative secure access method:

(i) Drop cabinet;

(ii) Drop box release;

(iii) Drop box content; and

(iv) Storage racks and carts.

(2) Access to and return of keys or equivalents must be documented with the date, time, and signature or other unique identifier of the agent accessing or returning the key(s).

(i) For Tier A and B operations, at least two (2) drop team agents are required to be present to access and return keys. For Tier C operations, at least three (3) drop team agents are required to be present to access and return keys.

(ii) For Tier A and B operations, at least two (2) count team agents are required to be present at the time count room and other count keys are issued for the count. For Tier C operations, at least three (two for card game drop box keys in operations with three tables or fewer) count team agents are required to be present at the time count room and other count keys are issued for the count.

(3) Documentation of all keys, including duplicates, must be maintained, including:

(i) Unique identifier for each individual key;

(ii) Key storage location;

(iii) Number of keys made, duplicated, and destroyed; and

(iv) Authorization and access.

(4) Custody of all keys involved in the drop and count must be maintained by a department independent of the count and the drop agents as well as those departments being dropped and counted.

(5) Other than the count team, no agent may have access to the drop box content keys while in possession of storage rack keys and/or release keys.

(6) Other than the count team, only agents authorized to remove drop boxes are allowed access to drop box release keys.

(7) Any use of keys at times other than the scheduled drop and count must be properly authorized and documented.

(8) Emergency manual keys, such as an override key, for computerized, electronic, and alternative key systems must be maintained in accordance with the following:

(i) Access to the emergency manual key(s) used to access the box containing the player interface drop and count keys requires the physical involvement of at least three agents from separate departments, including management. The date, time, and reason for access, must be documented with the signatures of all participating persons signing out/in the emergency manual key(s);

(ii) The custody of the emergency manual keys requires the presence of two agents from separate departments from the time of their issuance until the time of their return; and

(iii) Routine physical maintenance that requires access to the emergency manual key(s), and does not involve accessing the player interface drop and count keys, only requires the presence of two agents from separate departments. The date, time, and reason for access must be documented with the signatures of all participating agents signing out/in the emergency manual key(s).

(i) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.18 What are the minimum internal control standards for the cage, vault, kiosk, cash and cash equivalents?

(a) *Supervision.* Supervision must be provided as needed for cage, vault, kiosk, and other operations using cash or cash equivalents by an agent(s) with authority equal to or greater than those being supervised.

(b) *Check cashing.*

(1) If checks are cashed at the cage, the controls must provide for security and integrity. For each check cashing transaction, the agent(s) conducting the transaction must:

(i) Verify the patron's identity;

(ii) Examine the check to ensure it includes the patron's name, current address, and signature;

(iii) For personal checks, verify the patron's check cashing authority and record the source and results in accordance with management policy; however

(iv) If a check guarantee service is used to guarantee the transaction and the procedures required by the check guarantee service are followed, then the above requirements do not apply.

(2) When counter checks are issued, the following must be included on the check:

(i) The patron's name and signature;

(ii) The dollar amount of the counter check;

(iii) Patron's bank name, bank routing, and account numbers;

(iv) Date of issuance; and

(v) Signature of the agent approving the counter check transaction.

(3) Checks that are not deposited in the normal course of business, as established by management, (held checks) are subject to § 543.15 lines of credit standards.

(4) When traveler's checks or other guaranteed drafts, such as cashier's checks, are presented, the cashier must comply with the examination and documentation procedures as required by the issuer.

(5) If a third party check cashing or guarantee service is used, the examination and documentation procedures required by the service provider apply, unless otherwise provided by tribal law or regulation.

(c) *Cage and vault accountability.*

(1) All transactions that flow through the cage must be summarized for each work shift of the cage and must be supported by documentation.

(2) Increases and decreases to the total cage inventory must be verified, supported by documentation, and recorded. Documentation must include the date and shift, the purpose of the increase/decrease, the agent(s) completing the transaction, and the person or department receiving the cage funds (for decreases only).

(3) The cage and vault inventories (including coin rooms) must be counted independently by at least two agents, attested to by signature, and recorded in ink or other permanent form at the end of each shift during which the activity took place. These agents must make individual counts to compare for accuracy and maintain individual accountability. All variances must be documented and investigated.

(4) The gaming operation must establish and comply with a minimum bankroll formula to ensure the gaming operation maintains cash or cash equivalents (on hand and in the bank, if readily accessible) in an amount sufficient to satisfy obligations to the gaming operation's patrons as they are incurred.

(d) *Kiosks.*

(1) Kiosks must be maintained on the cage accountability and must be counted independently by at least two agents, documented, and reconciled for each increase or decrease to the kiosk inventory.

(2) Currency cassettes must be counted and filled by an agent and verified independently by at least one agent, all of whom must sign each cassette.

(3) Currency cassettes must be secured with a lock or tamper resistant seal and, if not placed inside a kiosk,

must be stored in a secured area of the cage/vault.

(4) The TGRA or the gaming operation, subject to the approval of the TGRA, must develop and implement physical security controls over the kiosks. Controls should address the following: forced entry, evidence of any entry, and protection of circuit boards containing programs.

(5) With regard to cashless systems, the TGRA or the gaming operation, subject to the approval of the TGRA, must develop and implement procedures to ensure that communications between the kiosk and system are secure and functioning.

(6) The following reconciliation reports must be available upon demand for each day, shift, and drop cycle (this is not required if the system does not track the information, but system limitation(s) must be noted):

(i) Starting balance dollar amount per financial instrument;

(ii) Starting balance number of items per financial instrument;

(iii) Dollar amount per financial instrument issued;

(iv) Number of items per financial instrument issued;

(v) Dollar amount per financial instrument issued;

(vi) Number of items per financial instrument redeemed;

(vii) Dollar amount per financial instrument increases;

(viii) Number of items per financial instrument increases;

(ix) Dollar amount per financial instrument decreases;

(x) Number of items per financial instrument decreases;

(xi) Ending balance dollar amount per financial instrument; and

(xii) Ending balance number of items per financial instrument.

(e) *Patron deposited funds.* If a gaming operation permits a patron to deposit funds with the gaming operation at the cage, and when transfers of patron deposited funds are transferred to a gaming area for wagering purposes, the following standards apply:

(1) The receipt or withdrawal of a patron deposit must be documented, with a copy given to the patron and a copy remaining in the cage.

(2) Both copies of the document of receipt or withdrawal must contain the following information:

(i) Same receipt number on each copy;

(ii) Patron's name and signature;

(iii) Date of receipt and withdrawal;

(iv) Dollar amount of deposit/withdrawal (for foreign currency transactions include the US dollar equivalent, the name of the foreign country, and the amount of the foreign currency by denomination);

(v) Nature of deposit/withdrawal; and

(vi) Name and signature of the agent who conducted the transaction.

(3) Procedures must be established and complied with for front money deposits to:

(i) Maintain a detailed record by patron name and date of all funds on deposit;

(ii) Maintain a current balance of all patron deposits that are in the cage/vault inventory or accountability; and

(iii) Reconcile the current balance with the deposits and withdrawals at least daily.

(f) *Promotional payments, drawings, and giveaway programs.* The following procedures must apply to any payment resulting from a promotional payment, drawing, or giveaway program disbursed by the cage department or any other department. This section does not apply to payouts for card game promotional pots and/or pools.

(1) All payments must be documented to support the cage accountability.

