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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 12–17]

RIN 1515–AD92

Extension of Import Restrictions on Archaeological and Ethnological Materials From Guatemala

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends U.S. Customs and Border Protection (CBP) regulations to reflect the extension of import restrictions on certain archaeological materials from Guatemala. These restrictions, which were last extended by CBP Dec. 07–79, are due to expire on September 29, 2012, unless extended. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State (Department of State), has determined to extend the bilateral Agreement between the Republic of Guatemala and the United States to continue the imposition of import restrictions on the archaeological materials from Guatemala and to add restrictions on certain ethnological materials. The Designated List of cultural property described in Treasury Decision (T.D.) 97–81 is revised in this document to reflect the addition of the ethnological materials. The import restrictions imposed on the archaeological and ethnological materials covered under the Agreement will be in effect for a 5-year period, and the CBP regulations are being amended accordingly. These restrictions are being imposed pursuant to determinations of the Department of State under the terms of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

DATES: *Effective Date:* September 29, 2012.

FOR FURTHER INFORMATION CONTACT: For legal aspects, George F. McCray, Esq., Chief, Cargo Security, Carriers and Immigration Branch, Regulations and Rulings, Office of International Trade, (202) 325–0082. For operational aspects, Virginia McPherson, Interagency Requirements Branch, Trade Policy and Programs, Office of International Trade, (202) 863–6563.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the provisions of the 1970 UNESCO Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (hereafter, the Cultural Property Implementation Act or the Act) (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*), signatory nations (State Parties) may enter into bilateral or multilateral agreements to impose import restrictions on eligible archaeological and ethnological materials under procedures and requirements prescribed by the Act. Under the Act and applicable CBP regulations (19 CFR 12.104g), the restrictions are effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each such period not to exceed five years, where it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

In certain limited circumstances, the Cultural Property Implementation Act authorizes the imposition of restrictions on an emergency basis (19 U.S.C. 2603). Under the Act and applicable CBP regulations (19 CFR 12.104g(b)), emergency restrictions are effective for no more than five years from the date of the State Party's request and may be extended for three years where it is determined that the emergency condition continues to apply with respect to the covered materials (19 U.S.C. 2603(c)(3)).

On April 15, 1991, under the authority of the Cultural Property Implementation Act, the former U.S. Customs Service published Treasury Decision (T.D.) 91–34 in the **Federal Register** (56 FR 15181) imposing emergency import restrictions on Pre-Columbian archaeological artifacts from the Peten Region of Guatemala and accordingly amending 19 CFR 12.104g(b) pertaining to emergency import restrictions. These restrictions were effective for a period of 5 years and were subsequently extended for a 3-year period by publication of T.D. 94–84 in the **Federal Register** (59 FR 54817).

On September 29, 1997, the United States entered into a bilateral Agreement with Guatemala concerning the imposition of (non-emergency) import restrictions on archaeological materials from the Pre-Columbian cultures of Guatemala (the 1997 Agreement). The 1997 Agreement included among the materials covered by the restrictions the archaeological materials then subject to the emergency restrictions imposed by T.D. 91–34. On October 3, 1997, the former United States Customs Service published T.D. 97–81 in the **Federal Register** (62 FR 51771), which amended 19 CFR 12.104g(a) to reflect the imposition of restrictions on these materials and included a list designating the types of archaeological materials covered by the restrictions.[1] These restrictions were to be effective through September 29, 2002. (T.D. 97–81 also removed the emergency restrictions for Guatemala from the CBP regulations.)

The restrictions were subsequently extended, in 2002 by T.D. 02–56 (67 FR 61259) and in 2007 by Customs and Border Protection Decision (CBP Dec.) 07–79 (72 FR 54538), to September 29, 2012.

On March 12, 2012, by publication in the **Federal Register** (77 FR 14583), the Department of State proposed to extend the Agreement. By request of the Republic of Guatemala, and pursuant to the statutory and decision-making process, the Designated List of materials

[1] The materials covered by the restrictions, prior to this final rule, were described in the CBP regulations as: ''Archaeological material from sites in the Peten Lowlands of Guatemala, and related Pre-Columbian material from the Highlands and the Southern Coast of Guatemala.'' 19 CFR 12.104g(a).

covered by the restrictions is being amended to include certain ecclesiastical ethnological materials of the Conquest and Colonial Periods of Guatemala, c. A.D. 1524 to 1821. Thus, the Agreement now covers both the previously covered archaeological materials, as set forth in the Designated List published in T.D. 97–81, and the additional ethnological materials (*see* 19 U.S.C. 2604, authorizing the Secretary of the Treasury, by regulation, to promulgate and, when appropriate, revise the list of designated archaeological and/or ethnological materials covered by an agreement between State Parties).

The Department of State reviewed the findings and recommendations of the Cultural Property Advisory Committee, and, on August 7, 2012, the Assistant Secretary for Educational and Cultural Affairs, Department of State, determined that the cultural heritage of Guatemala continues to be in jeopardy from pillage of certain archaeological objects and is also in jeopardy from pillage of certain ecclesiastical ethnological materials dating to the Conquest and Colonial Periods of Guatemala (c. A.D. 1524 to 1821). The Assistant Secretary made the necessary determination to extend the import restrictions for an additional five-year period to September 29, 2017, and to include in their coverage these ecclesiastical ethnological materials. An exchange of diplomatic notes reflects the extension of the restrictions, as described in this document and as applicable to the revised Designated List set forth in this document.

Thus, CBP is amending 19 CFR 12.104g(a) accordingly. Importation of covered materials from Guatemala will be restricted through September 29, 2017, in accordance with the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c.

In this document, the Designated List of articles that was published in T.D. 97–81 is amended to include ecclesiastical ethnological material dating to the Conquest and Colonial Periods of Guatemala (c. A.D. 1524 to 1821). The articles described in the Designated List set forth below are protected pursuant to the Agreement. (It is noted that there are no revisions to the section of the Designated List pertaining to covered archaeological objects. It is reprinted as a convenience.)

Designated List

This Designated List, amended as set forth in this document, includes Pre-Columbian archaeological materials that originate in Guatemala, ranging in date from approximately 2000 B.C. to approximately A.D. 1524, including, but not limited to, objects comprised of ceramic, stone, metal, shell, and bone that represent cultures that lived in the Peten Lowlands, the Highlands, and the South Coast of Guatemala. The List also includes certain categories of ethnological materials used in ecclesiastical contexts in Guatemala dating to the Conquest and Colonial periods (approximately A.D. 1524–1821), including sculptures in wood and other materials, objects of metal, and paintings on canvas, wood, or metal supports relating to ecclesiastical themes. The Designated List, and accompanying image database, may also be found at the following Internet Web site address: *http://exchanges.state.gov/heritage/culprop/gtfact.html*.

The list set forth below is representative only. Any dimensions are approximate.

Pre-Columbian Archaeological Material (Dating From Approximately 2000 B.C. to A.D. 1524)

I. *Ceramic/Terracotta/Fired Clay*—A wide variety of decorative techniques are used on all shapes: fluting, gouged or incised lines and designs, modeled carving, and painted polychrome or bichrome designs of human or animal figures, mythological scenes or geometric motifs. Small pieces of clay modeled into knobs, curls, faces, etc., are often applied to the vessels. Bowls and dishes may have lids or tripod feet.

A. *Common Vessels.*

1. Vases—(10–25 cm ht).
2. Bowls—(8–15 cm ht).
3. Dishes and plates—(27–62 cm diam).
4. Jars—(12.5–50 cm ht).

B. *Special Forms.*

1. Drums—polychrome painted and plain (35–75 cm ht).
2. Figurines—human and animal form (6–15 cm ht).
3. Whistles—human and animal form (5–10 cm ht).
4. Rattles—human and animal form (5–7 cm ht).
5. Miniature vessels—(5–10 cm ht).
6. Stamps and seals—engraved geometric design, various sizes/shapes.
7. Effigy vessels—in human or animal form (16–30 cm ht).
8. Incense burners—elaborate painted, applied and modeled decoration in form of human figures (25–50 cm ht).

II. *Stone (jade, obsidian, flint, alabaster/calcite, limestone, slate, and other).*

A. *Figurines*—human and animal (7–25 cm ht).

B. *Masks*—incised decoration and inlaid with shell, human and animal faces (20–25 cm length).

C. *Jewelry*—various shapes and sizes.

1. Pendants.
2. Earplugs.
3. Necklaces.

D. *Stelae, Ritual Objects, Architectural Elements*—Carved in low relief with scenes of war, ritual or political events, portraits of rulers or nobles, often inscribed with glyphic texts. Sometimes covered with stucco and painted. The size of stelae and architectural elements such as lintels, posts, steps, decorative building blocks range from .5 meters to 2.5 meters in height. Hachas (thin, carved human or animal heads in the shape of an axe), yokes, and other carved ritual objects are under 1 meter in length or height, but vary in size.

E. *Tools and Weapons.*

1. Arrowheads (3–7 cm length).
2. Axes, adzes, celts (3–16 cm length).
3. Blades (4–15 cm length).
4. Chisels (20–30 cm length).
5. Spearpoints (3–10 cm length).
6. Eccentric shapes (10–15 cm length).
7. Grindingstones (30–50 cm length).

F. *Vessels and Containers.*

1. Bowls (10–25 cm ht).
2. Plates/Dishes (15–40 cm diam).
3. Vases (6–23 cm ht).

III. *Metal (gold, silver, or other)*—Cast or beaten into the desired form, decorated with engraving, inlay, punctured design or attachments. Often in human or stylized animal forms.

A. *Jewelry*—various shapes and sizes.

1. Necklaces.
2. Bracelets.
3. Disks.
4. Earrings or earplugs.
5. Pendants.

B. *Figurines*—(5–10 cm ht).

C. *Masks*—(15–25 cm length).

IV. *Shell*—Decorated with cinnabar and incised lines, sometimes with jade applied.

A. *Figurines*—human and animal (2–5 cm ht).

B. *Jewelry*—various shapes and sizes.

1. Necklaces.
2. Bracelets.
3. Disks.
4. Earrings or earplugs.
5. Pendants.

C. *Natural Forms*—often with incised designs, various shapes and sizes.

V. *Animal Bone*—Carved or incised with geometric and animal designs and glyphs.

A. *Tools*—various sizes.

1. Needles.
2. Scrapers.

B. *Jewelry*—various shapes and sizes.

1. Pendants.
2. Beads.
3. Earplugs.

Ecclesiastical Ethnological Material (Dating From Approximately A.D. 1524 to 1821)

VI. *Sculpture*—Sculptural images of scenes or figures, carved in wood and usually painted, relating to ecclesiastical themes, such as the Virgin Mary, saints, angels, Christ, and others.

A. *Relief Sculptures*—circular-shaped, low-relief plaques, often polychrome wood, relating to ecclesiastical themes.

B. *Sculpted Figures*—wood carvings of figures relating to ecclesiastical themes, often with moveable limbs, usually with polychrome painting of skin and features; clothing might be sculpted and painted, or actual fabric clothing might be added.

C. *Life-Sized Sculptures*—full figure wood carvings of figures relating to ecclesiastical themes, often with polychrome painting using the estofado technique, and occasionally embellished with metal objects such as halos, aureoles, and staves.

VII. *Painting*—paintings illustrating figures, narratives, and events relating to ecclesiastical themes, usually done in oil on wood, metal, walls, or canvas (linen, jute, or cotton).

A. *Easel Paintings*—pictorial works relating to ecclesiastical themes on wood, metal, or cloth (framed or applied directly to structural walls).

B. *Mural Paintings*—pictorial works, executed directly on structural walls, relating to ecclesiastical themes.

VIII. *Metal*—ritual objects for ceremonial ecclesiastical use made of gold, silver, or other metal, including monstrances, lecterns, chalices, censers, candlesticks, crucifixes, crosses, and tabernacles; and objects used to dress sculptures, such as crowns, halos, and aureoles, among others.

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure (5 U.S.C. 553(a)(1)). For the same reasons, a delayed effective date is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to CBP Regulations

For the reasons set forth above, part 12 of Title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

§ 12.104g(a) [Amended]

■ 2. In § 12.104g(a), the table of the list of agreements imposing import restrictions on described articles of cultural property of State Parties is amended in the entry for Guatemala by:

■ a. In the column headed ''Cultural Property,'' removing the period and adding the following words: '', and ecclesiastical ethnological materials dating from the Conquest and Colonial periods, c. A.D. 1524 to 1821.'', and

■ b. In the column headed ''Decision No.,'' removing the reference to ''T.D. 97–81 extended by CBP Dec. 07–79'' and adding in its place ''CBP Dec. 12–17''.