(2) Payments above $600 (or lesser amount as approved by TGRA) must be documented at the time of the payment, and documentation must include the following:

(i) Date and time;

(ii) Dollar amount of payment or description of personal property;

(iii) Reason for payment; and

(iv) Patron's name and confirmation that identity was verified (drawings only).

(v) Signature(s) of at least two agents verifying, authorizing, and completing the promotional payment with the patron. For computerized systems that validate and print the dollar amount of the payment on a computer generated form, only one signature is required.

(g) *Chip(s) and token(s).* Controls must be established and procedures implemented to ensure accountability of chip and token inventory. Such controls must include, but are not limited to, the following:

(1) Purchase;

(2) Receipt;

(3) Inventory;

(4) Storage; and

(5) Destruction.

(h) *Vouchers.*

(1) Controls must be established and procedures implemented to:

(i) Verify the authenticity of each voucher redeemed.

(ii) If the voucher is valid, verify that the patron is paid the appropriate amount.

(iii) Document the payment of a claim on a voucher that is not physically available or a voucher that cannot be validated such as a mutilated, expired, lost, or stolen voucher.

(iv) Retain payment documentation for reconciliation purposes.

(v) For manual payment of a voucher of $500 or more, require a supervisory employee to verify the validity of the voucher prior to payment.

(2) Vouchers paid during a period while the voucher system is temporarily out of operation must be marked ''paid'' by the cashier.

(3) Vouchers redeemed while the voucher system was temporarily out of operation must be validated as expeditiously as possible upon restored operation of the voucher system.

(4) Paid vouchers must be maintained in the cashier's accountability for reconciliation purposes.

(5) Unredeemed vouchers can only be voided in the voucher system by supervisory employees. The accounting department will maintain the voided voucher, if available.

(i) *Cage and vault access.* Controls must be established and procedures implemented to:

(1) Restrict physical access to the cage to cage agents, designated staff, and other authorized persons; and

(2) Limit transportation of extraneous items such as personal belongings, tool boxes, beverage containers, etc., into and out of the cage.

(j) *Variances.* The operation must establish, as approved by the TGRA, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.

§ 543.19 [Reserved]

§ 543.20 What are the minimum internal control standards for information technology and information technology data?

(a) *Supervision.*

(1) Controls must identify the supervisory agent in the department or area responsible for ensuring that the department or area is operating in accordance with established policies and procedures.

(2) The supervisory agent must be independent of the operation of Class II games.

(3) Controls must ensure that duties are adequately segregated and monitored to detect procedural errors and to prevent the concealment of fraud.

(4) Information technology agents having access to Class II gaming systems may not have signatory authority over financial instruments and payout forms and must be independent of and restricted from access to:

(i) Financial instruments;

(ii) Accounting, audit, and ledger entries; and

(iii) Payout forms.

(b) As used in this section only, a system is any computerized system that

is integral to the gaming environment. This includes, but is not limited to, the server and peripherals for Class II gaming system, accounting, surveillance, essential phone system, and door access and warning systems.

(c) Class II gaming systems' logical and physical controls. Controls must be established and procedures implemented to ensure adequate:

(1) Control of physical and logical access to the information technology environment, including accounting, voucher, cashless and player tracking systems, among others used in conjunction with Class II gaming;

(2) Physical and logical protection of storage media and its contents, including recovery procedures;

(3) Access credential control methods;

(4) Record keeping and audit processes; and

(5) Departmental independence, including, but not limited to, means to restrict agents that have access to information technology from having access to financial instruments.

(d) *Physical security.*

(1) The information technology environment and infrastructure must be maintained in a secured physical location such that access is restricted to authorized agents only.

(2) Access devices to the systems' secured physical location, such as keys, cards, or fobs, must be controlled by an independent agent.

(3) Access to the systems' secured physical location must be restricted to agents in accordance with established policies and procedures, which must include maintaining and updating a record of agents granted access privileges.

(4) Network Communication Equipment must be physically secured from unauthorized access.

(e) *Logical security.*

(1) Controls must be established and procedures implemented to protect all systems and to ensure that access to the following is restricted and secured:

(i) Systems' software and application programs;

(ii) Data associated with Class II gaming; and

(iii) Communications facilities, systems, and information transmissions associated with Class II gaming systems.

(2) Unused services and non-essential ports must be disabled whenever possible.

(3) Procedures must be implemented to ensure that all activity performed on systems is restricted and secured from unauthorized access, and logged.

(4) Communications to and from systems via Network Communication Equipment must be logically secured from unauthorized access.

(f) *User controls.*

(1) Systems, including application software, must be secured with passwords or other means for authorizing access.

(2) Management personnel or agents independent of the department being controlled must assign and control access to system functions.

(3) Access credentials such as passwords, PINs, or cards must be controlled as follows:

(i) Each user must have his or her own individual access credential;

(ii) Access credentials must be changed at an established interval approved by the TGRA; and

(iii) Access credential records must be maintained either manually or by systems that automatically record access changes and force access credential changes, including the following information for each user:

(A) User's name;

(B) Date the user was given access and/or password change; and

(C) Description of the access rights assigned to user.

(4) Lost or compromised access credentials must be deactivated, secured or destroyed within an established time period approved by the TGRA.

(5) Access credentials of terminated users must be deactivated within an established time period approved by the TGRA.

(6) Only authorized agents may have access to inactive or closed accounts of other users, such as player tracking accounts and terminated user accounts.

(g) *Installations and/or modifications.*

(1) Only TGRA authorized or approved systems and modifications may be installed.

(2) Records must be kept of all new installations and/or modifications to Class II gaming systems. These records must include, at a minimum:

(i) The date of the installation or modification;

(ii) The nature of the installation or change such as new software, server repair, significant configuration modifications;

(iii) Evidence of verification that the installation or the modifications are approved; and

(iv) The identity of the agent(s) performing the installation/modification.

(3) Documentation must be maintained, such as manuals and user guides, describing the systems in use and the operation, including hardware.

(h) *Remote access.*

(1) Agents may be granted remote access for system support, provided that each access session is documented and maintained at the place of authorization. The documentation must include:

(i) Name of agent authorizing the access;

(ii) Name of agent accessing the system;

(iii) Verification of the agent's authorization;

(iv) Reason for remote access;

(v) Description of work to be performed;

(vi) Date and time of start of end-user remote access session; and

(vii) Date and time of conclusion of end-user remote access session.

(2) All remote access must be performed via a secured method.

(i) *Incident monitoring and reporting.*

(1) Procedures must be implemented for responding to, monitoring, investigating, resolving, documenting, and reporting security incidents associated with information technology systems.

(2) All security incidents must be responded to within an established time period approved by the TGRA and formally documented.

(j) *Data backups.*

(1) Controls must include adequate backup, including, but not limited to, the following:

(i) Daily data backup of critical information technology systems;

(ii) Data backup of critical programs or the ability to reinstall the exact programs as needed;

(iii) Secured storage of all backup data files and programs, or other adequate protection;

(iv) Mirrored or redundant data source; and

(v) Redundant and/or backup hardware.

(2) Controls must include recovery procedures, including, but not limited to, the following:

(i) Data backup restoration;

(ii) Program restoration; and

(iii) Redundant or backup hardware restoration.

(3) Recovery procedures must be tested on a sample basis at specified intervals at least annually. Results must be documented.

(4) Backup data files and recovery components must be managed with at least the same level of security and access controls as the system for which they are designed to support.

(k) *Software downloads.* Downloads, either automatic or manual, must be performed in accordance with 25 CFR 547.12.