David V. Aguilar,

Deputy Commissioner, U.S. Customs and Border Protection.

Approved: September 25, 2012.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2012–23959 Filed 9–27–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 578

[Docket No. FR–5476–N–02]

RIN 2506–AC29

Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program: Extension of Public Comment Period

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Interim rule; extension of comment period.

SUMMARY: On July 31, 2012, HUD published an interim rule that established the regulations for the Continuum of Care program, and which solicits public comment through October 1, 2012. This document advises that HUD is extending the public comment period to November 16, 2012.

DATES: *Comment Due Date.* November 16, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276, Department of Housing and Urban Development, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Ann Marie Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410–7000; telephone number 202–708–4300 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On July 31, 2012, at 77 FR 45422, HUD published in the **Federal Register** an interim rule that establishes the regulatory framework for the new Continuum of Care program. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, codifies in law the Continuum of Care planning process, a longstanding part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs. The existing homeless assistance programs that comprise the Continuum of Care program are the following: the Supportive Housing program, the Shelter Plus Care program, and the Moderate Rehabilitation/Single Room Occupancy (SRO) program.

The July 31, 2012, interim rule solicited public comment through October 1, 2012. In response to requests to provide additional time to comment on this rule, HUD is extending the public comment period to November 16, 2012.

Dated: September 25, 2012.

Mark Johnston,

Assistant Secretary for Community Planning and Development (Acting).

[FR Doc. 2012–23898 Filed 9–27–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9600]

RIN 1545–BK04

New Markets Tax Credit Non-Real Estate Investments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations modifying the new markets tax credit program to facilitate and encourage investments in non-real estate businesses in low-income communities. The final regulations affect taxpayers claiming the new markets tax credit and businesses in low-income communities relying on the program.

DATES: *Effective Date:* These regulations are effective September 28, 2012.

Applicability Date: For date of applicability see § 1.45D–1(h)(4).

FOR FURTHER INFORMATION CONTACT: Julie Hanlon-Bolton, (202) 622–3040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document amends 26 CFR part 1 to provide additional rules relating to the new markets tax credit under section 45D of the Internal Revenue Code (Code). On June 7, 2011, a notice of proposed rulemaking and notice of public hearing (REG–101826–11) was published in the **Federal Register** (76 FR 32882). The IRS received comments responding to the notice of proposed rulemaking and held a public hearing on September 29, 2011. After consideration of all the comments, the proposed regulations are adopted as amended by this Treasury decision. The comments are discussed in the preamble.

General Overview

Under section 45D(a)(1), a taxpayer may claim a new markets tax credit on certain credit allowance dates described in section 45D(a)(3) over a 7-year credit period with respect to a qualified equity investment in a qualified community development entity (CDE) described in section 45D(c).

Under section 45D(b)(1), an equity investment in a CDE is a *qualified equity investment* if, among other requirements: (A) The investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash, (B) substantially all of the cash is used by the CDE to make qualified low-income community investments, and (C) the investment is designated for purposes of section 45D by the CDE.

Under section 45D(b)(2), the maximum amount of equity investments issued by a CDE that may be designated by the CDE as qualified equity investments shall not exceed the portion of the new markets tax credit limitation set forth in section 45D(f)(1) that is allocated to the CDE by the Secretary under section 45D(f)(2).

Section 45D(c)(1) provides that a domestic corporation or partnership is a CDE if (A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons, (B) the entity maintains accountability to residents of low-income communities through their representation on any governing board of the entity or on any advisory board to the entity, and (C) the entity is certified by the Secretary as a CDE.

Section 45D(d)(1) defines *qualified low-income community investment* to mean: (A) Any capital or equity investment in, or loan to, any qualified active low-income community business (as defined in section 45D(d)(2)), (B) the purchase from another CDE of any loan made by such entity that is a qualified low-income community investment, (C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and (D) any equity investment in, or loan to, any CDE.

Under section 45D(d)(2)(A), a *qualified active low-income community business* is any corporation (including a nonprofit corporation) or partnership if for such year, among other requirements, (i) at least 50 percent of the total gross income of the entity is derived from the active conduct of a qualified business within any low-income community, (ii) a substantial portion of the use of the tangible property of the entity (whether owned or leased) is within any low-income community, and (iii) a substantial portion of the services performed for the entity by its employees are performed in any low-income community.

Under section 45D(d)(3), with certain exceptions, a *qualified business* is any trade or business. The rental to others of real property located in any low-income community is a qualified business only if the property is not residential rental property (as defined in section 168(e)(2)(A)) and there are substantial improvements located on the real property.

Section 1.45D–1(d)(2)(i) requires that a CDE receiving returns on investments (including principal repayments from amortizing loans) must reinvest those proceeds into other qualified low-income community investments during the 7-year credit period. If the proceeds are not reinvested, then the credit may be subject to recapture under section 45D(g)(3)(B).

Many commentators consider the new markets tax credit under section 45D to be a successful tool for encouraging private sector investments in low-income communities. To date, the majority of new markets tax credit investments relate to real estate projects. Real estate projects are well suited to the new markets tax credit program because real estate remains in the low-income community and loans for real estate can extend through the end of the 7-year period in which investors may take the credit on their investment. The 7-year credit period and the reinvestment requirements make it difficult for CDEs to provide working capital and equipment loans to non-real estate businesses because these loans are ordinarily amortizing loans with a term of five years or less. To facilitate investment in non-real estate businesses, the proposed regulations modify the reinvestment requirements for non-real estate projects.

Overview of Proposed Regulations and Summary of Comments

To encourage investments in non-real estate businesses for working capital and equipment, the proposed regulations modify the reinvestment requirements under § 1.45D–1(d)(2)(i). The proposed regulations allow a CDE that makes a qualified low-income community investment in a non-real estate business to invest certain returns of capital from those investments in unrelated certified community development financial institutions that are CDEs under section 45D(c)(2)(B) (certified CDFIs) at various points during the 7-year credit period. The proposed regulations also allow an increasing aggregate amount to be invested in certified CDFIs and treated as continuously invested in a qualified low-income community investment in the later years of the 7-year credit period.

Many commentators welcomed new options for meeting the reinvestment requirements. After considering the comments received, the final regulations adopt the provisions of the proposed regulations with two minor changes based on these comments. In addition to reinvestments in certified CDFIs, the final regulations provide that the Secretary may designate other qualifying entities in the Internal Revenue Bulletin. These final regulations also clarify that investments in non-real estate qualified active low-income community businesses may be made through one or more CDEs. As discussed below, the IRS and the Treasury Department are considering other options for future guidance.

Definition of Non-Real Estate Qualified Active Low-Income Community Business

The proposed regulations define a non-real estate qualified active low-income community business as any business whose predominant business activity (measured by more than 50 percent of the business' gross income) does not include the development (including construction of new facilities and rehabilitation/enhancement of existing facilities), management, or leasing of real estate. The purpose of the investment or loan must not be connected to the development (including construction of new facilities and rehabilitation/enhancement of existing facilities), management, or leasing of real estate.

Commentators requested that the definition of a non-real estate qualified active low-income community business be expanded to include investments connected to the development of owner occupied facilities as long as the facility is used in an operating business. The final regulations do not incorporate this comment because under current regulations, a substantial number of new markets tax credits investments are already being made in owner-occupied facilities. The purpose of these final regulations is to encourage more new markets tax credits investments not related to real estate.

Commentators also requested that if a non-real estate qualified active low-income community business is allowed to use investments for construction or improvements to real estate facilities primarily used in its business, then the definition of *working capital* under § 1.45D–1(d)(4)(i)(E)(*2*) should include the proceeds of an equity investment or a loan that the non-real estate qualified active low-income community business will expend for the construction of real property within 18 months (as opposed to 12 months) after the date of the investment or loan. The final regulations do not incorporate this comment because the final rules for non-real estate qualified active low-income community businesses do not pertain to investments for construction or improvements to real estate facilities.

In response to comments, the final regulations clarify that an investment in a non-real estate qualified active low-income community business may be made through one or more CDEs. Thus, for example, a CDE that designates an equity investment as a non-real estate qualified equity investment may invest the proceeds in another CDE if that investment is directly traceable to a non-real estate qualified active low-income community business.

Payments of Capital, Equity, or Principal With Respect to a Non-Real Estate Qualified Active Low-Income Community Business

The proposed regulations require that any portion that the CDE chooses to reinvest in a certified CDFI must be reinvested by the CDE no later than 30 days from the date of receipt to be treated as continuously invested in a qualified low-income community investment. Commentators requested that instead of 30 days, CDEs invested in a non-real estate qualified active low-income community business should have 12 months to decide whether to reinvest capital, equity, or principal in another non-real estate qualified active low-income community business or a certified CDFI under § 1.45D–1(d)(9)(ii) (similar to the 12-month reinvestment requirement in § 1.45D–1(d)(2)(i)). The final regulations do not incorporate this comment because a CDE that has not found a new non-real estate qualified active low-income community business to invest in at the expiration of the 30 day period can invest the capital, equity, or principal in a certified CDFI until it finds a suitable non-real estate qualified active low-income community business. It can then withdraw its investment in the certified CDFI and invest that capital, equity, or principal in the suitable non-real estate qualified active low-income community business.

Commentators also requested that the final regulations allow a CDE that makes an equity investment in a non-real estate qualified active low-income community business to reinvest up to 100 percent of its equity investment in a certified CDFI under § 1.45D–1(d)(9)(ii) after the first year of the 7-year credit period. The commentators explained that this would encourage venture capital investments

in a non-real estate qualified active low-income community business because liquidity events (cashing out some or all of an investment) occurring early in the 7-year credit period, which often happen with venture capital investments, would not automatically cause recapture. The final regulations do not incorporate this comment because the proposal could create a situation in which the proceeds of the new markets tax credit investment may only be invested in a qualified active low-income community business for a brief period without any new markets tax credit restrictions on how a certified CDFI may use the proceeds. Such a result would be inconsistent with encouraging investments in qualified active low-income community businesses during the 7-year credit period.

Commentators also requested that the final regulations allow a CDE to invest returns of capital, equity, or principal into entities other than certified CDFIs under § 1.45D–1(d)(9)(ii). Such entities would include non-profit and for-profit entities focused on economic and community development, funds that provide equity and loans to small and medium businesses, and funds that provide equity or loans to minority and women owned businesses. The final regulations do not incorporate this comment because it would make administering the final regulations unworkable given the breadth of potential reinvestment vehicles. The final regulations allow investments in certified CDFIs because there are rules that ensure that a certified CDFI serves low-income communities. Such rules do not currently exist for other potential reinvestment entities. However, the final regulations provide that in the future the Secretary may designate other qualifying entities in the Internal Revenue Bulletin. See § 601.601(d)(2)(ii)(*b*).

Section 1.45D–1(d)(9) of the proposed regulations is renumbered as § 1.45D–1(d)(10) in the final regulations due to the amendments made by TD 9560 involving targeted populations.

Lines of Credit

A commentator requested that the final regulations consider the entire amount of a line of credit as outstanding loan principal for purposes of the substantially-all requirement under § 1.45D–1(c)(5)(i). Lines of credit often serve the capital needs of non-real estate businesses better than fully disbursed loans with fixed terms, which may be more appropriate for real estate investments. The IRS and the Treasury Department are studying these issues and may address them in future guidance.

Other Comments

Other comments were received on issues unrelated to the proposed regulations. The final regulations do not incorporate comments that are outside the scope of the proposed regulations, although they may be relevant to future guidance under the new markets tax credit.

Effective Date/Applicability

The IRS and the Treasury Department received a few comments regarding whether the final regulations should allow a qualified equity investment made before the effective date of the final regulations to be eligible for designation as a non-real estate qualified equity investment. The majority of commentators recommended not adopting a look-back rule because it would be confusing and complicate compliance. After further examination, the IRS and the Treasury Department agree with these commentators. Further, allowing CDEs to designate investments as non-real estate after the investments are made does not serve the purpose of incentivizing new investments in non-real estate projects. Section 1.45D–1(c)(1)(iii) requires that an investment in a non-real estate qualified equity investment must be designated as such for a CDE to qualify for benefits allowed under the final regulations. Accordingly, the final regulations apply to equity investments made on or after the date the final regulations are published in the **Federal Register**.

Special Analyses

This Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. Section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking that preceded these final regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business and no comments were received.

Drafting Information

The principal author of these regulations is Julie Hanlon Bolton with the Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.45D–0 is amended by:

■ 1. Adding entries for paragraphs (c)(8), (d)(10), (d)(10)(i), (d)(10)(ii), (d)(10)(ii)(A), (d)(10)(ii)(B), (d)(10)(ii)(C), (d)(10)(ii)(D), and (h)(4).

■ 2. Revising the entry for paragraph (d)(1)(i).

The additions and revisions read as follows:

§ 1.45D–0 Table of contents.

* * * * *

(c) * * *

(8) Non-real estate qualified equity investment.

(d) * * *

(1) * * *

(i) Investment in a qualified active low-income community business or a non-real estate qualified active low-income community business.

* * * * *

(10) Non-real estate qualified active low-income community business.

(i) Definition.

(ii) Payments of, or for, capital, equity or principal with respect to a non-real estate qualified active low-income community business.

(A) In general.

(B) Seventh year of the 7-year credit period.

(C) Amounts received from a qualifying entity.

(D) Definition of qualifying entity.

* * * * *

(h) * * *

(4) Investments in non-real estate businesses.

* * * * *

■ **Par. 3.** Section 1.45D–1 is amended by:

■ 1. Revising paragraphs (c)(1)(iii), (c)(3)(ii) introductory text, and (d)(1)(i).

■ 2. Amending paragraph (h)(1) by removing the language ''paragraph

(h)(2)'' and adding ''paragraphs (h)(2), (h)(3), and (h)(4)'' in its place.

■ 3. Adding new paragraphs (c)(8), (d)(10), and (h)(4).

The additions and revisions read as follows:

§ 1.45D–1 New markets tax credit.

* * * * *

(c) * * *

(1) * * *

(iii) The investment is designated for purposes of section 45D and this section as a qualified equity investment or a non-real estate qualified equity investment (as defined in paragraph (c)(8) of this section) by the CDE on its books and records using any reasonable method.

* * * * *

(3) * * *

(ii) *Exceptions.* Notwithstanding paragraph (c)(3)(i) of this section, an equity investment in an entity is eligible to be designated as a qualified equity investment or a non-real estate qualified equity investment under paragraph (c)(1)(iii) of this section if—

* * * * *

(8) *Non-real estate qualified equity investment.* If a qualified equity investment is designated as a non-real estate qualified equity investment under paragraph (c)(1)(iii) of this section, then the qualified equity investment may only satisfy the *substantially-all* requirement under paragraph (c)(5) of this section if the CDE makes qualified low-income community investments that are directly traceable (including investments made through one or more CDEs) to non-real estate qualified active low-income community businesses (as defined in paragraph (d)(10) of this section). The proceeds of a non-real estate qualified equity investment cannot be used for transactions involving a qualified active low-income community business that is not a non-real estate qualified active low-income community business.

(d) * * *

(1) * * *

(i) *Investment in a qualified active low-income community business or a non-real estate qualified active low-income community business.* Any capital or equity investment in, or loan to, any qualified active low-income community business (as defined in paragraph (d)(4) of this section) or any non-real estate qualified active low-income community business (as defined in paragraph (d)(10) of this section).

* * * * *

(10) *Non-real estate qualified active low-income community business*—(i) *Definition.* The term *non-real estate qualified active low-income community business* means any qualified active low-income community business (as defined in paragraph (d)(4) of this section) whose predominant business activity does not include the development (including construction of new facilities and rehabilitation/enhancement of existing facilities), management, or leasing of real estate. For purposes of the preceding sentence, predominant business activity means a business activity that generates more than 50 percent of the business' gross income. The purpose of the capital or equity investment in, or loan to, the non-real estate qualified active low-income community business must not be connected to the development (including construction of new facilities and rehabilitation/enhancement of existing facilities), management, or leasing of real estate.

(ii) *Payments of, or for, capital, equity or principal with respect to a non-real estate qualified active low-income community business*—(A) *In general.* For purposes of paragraph (d)(2)(i) of this section, a portion of the amounts received by a CDE in payment of, or for, capital, equity, or principal with respect to a non-real estate qualified active low-income community business after year one of the 7-year credit period (as defined by paragraph (c)(5)(i) of this section) may be reinvested by the CDE in a qualifying entity (as defined in paragraph (d)(10)(ii)(D)). Any portion that the CDE chooses to reinvest in a qualifying entity must be reinvested by the CDE no later than 30 days from the date of receipt to be treated as continuously invested in a qualified low-income community investment for purposes of paragraph (d)(2)(i) of this section. If the amount reinvested in a qualifying entity exceeds the maximum aggregate portion of the non-real estate qualified equity investment, then the excess will not be treated as invested in a qualified low-income community investment. The maximum aggregate portion of the non-real estate qualified equity investment that may be reinvested into a qualifying entity, which will be treated as continuously invested in a qualified low-income community investment, may not exceed the following percentages of the non-real estate qualified equity investment in the following years:

(*1*) 15 percent in Year 2 of the 7-year credit period.

(*2*) 30 percent in Year 3 of the 7-year credit period.

(*3*) 50 percent in Year 4 of the 7-year credit period.

(*4*) 85 percent in Year 5 and Year 6 of the 7-year credit period.

(B) *Seventh year of the 7-year credit period.* Amounts received by a CDE in payment of, or for, capital, equity, or principal with respect to a non-real estate qualified active low-income community business (as defined in paragraph (d)(10)(i) of this section) during the seventh year of the 7-year credit period do not have to be reinvested by the CDE in a qualified low-income community investment to be treated as continuously invested in a qualified low-income community investment.

(C) *Amounts received from qualifying entity.* Except for the seventh year of the 7-year credit period under paragraph (d)(10)(ii)(B) of this section, amounts received from a qualifying entity must be reinvested by the CDE no later than 30 days from the date of receipt to be treated as continuously invested in a qualified low-income community investment.

(D) *Definition of qualifying entity.* For purposes of paragraphs (d)(10)(ii) and (d)(10)(iii) of this section, a *qualifying entity* is—

(*1*) A certified community development financial institution (certified CDFI) that is a CDE under section 45D(c)(2)(B) (as defined by 12 CFR 1805.201), which is unrelated to the CDE making the investment in the certified CDFI within the meaning of section 267(b) or section 707(b)(1); or

(*2*) An entity designated by the Secretary by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter).

* * * * *

(h) * * *

(4) *Investments in non-real estate businesses.* Paragraphs (c)(8) and (d)(10) of this section apply to equity investments in CDEs made on or after September 28, 2012.

Steven T. Miller,

Deputy Commissioner for Services and Enforcement.

Approved: September 21, 2012.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2012–23985 Filed 9–26–12; 11:15 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 1

RIN 1505–AC32

Privacy Act; Implementation

AGENCY: Office of the Secretary, Treasury.

ACTION: Correcting amendments.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury is issuing a correction to the amendment of its Privacy Act regulations due to inadvertently omitting an exempt system of records from this part.

DATES: *Effective Date:* September 28, 2012.

FOR FURTHER INFORMATION CONTACT: Brian Anderson, Privacy Act Officer, Department of the Treasury, at 202–622–0755, or by email at *Privacy@Treasury.gov.*

SUPPLEMENTARY INFORMATION: On May 15, 2012, the Department of the Treasury issued a final rule revising 31 CFR 1.36 to reflect the transition, in 2003, of the United States Customs Service, the Federal Law Enforcement Training Center, and United States Secret Service from the Department of the Treasury to the Department of Homeland Security. In addition, the amendments reflect the 2003 transfer of certain functions of the Bureau of Alcohol, Tobacco and Firearms (ATF) to the Department of Justice, and the remaining functions reorganized as the Alcohol and Tobacco Tax and Trade Bureau (TTB) within the Department of the Treasury, as well as other housekeeping changes. The final rule was effective upon publication.

The Department found that one system of records for which an exemption pursuant to 5 U.S.C. 552a(j)(2) is claimed had inadvertently been omitted from the list of systems of records in the table found in section (c)(1)(ii). The proposed rule for the exempt system of records was published on January 14, 2010, beginning at 75 FR 2086. The final rule exempting Treasury/DO .220—SIGTARP Hotline Database was published on June 28, 2010, at 75 FR 36536.

This regulation is being published as a final rule because the amendments do not impose any requirements on any member of the public. These amendments are the most efficient means for the Treasury Department to implement its internal requirements for complying with the Privacy Act.

Accordingly, pursuant to 5 U.S.C. 553(b)(B) and (d)(3), the Department of the Treasury finds good cause that prior notice and other public procedures with respect to this rule are unnecessary, and good cause for making this final rule effective on the date of publication in the **Federal Register**.

Pursuant to Executive Order 12866, it has been determined that this final rule is not a significant regulatory action, and therefore, does not require a regulatory impact analysis.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612, do not apply.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1 of title 31 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

■ 2. In § 1.36, paragraph (c)(1)(ii) is amended by adding a new entry ''DO .220–SIGTARP Hotline Database'' to the table in numerical order to read as follows:

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

Number	System name
* * * * *	
DO.220	SIGTARP Hotline Database.
* * * * *	

* * * * *

Dated: September 24, 2012.

Melissa Hartman,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

[FR Doc. 2012–23837 Filed 9–27–12; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2012–0452]

RIN 1625–AA08

Special Local Regulation Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations on the waters of the Gulf of Mexico in the vicinity of Clearwater, Florida during the Clearwater Super Boat National Championship Race. The race is scheduled to take place on Sunday, September 30, 2012 from 10 a.m. to 4 p.m. Approximately 35 boats ranging in length from 24 feet to 50 feet traveling at speeds in excess of 100 miles per hour are expected to participate. Additionally, it is anticipated that 400 spectators will be present along the race course. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on the navigable waters of the United States during the event. The special local regulation will temporarily restrict vessel traffic in the waters of the Gulf of Mexico in the vicinity of Clearwater, Florida. The special local regulation will establish the following three areas: a race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, are prohibited from entering, transiting through, anchoring in, or remaining within; and a spectator area, where all vessels must be anchored or operate at No Wake Speed.

DATES: This rule is effective on September 30, 2012 from 9:30 a.m. to 4:30 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2012–0452. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the

Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email Marine Science Technician First Class Nolan L. Ammons, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *D07-SMB-Tampa-WWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because due to the extended time required to address the associated safety concerns of high speed boat races and the need to de-conflict other marine events being held in the area, additional time was required to coordinate the necessary safety parameters and interagency participation required to adequately patrol the event. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule may result in its failure to be in effect during the event in question and would be contrary to the public interest because immediate action is needed to minimize potential danger to the public during this event.

For the same reason discussed above, under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. This rule is to provide for the safety of life on navigable waters of the United States during the Clearwater Super Boat National Championship Race.

C. Discussion of Rule

On Sunday, September 30, 2012, Super Boat International Production, Inc. is sponsoring the Clearwater Super Boat National Championship Race, a series of high speed boat races. The races will be held on the waters of the Gulf of Mexico in Clearwater, Florida. Approximately 35 high speed power boats are anticipated to participate in the races. It is anticipated that approximately 400 spectator vessels will be present during the races.

The rule will establish a special local regulation that will encompass certain waters of the Gulf of Mexico in Clearwater, Florida. The special local regulations will be enforced from 9:30 a.m. until 4:30 p.m. on September 30, 2012. The special local regulations will establish the following three areas: (1) A race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; (2) a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, are prohibited from entering, transiting through, anchoring in, or remaining within; and (3) a spectator area, where all vessels must be anchored or operate at a No Wake Speed.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the race area or buffer zone, or spectator area by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7524, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the race area or buffer zone is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative. The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The economic impact of this rule is not significant for the following reasons: (1) The special local regulations will be enforced for only seven hours; (2) although persons and vessels are prohibited to enter, transit through, anchor in, or remain within the race area and buffer zone without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the race area and buffer zone, or anchor in the spectator area, during the enforcement period if authorized by the Captain of the Port St. Petersburg or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit

through, anchor in, or remain within that portion of the Gulf of Mexico in Clearwater, Florida, encompassed within the special local regulations from 9:30 a.m. until 4:30 p.m. on September 30, 2012. For the reasons discussed in the Regulatory Planning and Review section above, namely, the safety zone is only in effect for seven hours and traffic may pass through the zone with the permission of the Captain of the Port or a designated representative, and is free to transit around the zone, therefore this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves special local regulations issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph (34)(h) and (35)(b) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0452 to read as follows:

§ 100.35T07–0452 Special Local Regulations, Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL.

(a) *Regulated Areas.* The following regulated areas are established as special local regulations. All coordinates are North American Datum 1983.