(l) *Verifying downloads.* Following download of any Class II gaming system software, the Class II gaming system must verify the downloaded software using a software signature verification method. Using any method it deems appropriate, the TGRA must confirm the verification.

§ 543.21 What are the minimum internal control standards for surveillance?

(a) *Supervision.* Supervision must be provided as needed for surveillance by an agent(s) with authority equal to or greater than those being supervised.

(b) *Surveillance equipment and control room(s).* Controls must be established and procedures implemented that include the following:

(1) For Tier A, the surveillance system must be maintained and operated from a secured location, such as a locked cabinet. For Tiers B and C, the surveillance system must be maintained and operated from a staffed surveillance operation room(s).

(2) The surveillance operation room(s) must be secured to prevent unauthorized entry.

(3) Access to the surveillance operation room(s) must be limited to surveillance agents and other authorized persons.

(4) Surveillance operation room(s) access logs must be maintained.

(5) Surveillance operation room equipment must have total override capability over all other satellite surveillance equipment.

(6) Power loss to the surveillance system:

(i) For Tier A, in the event of power loss to the surveillance system, alternative security procedures, such as additional supervisory or security agents, must be implemented immediately.

(ii) For Tier B and C, in the event of power loss to the surveillance system, an auxiliary or backup power source must be available and capable of providing immediate restoration of power to the surveillance system to ensure that surveillance agents can observe all areas covered by dedicated cameras.

(7) The surveillance system must record an accurate date and time stamp on recorded events. The displayed date and time must not significantly obstruct the recorded view.

(8) All surveillance agents must be trained in the use of the equipment, games, and house rules.

(9) Each camera required by the standards in this section must be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled.

(10) The surveillance system must:

(i) Have the capability to display all camera views on a monitor;

(ii) Include sufficient numbers of recording devices to record the views of all cameras required by this section;

(iii) Record all camera views; and

(iv) For Tier B and C only, include sufficient numbers of monitors to simultaneously display gaming and count room activities.

(11) A periodic inspection of the surveillance systems must be conducted. When a malfunction of the surveillance system is discovered, the malfunction and necessary repairs must be documented and repairs initiated within seventy-two (72) hours.

(i) If a dedicated camera malfunctions, alternative security procedures, such as additional supervisory or security agents, must be implemented immediately.

(ii) The TGRA must be notified of any surveillance system and/or camera(s) that have malfunctioned for more than twenty-four (24) hours and the alternative security measures being implemented.

(c) *Additional surveillance requirements.* With regard to the following functions, controls must also include:

(1) Surveillance of the progressive prize meters for Class II gaming systems at the following thresholds:

(i) Wide area progressives with a reset amount of $1 million; and

(ii) In-house progressives with a reset amount of $250,000.

(2) Manual bingo:

(i) For manual draws, the surveillance system must monitor the bingo ball drawing device or mechanical random number generator, which must be recorded during the course of the draw by a dedicated camera to identify the numbers or other designations drawn; and

(ii) The surveillance system must monitor and record the activities of the bingo game, including drawing, and entering the balls, numbers or other designations drawn.

(3) Card games:

(i) Except for card game tournaments, a dedicated camera(s) with sufficient clarity must be used to provide:

(A) An overview of the activities on each card table surface, including card faces and cash and/or cash equivalents;

(B) An overview of card game activities, including patrons and dealers; and

(C) An unobstructed view of all posted progressive pool amounts.

(ii) For card game tournaments, a dedicated camera(s) must be used to provide an overview of tournament activities, and any area where cash or cash equivalents are exchanged.

(4) Cage and vault:

(i) The surveillance system must monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify individuals within the cage and patrons and staff members at the counter areas and to confirm the amount of each cash transaction;

(ii) Each cashier station must be equipped with one (1) dedicated overhead camera covering the transaction area; and

(iii) The cage or vault area in which exchange and transfer transactions occur must be monitored and recorded by a dedicated camera or motion activated dedicated camera that provides coverage with sufficient clarity to identify the chip values and the amounts on the exchange and transfer documentation. Controls provided by a computerized exchange and transfer system constitute an adequate alternative to viewing the amounts on the exchange and transfer documentation.

(5) Count rooms:

(i) The surveillance system must monitor and record with sufficient clarity a general overview of all areas where cash or cash equivalents may be stored or counted; and

(ii) The surveillance system must provide coverage of count equipment with sufficient clarity to view any attempted manipulation of the recorded data.

(d) *Reporting requirements.* TGRA-approved procedures must be implemented for reporting suspected crimes and suspicious activity.

(e) *Recording retention.* Controls must be established and procedures implemented that include the following:

(1) All recordings required by this section must be retained for a minimum of seven days; and

(2) Suspected crimes, suspicious activity, or detentions by security agents discovered within the initial retention period must be copied and retained for a time period, not less than one year.

(f) *Logs.* Logs must be maintained and demonstrate the following:

(1) Compliance with the storage, identification, and retention standards required in this section;

(2) Each malfunction and repair of the surveillance system as defined in this section; and

(3) Activities performed by surveillance agents as required by the controls in this section.

§ 543.22 [Reserved]

§ 543.23 What are the minimum internal control standards for audit and accounting?

(a) *Conflicts of standards.* When establishing SICS, the gaming operation should review, and consider incorporating, other external standards such as GAAP, GAAS, and standards promulgated by GASB and FASB. In the event of a conflict between the MICS

and the incorporated external standards, the external standards prevail.

(b) *Accounting.* Controls must be established and procedures implemented to safeguard assets and ensure each gaming operation:

(1) Prepares accurate, complete, legible, and permanent records of all transactions pertaining to gaming revenue and activities for operational accountability.

(2) Prepares general accounting records on a double-entry system of accounting, maintaining detailed, supporting, subsidiary records, and performs the following activities:

(i) Record gaming activity transactions in an accounting system to identify and track all revenues, expenses, assets, liabilities, and equity;

(ii) Record all markers, IOU's, returned checks, held checks, or other similar credit instruments;

(iii) Record journal entries prepared by the gaming operation and by any independent accountants used;

(iv) Prepare income statements and balance sheets;

(v) Prepare appropriate subsidiary ledgers to support the balance sheet;

(vi) Prepare, review, and maintain accurate financial statements;

(vii) Prepare transactions in accordance with the appropriate authorization, as provided by management;

(viii) Record transactions to facilitate proper recording of gaming revenue and fees, and to maintain accountability of assets;

(ix) Compare recorded accountability for assets to actual assets at periodic intervals, and take appropriate action with respect to any variances;

(x) Segregate functions, duties, and responsibilities;

(xi) Prepare minimum bankroll calculations; and

(xii) Maintain and preserve all financial records and relevant supporting documentation.