(1) *Race Area.* All waters of the Gulf of Mexico contained within an imaginary line connecting the following points: Starting at Point 1 in position 27°58′38.34″ N, 82°50′08.09″ W; thence

southeast to Point 2 in position 27°58′36.12″ N, 82°50′02.70″ W; thence north to Point 3 in position 28°00′25.92″ N, 82°50′01.26″ W; thence northwest to Point 4 in position 28°00′26.76″ N, 82°50′07.91″ W; thence south back to origin. All persons and vessels, except those persons and vessels participating in the high speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the race area.

(2) *Buffer Zone.* All waters of the Gulf of Mexico encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 28°00′35″ N, 82°50′14″ W; thence southeast to Point 2 in position 28°00′29″ N, 82°49′43″ W; thence south to Point 3 in position 27°58′21″ N, 82°49′52″ W thence northwest to point 4 in position 27°58′30″ N, 82°50′13″ W; thence north back to origin. All persons and vessels except those persons and vessels enforcing the buffer zone are prohibited from entering, transiting through, anchoring in, or remaining within the buffer zone.

(3) *Spectator Area.* All waters of Gulf of Mexico excluding the race areas and buffer zone, enclosed around an area connected by imaginary lines at the following points: Starting at Point 1 in position 27°58′36.12″ N, 82°50′13.61″ W; thence north to Point 2 in position 28°00′28.14″ N, 82°50′14.27″ W; thence northwest to Point 3 in position 28°00′29.75″ N, 82°50′22.57″ W; thence south to point 4 in position 27°58′35.17″ N, 82°50′22.37″ W; thence east back to origin. All vessels are to be anchored and/or operate at a No Wake Speed in the spectator area. On-scene designated representatives will direct spectator vessels to the spectator area.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.*

(1) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7524, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(2) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective from 9:30 a.m. until 4:30 p.m. on September 30, 2012.

Dated: September 12, 2012.

S.L. Dickinson,

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

[FR Doc. 2012–23926 Filed 9–27–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0905]

Safety Zone; Fireworks Event in Captain of the Port New York Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone in the Captain of the Port New York Zone on the specified date and time. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port (COTP).

DATES: The regulation for the safety zone described in 33 CFR 165.160 will be enforced on October 9, 2012 as listed in the table below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Ensign Kimberly Beisner, Coast Guard; telephone 718–354–4163, email *Kimberly.A.Beisner@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone listed in 33 CFR 165.160 on the specified date and time as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

1. KISS Military Tribute ..... Pier 84, Hudson River Safety Zone 33 CFR 165.160(5.9)	• Launch site: A barge located in approximate position 40°45′56.9″ N, 074°00′25.4″ W (NAD 1983), approximately 380 yards west of Pier 84, Manhattan, New York. • Date: October 9, 2012. • Time: 9:30 p.m.–10:45 p.m.

Under the provisions of 33 CFR 165.160, a vessel may not enter the regulated area unless given express permission from the COTP or the designated representative. Spectator vessels may transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: September 20, 2012.

G. Loebl,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2012–23882 Filed 9–27–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0767]

RIN 1625–AA00

Safety Zone, Changes to Original Rule; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones within Sector Boston's Captain of the Port (COTP) Zone for the drilling, blasting, and dredging operation on the navigable waters of Boston Inner Harbor, in the main ship channel near Castle Island. These temporary safety zones are necessary to enhance navigation, vessel safety, marine environmental protection, and provide for the safety of life on the navigable waters during the drilling, blasting and dredging operations in support of the U.S. Army Corps of Engineers rock removal project. Entering into, transiting through, mooring or anchoring within these safety zones is prohibited unless authorized by the COTP or the designated on-scene representative.

DATES: This rule is effective with actual notice from September 4, 2012, until September 28, 2012. This rule is effective in the Code of Federal Regulations from September 28, 2012 until September 30, 2012.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2012–0767. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' Box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with the rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email Mr. Mark Cutter, Coast Guard Sector Boston Waterways Management Division, telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking
COTP Captain of the Port

A. Regulatory History and Information

On August 23, 2012, the Coast Guard published a temporary final rule establishing a safety zone for rock removal operations in Boston Harbor, entitled ''Safety Zone; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA'' (77 FR 50916). This new rule retains the original provisions of that temporary final rule, but adds two additional safety zones necessary for the safety of life at sea.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Publication of an NPRM would be impracticable because critical information regarding the scope of the event was not received from the U.S. Army Corps of Engineers until July 15, 2012, providing insufficient time for the Coast Guard to solicit public comments before the start date of the project. A delay or cancellation of the project in order to accommodate a notice and comment period would be contrary to the public interest because immediate action is necessary to ensure the safety of the personnel involved in the rock removal project and any public vessels in the vicinity of the drilling, dredging and blasting operations being conducted. For the safety concerns noted, it is in the public interest to have these regulations in effect during the rock removal project.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the reasons stated above, any delay in the effective date of this rule would expose personnel involved in the rock removal project and any public vessels in the vicinity to any hazards associated with the drilling, dredging and blasting operations.

B. Basis and Purpose

Starting from August 13, 2012, daily from 5 a.m. to 8 p.m. until September 30, 2012, the contractor Burnham Associates Inc. has been conducting drilling, blasting and dredging operations in support of the U.S. Army Corps of Engineers Boston Harbors main ship channel rock removal project.

The U.S. Army Corps of Engineers discussed the rock removal project at the Boston's Port Operators Group monthly meeting on July 15, 2012. The Coast Guard hosted a meeting on August 2, 2012 inviting stakeholders from the maritime industry in Boston Harbor to discuss and mitigate any impacts this project will have on maritime community. The feedback from the meeting was that these safety zones will have minimum impact on local mariners based on the location and the fact that the majority of boating traffic will be able to transit around the safety zones and that the vessels involved in the rock removal operations will move as needed for deep draft vessels.

The legal basis for the temporary rule is 33 U.S.C. 1226, 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define safety zones.

C. Discussion of Final Rule

The COTP Boston has determined that hazards associated with the drilling, dredging and blasting operations pose a significant risk to safety of life on navigable waters. Three safety zones will be established to help ensure the safety of the personnel involved in the rock removal project and any public vessels in the vicinity, and help minimize associated risks with this project. For those reasons, safety zones are being issued to provide for the safety of life on the navigable waters during the drilling, blasting and dredging operations in support of the U.S. Army Corps of Engineers rock removal project.

The first safety zone will be a 100-yard radius around the workboat ''MANTIS'' while transiting to and from the work site with explosives onboard. The second safety zone will be a 100-yard radius centered on the various worksites while actively engaged in drilling, blasting and dredging operations are on-going. The final safety zone will be a 500-yard radius centered on the worksite on each day of blasting, to be established once explosives are laid and ready for detonation, and subsequently suspended once a successful detonation has been confirmed. These safety zones will be enforced only while the vessel is on scene conducting operations involved in the rock removal project in Boston Harbor's main ship near Castle Island.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard has determined that this rule is not a significant regulatory action for the following reasons: the Coast Guard expects minimal adverse impact to mariners from the activation of the zones; vessels have sufficient room to transit around the safety zones, with exception given to the final zone, which will stop traffic for short periods of time each day; the vessel conducting the operations will move out of the channel for deep draft vessels that need to pass through that area and vessels may enter or pass through the affected waterway with the permission of the Captain of the Port (COTP) or the COTP's designated on-scene representative; and notification of these safety zones will be made to mariners through the local Notice to Mariners, Broadcast Notice to Mariners, and by Safety Marine Information Broadcasts in advance of the event.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended requires federal agencies to consider the potential impact of regulations on small entitles during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities for the following reasons: Vessels have sufficient room to transit around the safety zone; the vessel conducting the operations will move out of the channel for deep draft vessels that need to pass through that area and vessels may enter or pass through the affected waterway with the permission of the Captain of the Port (COTP) or the COTP's designated on-scene representative; notification of the safety zone will be made to mariners through the Local Notice to Mariners, Broadcast Notice to Mariners, and by Safety Marine Information Broadcasts well in advance of the event.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''Significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human

environment. This rule involves the establishment of three safety zones. This rule is categorically excluded from further review under, paragraph 34(g) of figure 2–1 of the Commandant Instruction. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165.T01–0767 to read as follows:

§ 165.T01–0767 Safety Zone; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA.

(a) *General.* Three temporary safety zones are established for the Boston Harbor's Rock Removal Project as follows:

(1) *Location.* (i) All navigable waters from surface to bottom, within a 100-yard radius around the vessel or vessels conducting drilling, blasting, dredging, and other related operations related to rock removal in Boston's Inner Harbor near Castle Island.

(ii) All navigable waters from surface to bottom, with a 100-yard radius around the vessel ''MANTIS'' while transporting explosives to and from the work site.

(iii) All navigable waters from surface to bottom, with a 500-yard radius around the blasting site while setting up for blasting, blasting, and in the immediate aftermath.

(2) *Definitions.* For the purposes of this section, ''Designated on-scene representative'' is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Boston (COTP) to act on the COTP's behalf. The designated representative may be on an Official Patrol Vessel. An ''Official Patrol Vessel'' may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP or the designated on-scene representative may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3) *Enforcement Period.* This rule will be enforced daily from 5 a.m. to 8 p.m. from September 4, 2012, until September 30, 2012.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) No vessels, except for participating or public vessels, will be allowed to enter into, transit through, or anchor within these safety zones without the permission of the COTP or the designated on-scene representative.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) Vessel operators desiring to enter or operate within the regulated area shall contact the COTP or the designated on-scene representative via VHF channel 16 or 617–223–3201 (Sector Boston command Center) to obtain permission.

Dated: September 4, 2012.

J.C. O'Connor III,

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

[FR Doc. 2012–23855 Filed 9–27–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0448; FRL–9732–2]

Approval and Promulgation of Implementation Plans; Georgia; Control Techniques Guidelines and Reasonably Available Control Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving four final State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Environmental Protection Division (GA EPD), to EPA on November 13, 1992, October 21, 2009 (three separate submittals on this day), and March 19, 2012. Additionally, EPA is approving a SIP revision that GA EPD submitted on July 19, 2012, for parallel processing. GA EPD submitted the final submission related to the July 19, 2012, draft SIP revision on September 7, 2012. Together, these revisions establish reasonably available control technology (RACT) requirements for the major sources located in the Atlanta, Georgia 1997 8-hour ozone nonattainment area (hereafter referred to as the ''Atlanta Area'') that either emit volatile organic compounds (VOC), nitrogen oxides (NO_X), or both. Georgia's SIP revisions include certain VOC source categories for which EPA has issued Control Techniques Guidelines (CTG). EPA has evaluated the revisions to Georgia's SIP, and has made the determination that they are consistent with the Clean Air Act (CAA or Act), statutory and regulatory requirements and EPA guidance.

DATES: *Effective Date:* This rule will be effective October 29, 2012.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0448. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Jane Spann, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9029. Ms. Spann can also be reached via electronic mail at *spann.jane@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background
II. This Action
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I. Background

On April 30, 2004, EPA designated the Atlanta Area as a marginal nonattainment area with respect to the 1997 8-hour ozone national ambient air quality standards (NAAQS). *See* 69 FR 23858. The Atlanta Area includes the following 20 counties: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton.[1] For background purposes, portions of the Atlanta Area were designated as a severe nonattainment area for the 1-hour ozone NAAQS. The Area was subsequently redesignated to attainment for the 1-hour ozone NAAQS with a maintenance plan. The original Atlanta 1-hour severe ozone nonattainment area consisted of 13 counties including Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. *See* 56 FR 56694 (November 6, 1991). As such, major sources in the 13-county 1-hour ozone nonattainment area were defined as those sources that emit 25 tons per year (tpy) or more of VOC or NO_X. Therefore, the applicability of some of the rules being approved in today's action is for 25 tpy and above for sources in the 13 county area that was severe for the 1-hour ozone NAAQS and moderate for the 1997 8-hour ozone NAAQS; and 100 tpy and above in the remaining 7 counties that have only been classified as moderate for the 1997 8-hour ozone NAAQS.

On March 6, 2008, EPA reclassified the Atlanta Area from a marginal ozone nonattainment area to a moderate ozone nonattainment area. As a result of this designation and subsequent reclassification to moderate, Georgia was required to amend its SIP for the Atlanta Area to satisfy the requirements for a moderate area under CAA section 182. Section 182(b)(2) of the CAA requires states to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. The three parts of the section 182(b)(2) RACT requirements are: (1) RACT for sources covered by an existing CTG (i.e., a CTG issued prior to enactment of the 1990 amendments to the CAA); (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG (i.e., non-CTG sources). Pursuant to 40 CFR 51.165, a major source for a moderate ozone area is a source that emits 100 tpy or more of VOC or NO_X. For more information regarding the RACT requirements, including requirements and schedules for sources covered by CTGs, please see the proposed approval of this action. *See* 77 FR 45307, July 31, 2012.