(c) *Internal audit.* Controls must be established and procedures implemented to ensure that:

(1) Internal auditor(s) perform audits of each department of a gaming operation, at least annually, to review compliance with TICS, SICS, and these MICS, which include at least the following areas:

(i) Bingo, including supervision, bingo cards, bingo card sales, draw, prize payout; cash and equivalent controls, technologic aids to the play of bingo, operations, vouchers, and revenue audit procedures;

(ii) Pull tabs, including, supervision, pull tab inventory, pull tab sales, winning pull tabs, pull tab operating funds, statistical records, and revenue audit procedures;

(iii) Card games, including supervision, exchange or transfers, playing cards, shill funds, reconciliation of card room bank, posted rules, and promotional progressive pots and pools;

(iv) Gaming promotions and player tracking procedures, including supervision, gaming promotion rules and player tracking systems;

(v) Complimentary services or items, including procedures for issuing, authorizing, redeeming, and reporting complimentary service items;

(vi) Patron deposit accounts and cashless systems procedures, including supervision, patron deposit accounts and cashless systems, as well as patron deposits, withdrawals and adjustments;

(vii) Lines of credit procedures, including establishment of lines of credit policy;

(viii) Drop and count standards, including supervision, count room access, count team, card game drop standards, player interface and financial instrument drop standards, card game count standards, player interface financial instrument count standards, and controlled keys;

(ix) Cage, vault, cash and cash equivalent procedures, including supervision, cash and cash equivalents, personal checks, cashier's checks, traveler's checks, payroll checks, and counter checks, cage and vault accountability, kiosks, patron deposited funds, promotional payouts, drawings, and giveaway programs, chip and token standards, and cage and vault access;

(x) Information technology, including supervision, class II gaming systems' logical and physical controls, independence, physical security, logical security, user controls, installations and/or modifications, remote access, incident monitoring and reporting, data back-ups, software downloads, and verifying downloads; and

(xi) Accounting standards, including accounting records, maintenance and preservation of financial records and relevant supporting documentation.

(2) Internal auditor(s) are independent of gaming operations with respect to the departments subject to audit (auditors internal to the operation, officers of the TGRA, or outside CPA firm may perform this function).

(3) Internal auditor(s) report directly to the Tribe, TGRA, audit committee, or other entity designated by the Tribe.

(4) Documentation such as checklists, programs, reports, etc. is prepared to evidence all internal audit work and follow-up performed as it relates to compliance with TICS, SICS, and these MICS, including all instances of noncompliance.

(5) Audit reports are maintained and made available to the Commission upon request and must include the following information:

(i) Audit objectives;

(ii) Audit procedures and scope;

(iii) Findings and conclusions;

(iv) Recommendations, if applicable; and

(v) Management's response.

(6) All material exceptions identified by internal audit work are investigated and resolved and the results are documented.

(7) Internal audit findings are reported to management, responded to by management stating corrective measures to be taken, and included in the report delivered to management, the Tribe, TGRA, audit committee, or other entity designated by the Tribe for corrective action.

(8) Follow-up observations and examinations is performed to verify that corrective action has been taken regarding all instances of non-compliance. The verification is performed within six (6) months following the date of notification of non-compliance.

(d) *Annual requirements.*

(1) Agreed upon procedures. A CPA must be engaged to perform an assessment to verify whether the gaming operation is in compliance with these MICS, and/or the TICS or SICS if they provide at least the same level of controls as the MICS. The assessment must be performed in accordance with agreed upon procedures and the most recent versions of the Statements on Standards for Attestation Engagements and Agreed-Upon Procedures Engagements (collectively ''SSAEs''), issued by the American Institute of Certified Public Accountants.

(2) The tribe must submit two copies of the agreed-upon procedures report to the Commission within 120 days of the gaming operation's fiscal year end in conjunction with the submission of the annual financial audit report required pursuant to 25 CFR part 571.

(3) *Review of internal audit.*

(i) The CPA must determine compliance by the gaming operation with the internal audit requirements in this paragraph (d) by:

(A) Completing the internal audit checklist;

(B) Ensuring that the internal auditor completed checklists for each gaming department of the operation;

(C) Verifying that any areas of non-compliance have been identified;

(D) Ensuring that audit reports are completed and include responses from management; and

(E) Verifying that appropriate follow-up on audit findings has been conducted and necessary corrective measures have been taken to effectively mitigate the noted risks.

(ii) If the CPA determines that the internal audit procedures performed during the fiscal year have been properly completed, the CPA may rely on the work of the internal audit for the completion of the MICS checklists as they relate to the standards covered by this part.

(4) *Report format.* The SSAEs are applicable to agreed-upon procedures engagements required in this part. All noted instances of noncompliance with the MICS and/or the TICS or SICS, if they provide the same level of controls as the MICS, must be documented in the report with a narrative description, the number of exceptions and sample size tested.

§ 543.24 What are the minimum internal control standards for auditing revenue?

(a) *Supervision.* Supervision must be provided as needed for bingo operations by an agent(s) with authority equal to or greater than those being supervised.

(b) *Independence.* Audits must be performed by agent(s) independent of the transactions being audited.

(c) *Documentation.* The performance of revenue audit procedures, the exceptions noted, and the follow-up of all revenue audit exceptions must be documented and maintained.

(d) Controls must be established and procedures implemented to audit of each of the following operational areas:

(1) *Bingo.*

(i) At the end of each month, verify the accuracy of the ending balance in the bingo control log by reconciling it with the bingo paper inventory. Investigate and document any variance noted.

(ii) Daily, reconcile supporting records and documents to summarized paperwork or electronic records (*e.g.* total sales and payouts per shift and/or day).

(iii) At least monthly, review variances related to bingo accounting data in accordance with an established threshold, which must include, at a minimum, variance(s) noted by the Class II gaming system for cashless transactions in and out, electronic funds transfer in and out, external bonus payouts, vouchers out and coupon promotion out. Investigate and document any variance noted.

(iv) At least monthly, review statistical reports for any deviations from the mathematical expectations exceeding a threshold established by the TGRA. Investigate and document any deviations compared to the mathematical expectations required to be submitted per § 547.4.

(v) At least monthly, take a random sample, foot the vouchers redeemed and trace the totals to the totals recorded in the voucher system and to the amount recorded in the applicable cashier's accountability document.

(2) *Pull tabs.*

(i) Daily, verify the total amount of winning pull tabs redeemed each day.

(ii) At the end of each month, verify the accuracy of the ending balance in the pull tab control log by reconciling the pull tabs on hand. Investigate and document any variance noted.

(iii) At least monthly, compare for reasonableness the amount of pull tabs sold from the pull tab control log to the amount of pull-tab sales.

(iv) At least monthly, review statistical reports for any deviations exceeding a specified threshold, as defined by the TGRA. Investigate and document any large and unusual fluctuations noted.

(3) *Card games.*

(i) Daily, reconcile the amount indicated on the progressive sign/meter to the cash counted or received by the cage and the payouts made for each promotional progressive pot and pool. This reconciliation must be sufficiently documented, including substantiation of differences and adjustments.

(ii) At least monthly, review all payouts for the promotional progressive pots, pools, or other promotions to verify payout accuracy and proper accounting treatment and that they are conducted in accordance with conditions provided to the patrons.

(iii) At the conclusion of each contest/tournament, reconcile all contest/tournament entry and payout forms to the dollar amounts recorded in the appropriate accountability document.

(4) *Gaming promotions and player tracking.*

(i) At least monthly, review promotional payments, drawings, and giveaway programs to verify payout accuracy and proper accounting treatment in accordance with the rules provided to patrons.

(ii) At least monthly, for computerized player tracking systems, perform the following procedures:

(A) Review authorization documentation for all manual point additions/deletions for propriety;

(B) Review exception reports, including transfers between accounts; and

(C) Review documentation related to access to inactive and closed accounts.

(iii) At least annually, all computerized player tracking systems must be reviewed by agent(s) independent of the individuals that set up or make changes to the system parameters. The review must be performed to determine that the configuration parameters are accurate and have not been altered without appropriate management authorization Document and maintain the test results.

(5) *Complimentary services or items.* At least monthly, review the reports required in § 543.13(d). These reports must be made available to those entities authorized by the TGRA or by tribal law or ordinance.

(6) *Patron deposit accounts.*

(i) At least weekly, reconcile patron deposit account liability (deposits ± adjustments − withdrawals = total account balance) to the system record.

(ii) At least weekly, review manual increases and decreases to/from player deposit accounts to ensure proper adjustments were authorized.

(7) *Lines of credit.*

(i) At least three (3) times per year, an agent independent of the cage, credit, and collection functions must perform the following review:

(A) Select a sample of line of credit accounts;

(B) Ascertain compliance with credit limits and other established credit issuance procedures;

(C) Reconcile outstanding balances of both active and inactive (includes write-offs and settlements) accounts on the accounts receivable listing to individual credit records and physical instruments. This procedure need only be performed once per year for inactive accounts; and

(D) Examine line of credit records to determine that appropriate collection efforts are being made and payments are being properly recorded.

(E) For at least five (5) days during the review period, subsequently reconcile partial payment receipts to the total payments recorded by the cage for the day and account for the receipts numerically.

(ii) At least monthly, perform an evaluation of the collection percentage of credit issued to identify unusual trends.

(8) *Drop and count.*

(i) At least quarterly, unannounced currency counter and currency counter interface (if applicable) tests must be performed, and the test results documented and maintained. All denominations of currency and all types of cash out tickets counted by the currency counter must be tested. This test may be performed by internal audit or the TGRA. The result of these tests must be documented and signed by the agent(s) performing the test.

(ii) At least quarterly, unannounced weigh scale and weigh scale interface (if applicable) tests must be performed, and the test results documented and maintained. This test may be performed by internal audit or the TGRA. The result of these tests must be documented and signed by the agent(s) performing the test.

(iii) For computerized key security systems controlling access to drop and count keys, perform the following procedures:

(A) At least quarterly, review the report generated by the computerized key security system indicating the transactions performed by the individual(s) that adds, deletes, and changes users' access within the system (*i.e.,* system administrator). Determine whether the transactions completed by the system administrator provide adequate control over the access to the drop and count keys. Also, determine whether any drop and count key(s) removed or returned to the key cabinet by the system administrator was properly authorized;

(B) At least quarterly, review the report generated by the computerized key security system indicating all transactions performed to determine whether any unusual drop and count key removals or key returns occurred; and

(C) At least quarterly, review a sample of users that are assigned access to the drop and count keys to determine that their access to the assigned keys is appropriate relative to their job position.

(iv) At least quarterly, an inventory of all controlled keys must be performed and reconciled to records of keys made, issued, and destroyed. Investigations must be performed for all keys unaccounted for, and the investigation documented.

(9) *Cage, vault, cash, and cash equivalents.*

(i) At least monthly, the cage accountability must be reconciled to the general ledger.

(ii) At least monthly, trace the amount of cage deposits to the amounts indicated in the bank statements.

(iii) Twice annually, a count must be performed of all funds in all gaming areas (*i.e.* cages, vaults, and booths (including reserve areas), kiosks, cash-out ticket redemption machines, and change machines. Count all chips and tokens by denomination and type. Count individual straps, bags, and imprest banks on a sample basis. Reconcile all amounts counted to the amounts recorded on the corresponding accountability forms to ensure that the proper amounts are recorded. Maintain documentation evidencing the amount counted for each area and the subsequent comparison to the corresponding accountability form. The count must be completed within the same gaming day for all areas.

(A) Counts must be observed by an individual independent of the department being counted. It is permissible for the individual responsible for the funds to perform the actual count while being observed.

(B) Internal audit may perform and/or observe the two counts.

(iv) At least annually, select a sample of invoices for chips and tokens purchased, and trace the dollar amount from the purchase invoice to the accountability document that indicates the increase to the chip or token inventory to ensure that the proper dollar amount has been recorded.

(v) At each business year end, create and maintain documentation evidencing the amount of the chip/token liability, the change in the liability from the previous year, and explanations for adjustments to the liability account including any adjustments for chip/token float.

(vi) At least monthly, review a sample of returned checks to determine that the required information was recorded by cage agent(s) when the check was cashed.

(vii) At least monthly, review exception reports for all computerized cage systems for propriety of transactions and unusual occurrences. The review must include, but is not limited to, voided authorizations. All noted improper transactions or unusual occurrences identified must be investigated and the results documented.

(viii) Daily, reconcile all parts of forms used to document increases/decreases to the total cage inventory, investigate any variances noted, and document the results of such investigations.

(10) *Inventory.*

(i) At least monthly, verify receipt, issuance, and use of controlled inventory, including, but not limited to, bingo cards, pull tabs, playing cards, keys, pre-numbered and/or multi-part forms.

(ii) Periodically perform minimum bankroll calculations to ensure that the gaming operation maintains cash in an amount sufficient to satisfy the gaming operation's obligations.

§ 543.25–543.49 [Reserved]

Dated: September 14, 2012, Washington, DC.

Tracie L. Stevens,

Chairwoman.

Steffani A. Cochran,

Vice-Chairwoman.

Daniel J. Little,

Associate Commissioner.

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Part VI

Department of the Interior

Fish and Wildlife Service

50 CFR Part 92

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2013 Season; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2012–0066; FF09M21200–123–FXMB1231099BPP0L2]

RIN 1018–AY70

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2013 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) proposes migratory bird subsistence harvest regulations in Alaska for the 2013 season. These regulations would enable the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The rulemaking is necessary because the regulations governing the subsistence harvest of migratory birds in Alaska are subject to annual review. This rulemaking proposes region-specific regulations that would go into effect on April 2, 2013, and expire on August 31, 2013.

DATES: We will accept comments received or postmarked on or before November 20, 2012. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 5, 2012.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R7–MB–2012–0066.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R7–MB–2012–0066; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comment Procedures section below for more information).

FOR FURTHER INFORMATION CONTACT: Donna Dewhurst, (907) 786–3499, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

To ensure that any proposed action resulting from this proposed rule will be as accurate and as effective as possible, we request that you send relevant information for our consideration. The comments that will be most useful and likely to influence our decisions are those that you support by quantitative information or studies and those that include citations to, and analyses of, the applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

You must submit your comments and materials concerning this proposed rule by one of the methods listed above in the **ADDRESSES** section. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information, such as your address, telephone number, or email address—will be posted on the Web site. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission.

If you mail or hand-carry a hardcopy comment directly to us that includes personal information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. To ensure that the electronic docket for this rulemaking is complete and all comments we receive are publicly available, we will post all hardcopy comments on *http://www.regulations.gov.*

In addition, comments and materials we receive, as well as supporting documentation used in preparing this proposed rule, will be available for public inspection in two ways:

(1) You can view them on *http://www.regulations.gov.* Search for FWS–R7–MB–2012–0066, which is the docket number for this rulemaking.

(2) You can make an appointment, during normal business hours, to view the comments and materials in person at the Division of Migratory Bird Management, U.S. Fish and Wildlife Service; 4501 N. Fairfax Drive, Room 4107, Arlington, VA 22203–1610.

Public Availability of Comments

As stated above in more detail, 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.

Why is this rulemaking necessary?

This rulemaking is necessary because, by law, the migratory bird harvest season is closed unless opened by the Secretary of the Interior, and the regulations governing subsistence harvest of migratory birds in Alaska are subject to public review and annual approval. This rule proposes regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer of 2013. This rule proposes a list of migratory bird season openings and closures in Alaska by region.

How do I find the history of these regulations?

Background information, including past events leading to this rulemaking, accomplishments since the Migratory Bird Treaties with Canada and Mexico were amended, and a history, was originally addressed in the **Federal Register** on August 16, 2002 (67 FR 53511) and most recently on March 26, 2012 (77 FR 17353).