II. This Action

EPA is taking final action to approve several final SIP revisions submitted by the State of Georgia, through the GA EPD, to EPA on November 13, 1992, October 21, 2009,[2] March 19, 2012,[3] and September 7, 2012. The September 7, 2012, SIP revision was initially submitted to EPA for parallel processing on July 19, 2012, and the final version was submitted to EPA on September 7, 2012, consistent with applicable requirements.[4] The purpose of these revisions is to ensure that certain VOC and NO_X sources are controlled to levels that meet RACT requirements for major sources located in the Atlanta Area and meet RACT requirements for certain VOC source categories for which EPA has issued CTG. EPA has evaluated the revisions to Georgia's SIP, and has made the determination that they are consistent with statutory and regulatory requirements and EPA guidance.

The purpose of today's action is to approve the referenced SIP revisions as meeting the VOC and NO_X RACT requirements of section 182(b)(2) of the CAA for the Atlanta Area. On July 31, 2012, EPA published a proposed rulemaking to approve, and in the alternative conditionally approve, the referenced SIP revisions. *See* 77 FR 45307. EPA did not receive any public comments on its proposal. Since EPA received Georgia's final SIP revision on September 7, 2012, and the final submittal remained unchanged from the State's draft July 19, 2012, SIP revision, EPA is finalizing today's action as a full approval and does not need to conditionally approve any portion of Georgia's SIP revisions as meeting the VOC and NO_X RACT requirements.

III. Final Action

EPA is taking final action to approve four SIP revisions submitted by the State of Georgia to address the CTG and RACT requirements for the Atlanta Area. Specifically, EPA is taking final action to approve final SIP revisions submitted to EPA from GA EPD on November 13, 1992, October 21, 2009 (three separate submittals on this day), March 19, 2012, and September 7, 2012. EPA is approving these SIP revisions because they are consistent with the CAA and requirements related to VOC and NO_X RACT.

IV. Statutory and Executive Order Reviews

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

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

[1] Effective July 20, 2012, EPA designated 15 counties in the Atlanta metropolitan area as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. Today's final action regarding RACT is not related to requirements for the 2008 8-hour ozone NAAQS.

[2] Three separate submittals were submitted to EPA from GA EPD on October 21, 2009. These are Submittals A, B and C referenced in the July 31, 2012, proposed approval. *See* 77 FR 45307.

[3] Georgia submitted a SIP revision on September 15, 2008, that addressed four RACT rule changes that are described in EPA's July 31, 2012, proposed rulemaking. Specifically, these rules are Rules 391–1–.02(2)(y) Metal Furniture, (ff) Solvent Metal Cleaning, (ii) Miscellaneous Metal Coating and (kkk) Aerospace Coatings. EPA notes that Georgia submitted a subsequent SIP revision to make additional changes to these aforementioned rules. While EPA's July 31, 2012, proposed rulemaking does not specifically reference Georgia's September 15, 2008, SIP revisions, EPA's proposal does account for the comprehensive changes to Rules 391–1–.02(2)(y), (ii) and (kkk) from Georgia's September 15, 2008, SIP revision as supplemented with subsequent SIP revisions and EPA's proposal does account for appropriate applicability for Rule 391–1–.02(2)(ff). The version of the Rule 391–1–.02(2)(ff) already in the federally approved SIP, along with the applicability change found in EPA's proposal, meet the RACT requirements. Georgia's September 15, 2008, SIP revision also included revisions to seven additional rules which were not addressed in EPA's July 31, 2012, proposed rulemaking and are not being finalized in today's action. These seven additional rules are unrelated to RACT.

[4] On July 31, 2012, EPA proposed approval of GA EPD's July 19, 2012, SIP revision contingent upon Georgia providing EPA a final SIP revision that was not changed significantly from the July 19, 2012, SIP revision. Georgia provided its final SIP revision on September 7, 2012. There were no changes made to the final submittal.

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 27, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: September 10, 2012.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart L—Georgia

■ 2. Section 52.570(c), is amended by revising the entries for ''391–3–1.01,'' ''391–3–1–.02(2)(a),'' ''391–3–1–.02(2)(t),'' ''391–3–1–.02(2)(u),'' ''391–3–1–.02(2)(v),'' ''391–3–1–.02(2)(w),'' ''391–3–1–.02(2)(x),'' ''391–3–1–.02(2)(y),'' ''391–3–1–.02(2)(z),'' ''391–3–1–.02(2)(aa),'' ''391–3–1–.02(2)(ii),'' ''391–3–1–.02(2)(jj),'' ''391–3–1–.02(2)(mm),'' ''391–3–1–.02(2)(pp),'' ''391–3–1–.02(2)(rr),'' ''391–3–1–.02(2)(ss),'' ''391–3–1–.02(2)(tt),'' ''391–3–1–.02(2)(vv),'' ''391–3–1–.02(2)(yy),'' ''391–3–1–.02(2)(ccc),'' ''391–3–1–.02(2)(ddd),'' ''391–3–1–.02(2)(eee),'' ''391–3–1–.02(2)(hhh),'' ''391–3–1–.02(2)(kkk),'' and ''391–3–1–.02(2)(rrr)'' and adding new entries for ''391–3–1–.02(2)(vvv),'' ''391–3–1–.02(2)(yyy),'' ''391–3–1–.02(2)(zzz),'' and ''391–3–1–.02(2)(aaaa)'' to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1.01	Definitions	3/7/2012	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
	Emission Standards			
391–3–1–.02(2)(a)	General Provisions	3/7/2012	9/28/2012 [Insert citation of publication].	Except for paragraph 391–3–1–.02(2)(a)1 (as approved on 3/16/06).
* *	*	*	* *	*
391–3–1–.02(2)(t)	VOC Emissions from Automobile and Light Duty Truck Manufacturing.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(u)	VOC Emissions from Can Coating.	9/16/1992	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(v)	VOC Emissions from Coil Coating.	9/16/1992	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(w)	VOC Emissions from Paper Coating.	3/7/2012	9/28/2012 [Insert citation of publication].	

EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(x)	VOC Emissions from Fabric and Vinyl Coating.	9/16/1992	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(y)	VOC Emissions from Metal Furniture Coating.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(z)	VOC Emissions from Large Appliance Surface Coating.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(aa)	VOC Emissions from Wire Coating.	9/16/1992	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(ii)	VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(jj)	VOC Emissions from Surface Coating of Flat Wood Paneling.	3/7/2012	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(mm)	VOC Emissions from Graphic Arts Systems.	3/7/2012	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(pp)	Bulk Gasoline Plants	6/8/2008	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(rr)	Gasoline Dispensing Facilities—Stage I.	6/8/2008	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(ss)	Gasoline Transport Systems and Vapor Collection Systems.	6/8/2008	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(tt)	VOC Emissions from Major Sources.	6/8/2008	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(vv)	Volatile Organic Liquid Handling and Storage.	4/12/2009	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(yy)	Emissions of Nitrogen Oxides from Major Sources.	4/12/2009	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(ccc).	VOC Emissions from Bulk Mixing Tanks.	4/12/2009	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(ddd)	VOC Emissions from Offset Lithography and Letterpress.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(eee)	VOC Emissions from expanded Polystyrene Products Manufacturing.	4/12/2009	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(hhh)	Wood Furniture Finishing and Cleaning Operations.	4/12/2009	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(kkk)	VOC Emissions from Aerospace Manufacturing and Rework Facilities.	4/12/2009	9/28/2012 [Insert citation of publication].	

EPA APPROVED GEORGIA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.02(2)(lll)	NO_X Emissions from Fuel Burning Equipment.	4/12/2009	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(rrr)	NO_X Emissions from Small Fuel-Burning Equipment.	4/12/2009	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*
391–3–1–.02(2)(vvv)	VOC Emissions from Coating Miscellaneous Plastic Parts and Products.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(yyy)	VOC Emissions from the use of Miscellaneous Industrial Adhesives.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(zzz)	VOC Emissions from Fiberglass Boat Manufacturing.	3/7/2012	9/28/2012 [Insert citation of publication].	
391–3–1–.02(2)(aaaa)	Industrial Cleaning Solvents	3/7/2012	9/28/2012 [Insert citation of publication].	
* *	*	*	* *	*

[FR Doc. 2012–23710 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2011–0758; FRL–9363–3]

Sulfentrazone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of sulfentrazone in or on succulent soybeans. Interregional Research Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA). In addition, this regulation corrects an incorrect commodity definition in the table. The term ''Berry, low growing, group 13–07'' is being revised to its correct term ''Berry and small fruit, group 13–07.''

DATES: This regulation is effective September 28, 2012. Objections and requests for hearings must be received on or before November 27, 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–2011–0758, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., 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: Andrew Ertman, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–9367; email address: *ertman.andrew@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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

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–2011–0758 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 27, 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 (excluding 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 the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2011–0758, 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), (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 July 25, 2012 (77 FR 43562) (FRL–9353–6), 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 2E8020) by IR–4, 500 College Road East, Suite 201W., Princeton, NJ 08540. The petition requested that 40 CFR 180.498 be amended by establishing tolerances for residues of the herbicide sulfentrazone (*N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl]phenyl]-methanesulfonamide) and its metabolites 3-hydroxymethylsulfentrazone (*N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1*H*-1,2,4-triazol-1-yl]phenyl]methanesulfonamide) and 3-desmethyl sulfentrazone (*N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-5-oxo-1*H*-1,2,4-triazol-1-yl]phenyl] methanesulfonamide), in or on soybean, vegetable, succulent (Edamame) at 0.15 ppm. That notice referenced a summary of the petition prepared by FMC, the registrant, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

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 sulfentrazone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with sulfentrazone follows.

In the **Federal Register** of July 12, 2012 (77 FR 41081) (FRL–9353–8), EPA published a final rule establishing tolerances for residues of herbicide sulfentrazone in § 180.498(a)(2) in or on rhubarb; turnip roots; turnip tops; sunflower subgroup 20B; citrus fruit group 10–10; low growing berry group 13–07; tree nut group 14; pistachio; and § 180.498 (c) tolerances with regional registrations for wheat forage; wheat hay; wheat grain; wheat straw; and cowpea, succulent. The human health risk assessment used to support this final rule (''Sulfentrazone: Human-Health Risk Assessment for the Establishment of Sulfentrazone Tolerances in/on: Rhubarb, Turnip Roots and Tops, Sunflower Subgroup 20B, Succulent Cowpea, Succulent Lima Bean, Succulent Vegetable Soybean, Wheat (Spring), Citrus Fruit Group 10–10, Low-Growing Berry Group 13–07, Tree Nut Group 14, Pistachios, and Crop Group 18 Nongrass Animal Feeds''), assumed that sulfentrazone would be used on succulent soybeans. Therefore the aggregate risks for sulfentrazone for this action are not changed from those discussed in the July 12, 2012 **Federal Register**.

EPA concluded the following: That the acute dietary exposure from food and water to sulfentrazone will occupy 3.2% of the acute population adjusted dose (aPAD) for females 13–49 years old, the population group receiving the greatest exposure; that chronic exposure to sulfentrazone from food and water will utilize 4.2% of the chronic population adjusted dose (cPAD) for children 1–2 years old, the population group receiving the greatest exposure; and that the combined short-term food, water, and residential exposures result in an aggregate margin of exposure (MOE) of 280 for children 1–2 years old, and an aggregate risk index (ARI) of 3.9 for the general U.S. population and adult males. Because EPA's level of concern for sulfentrazone is an MOE of 100 or below and/or an ARI of 1 or below, this MOE and ARI are not of concern. Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, sulfentrazone is not expected to pose a cancer risk to humans.

Therefore, EPA concluded that there is a reasonable certainty that no harm will result to the general population and to infants and children from aggregate exposure to sulfentrazone residues. Refer to the July 12, 2012 **Federal Register** document, available at *http://www.regulations.gov,* for a detailed discussion of the aggregate risk assessments and determination of safety. EPA relies upon those risk assessments and the findings made in the **Federal Register** document in support of this action.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography (GC)) is available to enforce the tolerance expression. The method has been forwarded for inclusion in the Pesticides Analytical Manual, Volume II. 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.

The Codex has not established a MRL for sulfentrazone on succulent soybean.

V. Conclusion

Therefore, a tolerance is established for residues of sulfentrazone, (*N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl]phenyl] methanesulfonamide) and its metabolites 3-hydroxy methylsulfentrazone (*N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1*H*-1,2,4-triazol-1-yl]phenyl]methanesulfonamide) and 3-desmethyl sulfentrazone (*N*-[2,4-dichloro-5-[4-(difluoromethyl)-4,5-dihydro-5-oxo-1*H*-1,2,4-triazol-1-yl]phenyl]methanesulfonamide), in § 180.498(a)(2) in or on vegetable, soybean, succulent at 0.15 ppm.

Also, EPA is amending the table in § 180.498(a)(2) to correct the description therein of Crop Group 13–07. Under EPA crop group regulations, Crop Group 13–07 is designated as the ''Berry and Small Fruit Crop Group,'' 40 CFR 180.41(c)(18). Consistent with this regulation, the petitioner requested the ''berry and small fruit group 13–07'' and provided the appropriate residue field trial data to support a tolerance on this group. EPA published appropriate notice of this request in the **Federal Register**, correctly describing the requested tolerance as being for the ''berry and small fruit group 13–07,'' in the **Federal Register** of July 6, 2011 (76 FR 39358) (FRL–8875–6). EPA also correctly identified in the final rule that petitioners had requested a ''berry and small fruit group 13–07'' and tolerance and EPA disclaimed any intent to modify this proposed tolerance, (77 FR 41082, 41086). Nonetheless, EPA mistakenly directed that paragraph (a)(2) be amended to establish a tolerance for ''low growing berry group 13–07.'' EPA is amending paragraph (a)(2) to revise ''low growing berry group 13–07'' with the correct regulatory term, ''berry and small fruit group 13–07,'' consistent with the petition's request and the **Federal Register** notice of the petition and EPA's disposition of the petition in the final rule published in the **Federal Register** of July 12, 2012.

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) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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 action 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 21, 2012.

Daniel J. Rosenblatt,

Acting, Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.498 is amended by revising the entry for ''Berry, low growing, group 13–07'' to read as ''Berry and small fruit, group 13–07'' and by adding alphabetically the entry ''Vegetable, soybean, succulent'' to paragraph (a)(2) to read as follows:

§ 180.498 Sulfentrazone; tolerances for residues.

(a) * * *

(2) * * *

Commodity	Parts per million
* * * * *	
Berry and small fruit, group 13–07	0.15
* * * * *	
Vegetable, soybean, succulent	0.15
* * * * *	

* * * * *

[FR Doc. 2012–23986 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0493; FRL–9361–4]

Sulfoxaflor; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of sulfoxaflor, N-methyloxido [1-[6-(trifluoromethyl)-3-pyridinyl]ethyl] λ^4-sulfanylidene] cyanamide, including its metabolites and degradates in or on cotton, undelinted seed; cotton, gin byproducts; and cotton, hulls. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on cotton. This regulation establishes maximum permissible levels for residues of sulfoxaflor in or on these commodities. These time-limited tolerances expire on December 31, 2015.

DATES: This regulation is effective September 28, 2012. Objections and requests for hearings must be received on or before November 27, 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–2012–0493, is available at *http://www.regulations.gov* or 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: Libby Pemberton, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 703–308–9364; email address: *pemberton.libby@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 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 section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 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–2012–0493 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 27, 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–2012–0493, 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 statue.
- *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.*

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for combined residues of sulfoxaflor, N-methyloxido [1-[6-(trifluoromethyl)-3-pyridinyl]ethyl] λ^4-sulfanylidene] cyanamide, including its metabolites and degradates in or on cotton, undelinted seed at 0.2 parts per million (ppm); cotton, gin byproducts at 6.0 ppm; and cotton, hulls at 0.35 ppm. These time-limited tolerances expire on December 31, 2015.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

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 * * *.''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Sulfoxaflor for Various Commodities and FFDCA Tolerances

The states of Arkansas, Mississippi, Tennessee, and Louisiana submitted emergency use requests for the use of the unregistered active ingredient, sulfoxaflor, on cotton to control the tarnished plant bug. The requests are a result of the resurgence of tarnished plant bug as a primary pest of cotton. The states assert growers are facing a longer control season for tarnished plant bug. In addition, tarnished plant bug has developed resistance to registered alternatives. After having reviewed the submissions, EPA determined that emergency conditions exist for these States, and that the criteria for emergency exemptions are met. EPA has authorized specific exemptions under FIFRA section 18 for the use of sulfoxaflor on cotton for control of tarnished plant bug in Arkansas, Mississippi, Tennessee, and Louisiana.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of sulfoxaflor in or on cotton. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2015, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on cotton, undelinted seed; cotton, ginbyproducts; and cotton, hulls after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether sulfoxaflor meets FIFRA's registration requirements for use on cotton or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerances decision serves as a basis for registration of sulfoxaflor by a State for special local needs under FIFRA section 24(c). Nor does this tolerance by itself serve as the authority for persons in any State other than Arkansas, Mississippi, Tennessee, and Louisiana to use this pesticide on the applicable crops under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for sulfoxaflor, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. 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 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 expected as a result of these emergency exemption requests and the time-limited tolerances for combined residues of sulfoxaflor in or on cotton, undelinted seed at 0.2 parts per million (ppm); cotton, gin byproducts at 6.0 ppm; and cotton, hulls at 0.35 ppm. Use of cotton commodities conforming to these temporary tolerances as animal feed is not expected to produce sulfoxaflor residues in livestock commodities. EPA's assessment of exposures and risks associated with establishing these time-limited tolerances follows.

A. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect during 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 sulfoxaflor used for human risk assessment is shown in the Table of this unit.

TABLE—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SULFOXAFLOR 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 = 1.8 mg/kg/day. UF_A = 3x ≤UF_H = 10x ≤FQPA SF = 1x	Acute RfD = 0.06 g/kg/day. aPAD = 0.06 mg/kg/day	Developmental Neurotoxicity Study. LOAEL = 7.1 mg/kg/day based on decreased neonatal survival on postnatal day 0 through 4.
Acute dietary (General population including infants and children).	NOAEL = 25 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.25 mg/kg/day. aPAD = 0.25 mg/kg/day	Acute Neurotoxicity Study. LOAEL = 75 mg/kg/day based on decreased motor activity.
Chronic dietary (All populations)	NOAEL = 5.13 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.05 mg/kg/day. cPAD = 0.05 mg/kg/day	Chronic/Carcinogenicity Study in the Rat. LOAEL = 21.3 mg/kg/day based on liver effects including increased blood cholesterol, liver weight, hypertrophy, fatty change, single cell necrosis and macrophages observed in the males and females.
Cancer (Oral, dermal, inhalation).	Sulfoxaflor is classified as ''Suggestive Evidence of Carcinogenic Potential.'' Quantification of risk using a non-linear approach (i.e., RfD) will adequately account for all chronic toxicity, including carcinogenicity.		

UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = Food Quality Protection Act Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. LOAEL = lowest observed adverse effect level. NOAEL = no observed adverse effect level.

B. Exposure Assessment

1. Dietary exposure from food and feed uses. In evaluating dietary exposure to sulfoxaflor, EPA considered exposure under the time-limited tolerances established by this action. EPA assessed dietary exposures from sulfoxaflor in food as follows:

i. *Acute and Chronic exposure.* Acute and chronic effects were identified for sulfoxaflor. In estimating acute and chronic 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). EPA's dietary exposure assessment assumed that all cotton in the U.S. is treated with sulfoxaflor (i.e., 100% crop treated); an empirical factor of 0.1X to account for the reduction in sulfoxaflor residues during the processing of cottonseed into oil (which is the only human food associated with cotton); and used health-protective models to estimate residues in drinking water.

ii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk may be quantified using a linear or nonlinear approach. If sufficient information is available to determine the carcinogenic mode of action, and that mode of action has a threshold, then EPA will use a threshold or nonlinear approach and calculate a cancer RfD based on an earlier noncancer key event. If the mode of carcinogenic action is unknown, or if the mode of action appears to be mutagenic, a default linear cancer slope factor approach is utilized. Based on studies demonstrating key events of a hypothesized mode of action leading to the observed tumors and no mutagenicity concerns, EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to sulfoxaflor. Cancer risk was assessed using the same exposure estimates as discussed in Unit IV.B.1.i., acute and chronic exposure.

iii. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for sulfoxaflor. For this risk assessment, EPA assumed that all cottonseed oil contains tolerance level residues (modified by an empirical processing factor) and that 100% of cotton is treated with sulfoxaflor.

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of sulfoxaflor for acute exposures are estimated to be 2.76 parts per billion (ppb) for surface water and 45.1 ppb for ground water; for chronic exposures for non-cancer assessments are estimated to be 0.865 ppb for surface water and 45.1 ppb for ground water. Environmental fate data indicate that the predominant residue in surface water will be the parent compound and the predominant residue in groundwater will be the X11719474 metabolite (88% of the total residue) and X11519450 (12% of the total residue). For convenience, EPA's exposure assessment multiplies the relative toxicity of each metabolite by its proportion to express the residue concentration in terms of parent sulfoxaflor-equivalents.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 0.045 ppm (0.0397 ppm X11719474 + 0.0054 ppm X11519450) was used to assess the contribution of drinking water to dietary exposure for the general population, except women of child-bearing age (13–49 years). For females 13–49 years old, the acute surface water EDWC (0.0028 ppm) was used to assess the contribution of drinking water. For

chronic dietary risk assessment for the general population, including females 13–49 years old, the ground water concentration of value 0.066 ppm was used to assess the contribution of drinking water. The groundwater value of 0.066 ppm reflects individual concentrations of X11719474 and X11519540, adjusted for their relative potencies of 0.3X and 10X, respectively.

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). Sulfoxaflor is currently not registered for any use that will result in residential exposure. 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 sulfoxaflor to share a common mechanism of toxicity with any other substances, and sulfoxaflor does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that sulfoxaflor 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.*

C. 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 SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicity databases for sulfoxaflor are complete. Although adverse developmental effects were observed in rats, the mode of action is understood and does not appear relevant to humans. Data indicate that juvenile rats are uniquely sensitive to perturbation of the muscular nicotinic receptor by sulfoxaflor, leading to sustained muscle contraction and increased neonatal deaths. Supporting studies indicate that sulfoxaflor does not interact with nicotinic receptors in the adult rat, fetal human, or adult human. Furthermore, the observation that no neonatal deaths or neuromuscular/skeletal effects were noted in the rabbit developmental toxicity study supports the conclusion that rats are uniquely sensitive to developmental toxicity due to sulfoxaflor exposure. These differences suggest that to the extent that neonatal death in rats occurs as a result of sulfoxaflor binding to the fetal receptor, these effects would not be observed in humans.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings: the level of concern for neurotoxicity is low because the effects are well characterized and clear NOAELs are established. Similarly, although there is increased quantitative susceptibility in the developmental neurotoxicity (DNT) study, the level of concern for the increased susceptibility is low because the effects are well characterized and the endpoints chosen for risk assessment are protective of potential *in utero* developmental effects. In addition, the exposure assessments are highly conservative and unlikely to underestimate exposure/risk.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). 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.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to sulfoxaflor will occupy 4% of the aPAD for infants (<1 year), the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to sulfoxaflor from food and water will utilize 9% of the cPAD for infants (<1 year)the population group receiving the greatest exposure. There are no residential uses for sulfoxaflor.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short-term adverse effect was identified; however, sulfoxaflor is not registered for any use patterns that would result in short-term residential exposure. Because there is no short-term residential exposure, sulfoxaflor poses no short-term risk.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term non-dietary, non-occupational exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, sulfoxaflor is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure, sulfoxaflor poses no intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* EPA determined that there is a ''Suggestive Evidence of Carcinogenic Potential'' for sulfoxaflor based on the preputial gland tumor response seen in rats. When there is suggestive evidence, the Agency does not attempt a dose-response assessment as the nature of the data generally would not support one. Rather, the Agency has determined that quantification of risk using a non-linear approach (i.e., reference dose (RfD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to sulfoxaflor.