Recent **Federal Register** documents, which are all proposed rules setting forth the annual harvest regulations, are available at *http://alaska.fws.gov/ambcc/regulations.htm* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

What is the process for issuing regulations for the subsistence harvest of migratory birds in Alaska?

The U.S. Fish and Wildlife Service (Service or we) is proposing migratory bird subsistence harvest regulations in Alaska for the 2013 season. These regulations would enable the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These proposed regulations were developed under a co-management process involving the Service, the Alaska

Department of Fish and Game, and Alaska Native representatives.

We opened the process to establish regulations for the 2013 spring and summer subsistence harvest of migratory birds in Alaska in a proposed rule published in the **Federal Register** on April 17, 2012, (77 FR 23094) to amend 50 CFR part 20. While that proposed rule dealt primarily with the regulatory process for hunting migratory birds for all purposes throughout the United States, we also discussed the background and history of Alaska subsistence regulations, explained the annual process for their establishment, and requested proposals for the 2014 season. The rulemaking processes for both types of migratory bird harvest are related, and the April 17, 2012, proposed rule explained the connection between the two.

The Alaska Migratory Bird Co-management Council (Co-management Council) held meetings on April 11–12 and May 9, 2012, to develop recommendations for changes that would take effect during the 2013 harvest season. These recommendations were presented first to the Flyway Councils and then to the Service Regulations Committee at the committee's meeting on July 25 and 26, 2012.

Who is eligible to hunt under these regulations?

Eligibility to harvest under the regulations established in 2003 was limited to permanent residents, regardless of race, in villages located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, and in areas north and west of the Alaska Range (50 CFR 92.5). These geographical restrictions opened the initial migratory bird subsistence harvest to about 13 percent of Alaska residents. High-populated, roaded areas such as Anchorage, the Matanuska-Susitna and Fairbanks North Star boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, and Southeast Alaska were excluded from eligible subsistence harvest areas.

Based on petitions requesting inclusion in the harvest, in 2004, we added 13 additional communities based on criteria set forth in 50 CFR 92.5(c). These communities were Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina, Tatitlek, Chenega, Port Graham, Nanwalek, Tyonek, and Hoonah, with a combined population of 2,766. In 2005, we added three additional communities for glaucous-winged gull egg gathering only, based on petitions requesting inclusion. These southeastern communities were Craig, Hydaburg, and Yakutat, with a combined population of 2,459, based on the latest census information at that time.

In 2007, we enacted the Alaska Department of Fish and Game's request to expand the Fairbanks North Star Borough excluded area to include the Central Interior area. This action excluded the following communities from participation in this harvest: Big Delta/Fort Greely, Healy, McKinley Park/Village, and Ferry, with a combined population of 2,812.

What is different in the region-specific regulations for 2013?

Regulations proposed in this rule are identical to those for the 2012 harvest season. However, at the April 2012 Co-Management Council meeting, the North Slope Borough requested that the provision that enables yellow-billed loons inadvertently caught in subsistence fishing to be kept for subsistence use be added permanently to the consent agenda from 2013 regulations forward. The request would eliminate the need for the North Slope Borough to resubmit the loon proposal annually and eliminate the requirement for the Service Regulations Committee to review and decide on the proposal at each subsequent July meeting. The motion passed with unanimous consent by the Co-Management Council.

In 2011, the North Slope Borough Wildlife Department conducted harvest surveys in Barrow, Atqasuk, and Nuiqsut. They identified 125 fishermen and cabin owners from those 3 communities involved. Of the 125, only 3 refused to participate in the survey, so we had 97 percent participation. The resultant estimate was 25 yellow-billed loons entangled, of which 7 were released, 4 were used to make headdresses for traditional, ceremonial dances, and the remainder used for other subsistence purposes.

In the Co-Management Council's discussion of the North Slope Borough's proposal to eliminate the requirement for annual submission and review, the State of Alaska Representative stated that the North Slope Borough had done a very good job of putting together a loon harvest survey in those areas where yellow-billed loons and fishing co-exist, documenting the current levels of inadvertent take. At this meeting, the North Slope Borough committed to continue collecting this information for 2 more years (through 2013) to provide additional inadvertent take numbers to the Service Regulations Committee. On July 26, 2012, the Service Regulations Committee supported removal of the requirement for annual review and approval of the yellow-billed loon provision for the North Slope.

How will the service ensure that the subsistence harvest will not raise overall migratory bird harvest or threaten the conservation of endangered and threatened species?

We have monitored subsistence harvest for the past 25 years through the use of annual household surveys in the most heavily used subsistence harvest areas, such as the Yukon-Kuskokwim Delta. In recent years, more intensive surveys combined with outreach efforts focused on species identification have been added to improve the accuracy of information gathered from regions still reporting some subsistence harvest of listed or candidate species.

Spectacled and Steller's Eiders

Spectacled eiders *(Somateria fischeri)* and the Alaska-breeding population of Steller's eiders *(Polysticta stelleri)* are listed as threatened species; their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird hunt is open in Alaska. Both species are closed to hunting, although harvest surveys and Service documentation indicate both species have been taken in several regions of Alaska.

The Service has dual goals and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these goals continue to be challenging, they are not irreconcilable, providing the proposed regulations continue to protect threatened species, measures to remedy documented threats are implemented, and the subsistence community and other conservation partners commit to working together. With these dual goals in mind, the Service, working with North Slope partners, developed measures in 2009 to further reduce the potential for shooting mortality or injury of closed species. These conservation measures included: (1) Increased waterfowl hunter outreach and community awareness through partnering with the North Slope Migratory Bird Task Force; (2) continued enforcement of the migratory bird regulations that are protective of listed eiders; and (3) in-season Service verification of the harvest to detect taking of any threatened eider species.

This proposed rule continues to focus on the North Slope from Barrow to Point Hope because Steller's eiders from the listed Alaska breeding population are known to breed and migrate there. These proposed regulations are designed to address several ongoing eider management needs by clarifying

for subsistence users that (1) service law enforcement personnel have authority to verify species of birds possessed by hunters, and (2) it is illegal to possess any species of bird closed to harvest. This rule also describes how the Service's existing authority of emergency closure would be implemented, if necessary, to protect Steller's eiders. We are always willing to discuss regulations with our partners on the North Slope to ensure protection of closed species as well as provide subsistence hunters an opportunity to harvest migratory birds in a way that maintains the culture and traditional harvest of the community. The regulations pertaining to bag checks and possession of illegal birds are deemed necessary to verify that no closed eider species are taken during the legal subsistence hunt.

The Service is aware of and appreciates the considerable efforts by North Slope partners to raise awareness and educate hunters on Steller's eider conservation via the bird fair, meetings, radio shows, signs, school visits, and one-on-one contacts. We also recognize that no listed eiders have been documented shot in the last 3 years, even though Steller's eiders nested in the Barrow area from 2010 through 2012. The Service acknowledges progress made with the other eider conservation measures including partnering with the North Slope Migratory Bird Task Force for increased waterfowl hunter awareness, continued enforcement of the regulations, and in-season verification of the harvest. Our primary strategy to reduce the threat of shooting mortality of threatened eiders is to continue working with North Slope partners to conduct education, outreach, and harvest monitoring. In addition, the emergency closure authority provides another level of assurance if an unexpected amount of Steller's eider shooting mortality occurs (50 CFR 92.21 and 50 CFR 92.32).