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 sulfoxaflor residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate analytical methods have been submitted for both data collection and for enforcement purposes. In the submitted field trial and processing studies, residues of sulfoxaflor and its metabolites in crops were determined using 2 different Dow analytical methods (designated as 091031 or 091116). The proposed method for tolerance enforcement in plant commodities is method 091116: Enforcement Method for the Determination of Sulfoxaflor (XDE–208) and its Main Metabolites in Agricultural Commodities using Offline Solid-Phase Extraction and Liquid Chromatography with Tandem Mass Spectrometry Detection. Method 091116 extracts residues with acetonitrile/water and includes use of a deuterated internal standard, hydrolysis with NaOH to release base-labile conjugates, and clean up via solid-phase extraction. This method is applicable for the quantitative determination of residues of sulfoxaflor and its metabolites in agricultural commodities and processed products. The method was adequately validated, with a limit of quantitation (LOQ) of 0.010 mg/kg for all matrices. 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.

The Codex has not established a MRL for sulfoxaflor.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of, sulfoxaflor, N-methyloxido [1-[6-(trifluoromethyl)-3-pyridinyl]ethyl] λ^4-sulfanylidene] cyanamide including its metabolites and degradates, in or on cotton, undelinted seed at 0.2 parts per million (ppm); cotton, ginbyproducts at 6.0 ppm; and cotton, hulls at 0.35 ppm. These tolerances expire on December 31, 2015.

VII. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA sections 408(e) and 408(l)(6). 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 in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances 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 the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VIII. 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 20, 2012.

Steven Bradbury,

Director, 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 180.668 is added to subpart C to read as follows:

§ 180.668 Sulfoxaflor; tolerances for residues.

(a) *General.* [Reserved]

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the insecticide, sulfoxaflor,

N-methyloxido [1-[6-(trifluoromethyl)-3-pyridinyl]ethyl] λ^4-sulfanylidene] cyanamide, including its metabolites and degradates, in or on the commodities in the following table resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified in the following table is to be determined by measuring only sulfoxaflor in or on the commodity. The tolerances expire on the date specified in the table.

Commodity	Parts per million	Expiration date
Cotton, undelinted seed	0.2	12/31/15
Cotton, gin byproducts	6.0	12/31/15
Cotton, hulls	0.35	12/31/15

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2012–23818 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 563

[Docket No. NHTSA–2012–0099]

RIN 2127–AL14

Event Data Recorders

Correction

In rule document 2012–19580, appearing on pages 47552–47557 in the issue of Thursday, August 9, 2012, make the following correction:

§ 563.8 Data format [Corrected]

On page 47557 in the table titled ''Table III—Reported Data Element Format'', in the ''Accuracy [1]'' column, in the twenty-fifth row, '' ±ms'' should read '' ±2ms''.

[FR Doc. C1–2012–19580 Filed 9–27–12; 8:45 am]

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Proposed Rules

Federal Register
Vol. 77, No. 189
Friday, September 28, 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 JUSTICE

Executive Office for Immigration Review

8 CFR Parts 1003, 1103, 1208, 1211, 1212, 1215, 1216, 1235

[EOIR No. 178]

RIN 1125–AA71

Retrospective Regulatory Review Under E.O. 13563

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Following the issuance of Executive Order 13563, the Department of Justice (Department or DOJ) issued a Plan for Retrospective Analysis of Existing Rules (Plan) on August 22, 2011, identifying several regulations that it plans to review during the next two years. Pursuant to that Plan, the Department is conducting a retrospective review of portions of the regulations of the Executive Office for Immigration Review (EOIR). The Department is considering proposing amendments to the EOIR regulations in parts 1003, 1103, 1208, 1211, 1212, 1215, 1216, and 1235 of chapter V of title 8 of the Code of Federal Regulations (CFR). The purpose of this Notice is to provide the public with advance notice of that future rulemaking and to request the public's input on potential amendments to the EOIR regulations.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before November 27, 2012.

ADDRESSES: You may submit comments, identified by EOIR Docket No. 178, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.
- *Mail:* Acting General Counsel, Jean King, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041. To ensure proper handling, please reference EOIR Docket No. 178 on your correspondence. This mailing address may also be used for paper, disk, or CD–ROM submissions.
- *Hand Delivery/Courier:* Acting General Counsel, Jean King, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041. Contact Telephone Number (703) 305–0470 (not a toll-free call).

FOR FURTHER INFORMATION CONTACT: Acting General Counsel, Jean King, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041, telephone (703) 305–0470 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Executive Order 13563

On January 18, 2011, President Barack Obama issued Executive Order (EO) 13563 directing Federal agencies to institutionalize a culture of retrospective review and analysis through periodic review of existing significant regulations. As part of the review, each agency must determine whether any regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving its regulatory objectives. Each agency must evaluate the costs and benefits of current regulatory approaches and consider available regulatory alternatives that maximize net benefits, including consideration of potential economic, environmental, public health, and safety effects, distributive impacts, and equity. The President further stressed the need for agencies to solicit public participation regularly as part of the rulemaking process.

II. The Department's Plan for Retrospective Analysis of Existing Rules

In response to EO 13563, the Department published a Request for Information (RFI), entitled ''Reducing Regulatory Burden; Retrospective Review Under E.O. 13563,'' on March 1, 2011, requesting the public's input on the criteria for selecting regulations to be reviewed. *See* 76 FR 11163 (Mar. 1, 2011). After review of comments received in response to the RFI and consultation with Departmental components, the Department issued its Plan identifying several regulations that it intends to review during the next two years. *See* ''Plan for Retrospective Analysis of Existing Rules'' (Plan), *available online at http://www.justice.gov/open/doj-rr-final-plan.pdf.* Based upon the public comments received, the Department selected regulations for review that: Are ineffective in achieving a stated regulatory goal; require harmonization or modernization; have objectives that may be achieved through less burdensome regulatory alternatives; have actual costs and benefits that are different from those projected; are burdensome; create distributional inequities; and/or cause unintended effects. *See* Plan at 11–12, 14,–15, 18.

In the Plan, the Department identified EOIR as one of the Department's principal rulemaking components that would be featured in the first two-year round of retrospective review. *See* Plan at 2. The Department noted that, prior to the Plan's issuance, EOIR had already undertaken a retrospective review of its existing and proposed regulations, and had withdrawn two pending proposed rules (''Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions to Reopen for Certain Battered Spouses and Children,'' RIN 1125–AA35, and ''Rules Governing Immigration Proceedings,'' RIN 1125–AA53) that were no longer necessary as their intended purpose had been satisfied through other regulations, Board of Immigration Appeals (Board) precedent, and agency guidance documents. *See* Plan at 6. In the Plan, the Department also noted that EOIR has initiated a review of several of its regulations in response to petitions for rulemaking and meets regularly with affected parties to discuss a wide range of agency practices, including rulemaking. *See* Plan at 7.

The purpose of this Notice is to provide advance notice to the public that the Department is considering

proposing amendments to the EOIR regulations in the upcoming year, and to solicit comments from the public about specific amendments being considered, as well as other amendments to meet the objectives of EO 13563's retrospective analysis provisions. The Department has selected specific EOIR regulations to review during the first two-year round of retrospective review. The Department will be reviewing additional portions of the EOIR regulations in future rulemakings. The Department envisions that this future review will be a multi-year initiative to enhance the EOIR regulations.

III. Retrospective Review of EOIR Regulations

In response to the RFI, the Department received several public comments requesting review of the EOIR regulations addressing practices and procedures before the immigration judges and the Board. The commenters requested amendment or repeal of various provisions of the EOIR regulations at parts 1003, 1208, 1240, and 1241. The commenters also requested promulgation of regulations to address ineffective assistance of counsel, discovery in proceedings before EOIR, and procedures for ''repapering'' (termination of deportation proceedings and reinstatement of proceedings as removal proceedings) for certain aliens rendered ineligible for relief from deportation.[1] After review of these comments, the Department selected the specific regulations in chapter V of title 8 of the CFR that EOIR would review as part of the first two-year round of retrospective review. The Department selected for review the EOIR regulations at parts 1003, 1103, 1211, 1212, 1215, 1216, and 1235, and, for limited purposes, part 1208.

In response to the public's comments, the Department will consider substantive amendments to the EOIR regulations at part 1003, including those addressing stays, telephonic or video hearings. In addition, the Department is considering other substantive amendments to the regulations at part 1003, including those governing venue, bond proceedings, and the authority and jurisdiction of the immigration judges and the Board. In particular, the Department is considering regulatory amendments to part 1003 that may improve the efficiency and fairness of adjudications before EOIR.

EOIR notes that, given the volume of substantive comments received, it will not be able to address during this round of retrospective review all regulatory provisions for which it received public comments. In particular, the Department received several substantive comments requesting review of certain regulatory provisions of part 1208, including the regulatory provisions addressing hearing notices, *in absentia* decisions, the one-year filing deadline for asylum applications, and filing procedures with the immigration courts. The Department also received several substantive comments requesting review of part 1240, including the regulatory provisions addressing mental competency issues in proceedings before EOIR, voluntary departure, and jurisdiction over applications for relief filed pursuant to section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA). The Department also received a comment requesting that the regulations at part 1241 be revised to require that, in order for an alien to be removed, a functioning government must exist in the country to which the alien is ordered removed. During a future round of retrospective review, the Department will also review and consider amendments to the other regulatory provisions at parts 1208, 1240, and 1241 for which it received public comments.

EOIR further notes that several of the issues addressed by commenters are already the subject of separate pending rulemakings and/or petitions for rulemaking and may continue to be addressed through those separate rulemakings, rather than as part of this retrospective review. In particular, this Notice will not address the following issues that are currently under consideration in other pending rulemakings: regulatory provisions at part 1003 addressing the streamlining of Board adjudication (''Board of Immigration Appeals: Affirmance Without Opinion, Referral for Panel Review, and Publication of Decisions as Precedents,'' RIN 1125–AA58, EOIR No. 159); and, regulatory provisions at parts 1003 and 1208 addressing ineffective assistance of counsel (''Motions to Reopen Removal, Deportation, or Exclusion Proceedings Based Upon a Claim of Ineffective Assistance of Counsel,'' RIN 1125–AA68, EOIR No. 170).[2] The Department also plans to initiate a separate rulemaking proceeding to address the regulatory provision known as the ''departure bar.''[3] In addition, the Department is considering whether to initiate a rulemaking proceeding addressing an alien's mental competency in proceedings before EOIR.

As provided in the Plan, this round of retrospective review will also focus on reviewing and amending the selected EOIR regulations to eliminate duplication, ensure consistency with the Department of Homeland Security's (DHS) regulations in chapter I of title 8 of the CFR, and delineate clearly the authority and jurisdiction of each agency. EOIR believes that such amendments to its regulations will improve the efficiency and fairness of adjudications before EOIR. Such regulatory amendments will reduce the likelihood of the public misfiling applications and petitions and the amount of time spent by immigration judges and agency personnel in explaining and assisting the public in navigating each agency's authority and jurisdiction. In addition, by eliminating the duplication in regulations, the Department will no longer be required to pay for printing the duplicative regulations as part of the annual publication of the Code of Federal Regulations. Thus, such regulatory amendments will result in resource, time, and financial savings to EOIR, as well as streamline the adjudicatory process for individuals appearing before the agency.

Currently, many EOIR regulations are duplicative of DHS regulations. The overlap in regulations occurred as a result of the Homeland Security Act of 2002 (HSA), as amended, which transferred the functions of the former INS from the DOJ to DHS. However, the HSA retained under the authority of the Attorney General the functions of EOIR, a separate agency within the DOJ. As the existing regulations at that time often intermingled the responsibilities of the former INS and EOIR, this transfer required a reorganization of title 8 of the CFR in February 2003, including the establishment of a new chapter V in title 8 of the CFR pertaining to EOIR. *See* 68 FR 9824 (Feb. 28, 2003). The time available did not permit a thorough

[1] Information on a proposed rulemaking of the former Immigration and Naturalization Service (INS) addressing repapering for certain aliens rendered ineligible for relief from deportation can be found in the Fall 2000 edition of the Unified Agenda of Regulatory and Deregulatory Actions. *See* ''Unified Agenda of Regulatory and Deregulatory Actions'' (Unified Agenda), *available online* at *http://www.reginfo.gov; see also* 65 FR 71273 (Nov. 30, 2000).

[2] EOIR encourages the public to review the Unified Agenda to learn about and comment on pending EOIR rulemakings. *See* Unified Agenda, *available online at http://www.reginfo.gov.*

[3] The ''departure bar'' is the regulatory provision at 8 CFR 1003.2(d) and 1003.23(b)(1) that prohibits an alien from filing a motion to reopen or reconsider with the Board or immigration courts after his or her departure from the United States. This regulatory provision also renders a motion to reopen or reconsider withdrawn if the alien departs the United States while the motion is pending.

review of each provision where the responsibilities of EOIR and the former INS were intermingled. Therefore, a number of regulations pertaining to the responsibilities of DHS were intentionally duplicated in the new chapter V because those regulations also included provisions relating to the responsibilities of EOIR. Accordingly, chapter V contains many instances where the EOIR regulations duplicate the DHS regulations.