In-season harvest monitoring information would be used to evaluate the efficacy of regulations, conservation measures, and outreach efforts. During 2009 through 2012, no Steller's eiders were reported being taken on the North Slope, and no Steller's eiders were found shot during in-season verification of the subsistence harvest. Based on these successes, the 2012 conservation measures would also be continued, although there would be some modification of the amount of effort and emphasis each would receive. Specifically, local communities have continued to develop greater responsibility for taking actions to ensure Steller's and spectacled eider conservation and recovery, and based on last year's observations, local hunters have demonstrated greater compliance with hunting regulations.

The longstanding general emergency closure provision at 50 CFR 92.21 specifies that the harvest may be closed or temporarily suspended upon finding that a continuation of the regulation allowing the harvest would pose an imminent threat to the conservation of any migratory bird population. With regard to Steller's eiders, the regulation at 50 CFR 92.32, carried over from the past 3 years, would clarify that we would take action under 50 CFR 92.21 as is necessary to prevent further take of Steller's eiders, and that action could include temporary or long-term closures of the harvest in all or a portion of the geographic area open to harvest. If mortality of threatened eiders occurs, we would evaluate each mortality event by criteria such as cause, quantity, sex, age, location, and date. We would consult with the Co-management Council when we are considering an emergency closure. If we determine that an emergency closure is necessary, we would design it to minimize its impact on the subsistence harvest.

Yellow-Billed Loon and Kittlitz's Murrelet

Yellow-billed loon (*Gavia adamsii*) and Kittlitz's murrelet (*Brachyramphus brevirostris*) are candidate species for listing under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Their migration and breeding distribution overlaps with where the spring and summer migratory bird hunt is open in Alaska. Both species are closed to hunting, and there is no evidence Kittlitz's murrelets are harvested. On the other hand, harvest surveys have indicated that harvest of yellow-billed loons on the North Slope and St. Lawrence Island does occur. Most of the yellow-billed loons reported harvested on the North Slope were found to be entangled loons salvaged from subsistence fishing nets as described below. The Service would continue outreach efforts in both areas in 2013, engaging partners to improve harvest estimates and decrease take of yellow-billed loons.

Consistent with the request of the North Slope Borough Fish and Game Management Committee and the recommendation of the Co-management Council, this rule proposes to continue through 2013 the provisions originally established in 2005, to allow subsistence use of yellow-billed loons inadvertently entangled in subsistence fishing (gill) nets on the North Slope. Yellow-billed loons are culturally important to the Inupiat Eskimo of the North Slope for use in traditional dance regalia. A maximum of 20 yellow-billed loons would be allowed to be kept if found entangled in fishing nets in 2013, under this provision. This proposed provision does not authorize intentional harvest of yellow-billed loons, but allows use of those loons inadvertently entangled during normal subsistence fishing activities.

Definition Clarification

We are proposing to add a definition of harvest season ''closure'' to the existing definitions list at 50 CFR 92.4. This change to the regulations would clarify our use of this term. This addition was requested by members of the public who expressed some confusion as to whether or not egg gathering is also prohibited during harvest closures. Under our proposed definition, we clarify that a season ''closure'' means that the season is closed to all forms of harvest, including hunting and egg gathering, unless specified otherwise.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act (16 U.S.C. 1536) requires the Secretary of the Interior to ''review other programs administered by him and utilize such programs in furtherance of the purposes of the Act'' and to ''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 * * *.'' Prior to issuance of annual spring and summer subsistence regulations, we would consult under section 7 of the Endangered Species Act of 1973, as amended (Act), to ensure that the 2013 subsistence harvest is not likely to jeopardize the continued existence of any species designated as endangered or threatened, or modify or destroy its critical habitats, and that the regulations are consistent with conservation programs for those species. Consultation under section 7 of the Act for the annual subsistence take regulations may cause us to change these regulations. Our biological opinion resulting from the section 7 consultation is a public document available from person listed under **FOR FURTHER INFORMATION CONTACT**.

Statutory Authority

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918, at 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties

with Canada, Mexico, Japan, and Russia, to ''issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.''

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

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.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule would not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). An initial regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This proposed rule would legalize a pre-existing subsistence activity, and the resources harvested would be consumed by the harvesters or persons within their local community.

Small Business Regulatory Enforcement Fairness Act

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

(a) Would not have an annual effect on the economy of $100 million or more. It proposes to legalize and regulate a traditional subsistence activity. It would not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that would be regulated under this proposed rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this proposed rule would derive from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this proposed rule would lead to a disproportionate distribution of benefits.

(b) Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule does not deal with traded commodities and, therefore, does not have an impact on prices for consumers.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule deals with the harvesting of wildlife for personal consumption. It does not regulate the marketplace in any way to generate effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this proposed rule would not impose a cost of $100 million or more in any given year on local, State, or tribal governments or private entities. The proposed rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Co-management Council would require travel expenses for some Alaska Native organizations and local governments. In addition, they would assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. In a Notice of Decision (65 FR 16405; March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The Alaska Department of Fish and Game would also incur expenses for travel to Co-management Council and regional management body meetings. In addition, the State of Alaska would be required to provide technical staff support to each of the regional management bodies and to the Co-management Council. Expenses for the State's involvement may exceed $100,000 per year, but should not exceed $150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the Alaska Department of Fish and Game to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this proposed rule would not have significant takings implications. This proposed rule is not specific to particular land ownership, but applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this proposed rule on the State of Alaska in the Unfunded Mandates Reform Act section above. We worked with the State of Alaska to develop these proposed regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this proposed rule, has determined that it would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 6, 2000), ''Consultation and Coordination with Indian Tribal Governments'', and Department of Interior policy on Consultation with Indian Tribes (December 1, 2011), we will send letters to all 229 Alaska Federally recognized Indian tribes. Consistent with Congressional direction (Pub. L. 108–199, div. H, Sec. 161, Jan. 23, 2004, 118

Stat. 452, as amended by Pub. L. 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267), we will be sending letters to approximately 200 Alaska Native corporations and other tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the 2013 migratory bird subsistence harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They would develop recommendations for among other things: Seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection. The management bodies would involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the Statewide body.

Paperwork Reduction Act

This proposed rule has been examined under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has approved our collection of information associated with the voluntary annual household surveys used to determine levels of subsistence take. The OMB control number is 1018–0124, which expires April 30, 2013. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.) Consideration

The annual regulations and options are considered in the environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2013 Spring/Summer Harvest,'' September 12, 2012. Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at *http://www.regulations.gov.*

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This is not a significant regulatory action under this Executive Order; it would allow only for traditional subsistence harvest and would improve conservation of migratory birds by allowing effective regulation of this harvest. Further, this proposed rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, we propose to amend title 50, chapter I, subchapter G, of the Code of Federal Regulations as follows:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

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

Authority: 16 U.S.C. 703–712.

Subpart A—General Provisions

2. Amend § 92.4 by adding, in alphabetical order, a definition for ''*Closure*'' to read as follows:

§ 92.4 Definitions.

* * * * *

Closure means the season is closed to all forms of harvest, including hunting and egg gathering, unless specified otherwise.

* * * * *

Subpart D—Annual Regulations Governing Subsistence Harvest

3. Amend subpart D by adding § 92.31 to read as follows:

§ 92.31 Region-specific regulations.

The 2013 season dates for the eligible subsistence harvest areas are as follows:

(a) *Aleutian/Pribilof Islands Region.*

(1) Northern Unit (Pribilof Islands):

(i) Season: April 2–June 30.

(ii) Closure: July 1–August 31.

(2) Central Unit (Aleut Region's eastern boundary on the Alaska Peninsula westward to and including Unalaska Island):

(i) Season: April 2–June 15 and July 16–August 31.

(ii) Closure: June 16–July 15.

(iii) Special Black Brant Season Closure: August 16–August 31, only in Izembek and Moffet lagoons.

(iv) Special Tundra Swan Closure: All hunting and egg gathering closed in units 9(D) and 10.

(3) Western Unit (Umnak Island west to and including Attu Island):

(i) Season: April 2–July 15 and August 16–August 31.

(ii) Closure: July 16–August 15.

(b) *Yukon/Kuskokwim Delta Region.*

(1) Season: April 2–August 31.

(2) Closure: 30-day closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. This 30-day period would occur between June 1 and August 15 of each year. A press release announcing the actual closure dates would be forwarded to regional newspapers and radio and television stations.

(3) Special Black Brant and Cackling Goose Season Hunting Closure: From the period when egg laying begins until young birds are fledged. Closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. A press release announcing the actual closure dates would be forwarded to regional newspapers and radio and television stations.

(c) *Bristol Bay Region.*

(1) Season: April 2–June 14 and July 16–August 31 (general season); April 2–July 15 for seabird egg gathering only.

(2) Closure: June 15–July 15 (general season); July 16–August 31 (seabird egg gathering).

(d) *Bering Strait/Norton Sound Region.*

(1) Stebbins/St. Michael Area (Point Romanof to Canal Point):

(i) Season: April 15–June 14 and July 16–August 31.

(ii) Closure: June 15–July 15.

(2) Remainder of the region:

(i) Season: April 2–June 14 and July 16–August 31 for waterfowl; April 2–July 19 and August 21–August 31 for all other birds.

(ii) Closure: June 15–July 15 for waterfowl; July 20–August 20 for all other birds.

(e) *Kodiak Archipelago Region,* except for the Kodiak Island roaded area, which is closed to the harvesting of migratory birds and their eggs. The closed area consists of all lands and waters (including exposed tidelands)

east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest.

(1) Season: April 2–June 30 and July 31–August 31 for seabirds; April 2–June 20 and July 22–August 31 for all other birds.

(2) Closure: July 1–July 30 for seabirds; June 21–July 21 for all other birds.

(f) *Northwest Arctic Region.*

(1) Season: April 2–June 9 and August 15–August 31 (hunting in general); waterfowl egg gathering May 20–June 9 only; seabird egg gathering May 20–July 12 only; hunting molting/non-nesting waterfowl July 1–July 31 only.

(2) Closure: June 10–August 14, except for the taking of seabird eggs and molting/non-nesting waterfowl as provided in paragraph (f)(1) of this section.

(g) *North Slope Region.*

(1) Southern Unit (Southwestern North Slope regional boundary east to Peard Bay, everything west of the longitude line 158°30′ W and south of the latitude line 70°45′ N to the west bank of the Ikpikpuk River, and everything south of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 29 and July 30–August 31 for seabirds; April 2–June 19 and July 20–August 31 for all other birds.

(ii) Closure: June 30–July 29 for seabirds; June 20–July 19 for all other birds.

(iii) Special Black Brant Hunting Opening: From June 20–July 5. The open area would consist of the coastline, from mean high water line outward to include open water, from Nokotlek Point east to longitude line 158°30′ W. This includes Peard Bay, Kugrua Bay, and Wainwright Inlet, but not the Kuk and Kugrua river drainages.

(2) Northern Unit (At Peard Bay, everything east of the longitude line 158°30′ W and north of the latitude line 70°45′ N to west bank of the Ikpikpuk River, and everything north of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 6–June 6 and July 7–August 31 for king and common eiders; April 2–June 15 and July 16–August 31 for all other birds.

(ii) Closure: June 7–July 6 for king and common eiders; June 16–July 15 for all other birds.

(3) Eastern Unit (East of eastern bank of the Sagavanirktok River):

(i) Season: April 2–June 19 and July 20–August 31.

(ii) Closure: June 20–July 19.

(4) All Units: Yellow-billed loons. Annually, up to 20 yellow-billed loons total for the region may be inadvertently entangled in subsistence fishing nets in the North Slope Region and kept for subsistence use.

(5) North Coastal Zone (Cape Thompson north to Point Hope and east along the Arctic Ocean coastline around Point Barrow to Ross Point, including Iko Bay, and 5 miles inland).

(i) No person may at any time, by any means, or in any manner, possess or have in custody any migratory bird or part thereof, taken in violation of subpart C and D of this part.

(ii) Upon request from a Service law enforcement officer, hunters taking, attempting to take, or transporting migratory birds taken during the subsistence harvest season must present them to the officer for species identification.

(h) *Interior Region.*

(1) Season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only.

(2) Closure: June 15–July 15.

(i) *Upper Copper River Region* (Harvest Area: Units 11 and 13) (Eligible communities: Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina and Cantwell).

(1) Season: April 15–May 26 and June 27–August 31.

(2) Closure: May 27–June 26.

(3) The Copper River Basin communities listed above also documented traditional use harvesting birds in Unit 12, making them eligible to hunt in this unit using the seasons specified in paragraph (h) of this section.

(j) *Gulf of Alaska Region.*

(1) Prince William Sound Area (Harvest area: Unit 6[D]), (Eligible Chugach communities: Chenega Bay, Tatitlek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(2) Kachemak Bay Area (Harvest area: Unit 15[C] South of a line connecting the tip of Homer Spit to the mouth of Fox River) (Eligible Chugach Communities: Port Graham, Nanwalek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(k) *Cook Inlet* (Harvest area: Portions of Unit 16[B] as specified below) (Eligible communities: Tyonek only):

(1) Season: April 2–May 31—That portion of Unit 16(B) south of the Skwentna River and west of the Yentna River, and August 1–31—That portion of Unit 16(B) south of the Beluga River, Beluga Lake, and the Triumvirate Glacier:

(2) Closure: June 1–July 31.

(l) *Southeast Alaska.*

(1) Community of Hoonah (Harvest area: National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on the coast of Yakobi Island. The land and waters of Glacier Bay National Park remain closed to all subsistence harvesting (50 CFR 100.3(a)):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(2) Communities of Craig and Hydaburg (Harvest area: Small islands and adjacent shoreline of western Prince of Wales Island from Point Baker to Cape Chacon, but also including Coronation and Warren islands):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(3) Community of Yakutat (Harvest area: Icy Bay (Icy Cape to Point Riou), and coastal lands and islands bordering the Gulf of Alaska from Point Manby southeast to Dry Bay):

(i) Season: Glaucous-winged gull egg gathering: May 15–June 30.

(ii) Closure: July 1–August 31.

4. Amend subpart D by adding § 92.32 to read as follows:

§ 92.32 Emergency regulations to protect Steller's eiders.

Upon finding that continuation of these subsistence regulations would pose an imminent threat to the conservation of threatened Steller's eiders *(Polysticta stelleri),* the U.S. Fish and Wildlife Service Alaska Regional Director, in consultation with the Co-management Council, will immediately under § 92.21 take action as is necessary to prevent further take. Regulation changes implemented could range from a temporary closure of duck hunting in a small geographic area to large-scale regional or Statewide long-term closures of all subsistence migratory bird hunting. These closures or temporary suspensions will remain in effect until the Regional Director, in consultation with the Co-management Council, determines that the potential for additional Steller's eiders to be taken no longer exists.

Dated: September 12, 2012.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

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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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