The Department has already eliminated some of the duplication. For example, the Department revised the provisions in 8 CFR part 1274a that duplicate 8 CFR part 274a. *See* 74 FR 2337, 2339 (Jan. 15, 2009); 76 FR 16525 (Mar. 24, 2011). As these duplicative regulations principally pertained to DHS' control of the employment of aliens, the Department removed the duplicative regulations in part 1274a and added a new section that cross-references the DHS regulations at 8 CFR part 274a. *See id.* The Department similarly revised the provisions in 8 CFR part 1280, which duplicated 8 CFR part 280. *See* 76 FR 74625, 74628–74629 (Dec. 1, 2011). As these duplicative regulations principally pertained to the authority of DHS to impose fines and civil monetary penalties, the Department removed the duplicative provisions in part 1280 and added a new section that cross-references the DHS regulations at 8 CFR part 280 and the EOIR regulations governing the Board's appellate authority at 8 CFR part 1003. *See id.* Most recently, the Department amended its regulations at 8 CFR parts 1003 and 1292 governing the discipline of practitioners before EOIR and DHS, in part to remove unnecessary regulations pertaining to DHS's responsibilities and to insert cross-references to the appropriate DHS regulations. *See* 77 FR 2011, 2012–2013 (Jan. 13, 2012).

In addition, DHS has been revising some of its regulations, which has had the unintended result of creating inconsistencies between the revised versions of the DHS regulations and the DOJ regulations, which continue to track the earlier version of the DHS regulations. *See* 76 FR 53764 (Aug. 29, 2011) (making extensive amendments to the DHS regulations at 8 CFR chapter I); 76 FR 73475 (Nov. 29, 2011) (finalizing the 2011 amendments to the DHS regulations at 8 CFR chapter I); 73 FR 18384 (Apr. 3, 2008) (revising 8 CFR parts 212 and 235).

Therefore, as part of the Department's ongoing effort to ensure that its regulations are clear, effective, non-duplicative, and up-to-date, the Department will be reviewing 8 CFR parts 1003, 1103, 1211, 1212, 1215, 1216, and 1235 during this first two-year round of retrospective review. The Department will amend these EOIR regulations to eliminate those provisions that are unnecessarily duplicative and, in some cases, inconsistent with DHS regulations, and to ensure that they make clear the distinct responsibilities of DHS and EOIR and, where appropriate, include cross-references to the applicable DHS regulations. In addition to the substantive amendments to part 1003 discussed above, the Department will also consider substantive amendments to parts 1103, 1211, 1212, 1215, 1216, and 1235.[4] As with part 1003, the Department is considering regulatory amendments to parts 1103, 1211, 1212, 1215, 1216, and 1235 that may improve the efficiency and fairness of adjudications before EOIR.

The following is a summary of the amendments that the Department is currently considering during this round of the retrospective review:

Global Amendments

For parts 1003, 1103, 1208, 1212, 1215, 1216, and 1235, the Department intends to standardize citations and terms to ensure consistency within the EOIR regulations and with respect to the DHS regulations.[5] The Department intends to amend the EOIR regulations to standardize the capitalization of terms such as ''Immigration Court,'' ''immigration judge,'' ''court administrator,'' and ''the Act,'' standardize internal citations to titles 8 of the CFR and the U.S. Code (U.S.C.), standardize references to the Board of Immigration Appeals, update references to DHS, such as revising the term ''the Service'' as ''DHS'' and the term ''Office of the District Counsel'' as ''Office of the Chief Counsel,'' and change, as appropriate, ''shall'' to ''must'' to indicate mandatory language.

Part 1003

Part 1003 addresses, in part, matters exclusively before EOIR, including procedures before the immigration judges and the Board. However, part 1003 also contains provisions, such as those addressing the List of Free Legal Services Providers and the professional conduct of practitioners, which affect both EOIR and DHS. As a part of the retrospective review, the Department will only focus on the subparts in part 1003 addressing matters exclusively before EOIR: subparts A (Board of Immigration Appeals), B (Office of the Chief Immigration Judge), and C (Immigration Court—Rules of Procedure). Subparts E and F will be addressed through two separate rulemakings: ''List of Pro Bono Legal Service Providers for Aliens in Immigration Proceedings,'' RIN 1125–AA62, EOIR No. 164P, *see* Unified Agenda, *available online at http://www.reginfo.gov*, and ''Reorganization of Regulations on the Adjudication of Department of Homeland Security Practitioner Disciplinary Cases,'' *see* 77 FR 2011 (Jan. 13, 2012).[6]

In response to the RFI, the Department received several public comments requesting substantive amendments to part 1003, including requests to review the regulatory provisions governing stays, telephonic or video hearings, the ''departure bar,''[7] and procedures addressing the streamlining of Board adjudication and the review of custody/bond determinations for arriving aliens. In response to these comments, the Department is currently reviewing and considering amendments to the regulatory provisions in part 1003 addressing motions and stays. *See* 8 CFR 1003.19(i), 1003.23. The Department is also reviewing the regulatory provisions in part 1003 addressing venue and telephonic and video hearings, which is the subject of a pending rulemaking (''Jurisdiction and Venue in Removal Proceedings,'' RIN 1125–AA52, EOIR No. 147). *See* Unified Agenda, *available online at http://www.reginfo.gov; see also* 8 CFR 1003.20. In addition, the Department is currently evaluating whether to provide for separate appearances in bond proceedings. As discussed above, the Department is reviewing streamlining of Board adjudication through a separate rulemaking and plans to initiate a separate rulemaking proceeding addressing the ''departure bar.''

In addition to reviewing part 1003 in response to public comments, the Department is reviewing other provisions in part 1003 to ensure that the regulatory provisions appropriately and adequately address the authority and jurisdiction of the immigration judges and the Board. For example, the Department is currently reviewing the regulatory provisions addressing the Board's appellate jurisdiction in section

[4] *See* discussion *infra.*

[5] During this round of retrospective review, the Department intends to review part 1208 for the limited purposes of standardizing citations and terms, and updating references. As noted above, the Department intends to consider other amendments to part 1208 during a future round of retrospective review.

[6] Subpart D in 8 CFR part 1003 is currently reserved and, thus, not the subject of review.

[7] *See supra* note 3.

1003.1(b). The Department is also considering revising part 1003 to reflect updated procedures related to forms, including, for example, the requirement in section 1003.15(d) that an alien must also file the Form EOIR–33, Alien's Change of Address, if he or she has changed his or her phone number.

The retrospective review of part 1003 will also examine updates to the EOIR regulations to reflect current procedures and to eliminate duplicative and inconsistent provisions. In addition to the global amendments already discussed, the Department intends to change citations to the DHS regulations to the EOIR regulations where appropriate and update any incorrect or outdated citations. For example, in section 1003.1(b)(1), the Department is considering changing the citation to 8 CFR part 240 to 8 CFR part 1240 and, in section 1003.1(f), changing part 292 to part 1292.

EOIR requests the public's comments on the potential amendments to part 1003 discussed in this Notice. For background information, EOIR encourages the public to review pending rulemakings affecting part 1003 in the Unified Agenda. EOIR also invites the public to provide any additional proposed amendments to part 1003.

Part 1103

Part 1103 addresses procedures before the DHS Administrative Appeals Unit (AAU) and is substantively duplicative of the DHS regulations at part 103. In addition, the duplicative EOIR regulations at part 1103 are no longer consistent with the DHS regulations at part 103, which were revised in 2011. *See, e.g.,* 76 FR 53764, 53780. The Department anticipates proposing amendments to part 1103 that would remove the provisions that are duplicative of the DHS regulations at part 103, retaining the provisions addressing the Board's jurisdiction and adding a cross-reference to the applicable DHS regulations at part 103.

Part 1103 also contains provisions addressing the payment of fees to the Board. Part 1003, which addresses only procedures before EOIR, also contains provisions addressing the payment of fees to the Board. The Department is considering revising part 1103 by removing the regulatory provisions addressing the payment of fees to the Board and consolidating those provisions in part 1003. EOIR welcomes public comment on the potential reorganization of the provisions addressing the payment of fees to the Board, as well as other improvements to part 1103.

Part 1208

Part 1208 addresses procedures for asylum and withholding of removal. As discussed above, the Department will review and consider amendments to the regulatory provisions at part 1208 during a future round of retrospective review. However, as noted above, the Department intends, during this round of retrospective review, to review part 1208 for the limited purpose of standardizing citations and terms, and updating references.

Part 1211

Part 1211 addresses DHS' waiver of the documentary requirements for returning legal permanent residents. While the EOIR regulations at part 1211 focus on the alien's ability to renew his or her waiver application before an immigration judge, the DHS regulations at part 211 contain detailed procedures addressing DHS' initial adjudication of such waivers. The Department intends to amend the EOIR regulations to delineate further that the initial adjudication of such waivers is before DHS but that an alien may renew his or her waiver application before an immigration judge. In particular, similar to the amendments previously made to parts 1274a and 1280, the Department is contemplating amending part 1211 by adding a cross-reference to the applicable DHS regulations at part 211. *See, e.g.,* 76 FR 16525 (addressing amendments to part 1274a); 74 FR 2337 (finalizing amendments to part 1274a); 76 FR 74625 (addressing amendments to part 1280). The Department will retain in part 1211 the regulatory provision addressing an alien's ability to renew his or her waiver application before an immigration judge.

Part 1212

Part 1212 addresses DHS' documentary requirements for nonimmigrants, including waivers of documentary requirements, admission of certain inadmissible aliens, and parole. Part 1212 is substantively duplicative of the DHS regulations at part 212. In addition, the duplicative EOIR regulations at part 1212 are no longer consistent with the DHS regulations at part 212, which were revised in 2008, 2009, and 2011. *See, e.g.,* 73 FR 18384, 18415; 74 FR 55726, 55734 (Oct. 28, 2009) (referring to the Department's planned review of parts 1212, 1215, and 1235); 76 FR 53764, 53786.

While part 1212 is substantively duplicative of the DHS regulations at part 212, several provisions in part 1212 address matters under the authority and jurisdiction of EOIR. For example, part 1212 includes regulatory provisions addressing the Board's jurisdiction over waivers of inadmissibility for nonimmigrants under section 212(d)(3) of the Act. *See, e.g.,* 8 CFR 1212.4(b); *see also* 8 CFR 1003.1(b)(6). The Department intends to amend part 1212 to distinguish between the authority and jurisdiction of EOIR and DHS, removing any provisions that are no longer within the Attorney General's jurisdiction and do not need to be restated in the EOIR regulations. *See, e.g.,* 74 FR 55726, 55734.[8]

Part 1215

Part 1215 addresses DHS' control of aliens departing from the United States and is duplicative of the DHS regulations at part 215. The Department intends to amend part 1215 to remove any provisions that are no longer within the Attorney General's jurisdiction and do not need to be restated in the EOIR regulations. *See, e.g.,* 74 FR 55726, 55734. In particular, the Department will amend part 1215 by removing the provisions that are duplicative of the DHS regulations at part 215 and adding a cross-reference to the applicable DHS regulations at part 215.

Part 1216

Part 1216 addresses DHS' procedures for adjudicating conditional lawful permanent resident status and is duplicative of the DHS regulations at part 216. The Department will amend part 1216 to remove any provisions that are no longer within the Attorney General's jurisdiction and do not need to be restated in the EOIR regulations. *See, e.g., Matter of Herrera Del Orden,* 25 I&N Dec. 589 (BIA 2011) (addressing the scope of an immigration judge's authority under 8 CFR 1216.5(f) to review DHS' denial of an alien's petition for a waiver of the requirement to file a joint petition to remove the conditional basis of his or her permanent residence). In particular, the Department intends to amend part 1216 by removing the provisions that are duplicative of the DHS regulations at part 216 and adding a cross-reference to the applicable DHS regulations at part 216.

Part 1235

Part 1235 addresses DHS' inspection of persons applying for admission to the United States and is substantively duplicative of the DHS regulations at part 235. In addition, the duplicative

[8] Note that the Department has already revised 8 CFR 1212.5 to remove DHS-related regulatory provisions for the granting of parole. *See* 69 FR 69490, 69497 (Nov. 29, 2004).

EOIR regulations at part 1235 are no longer consistent with the DHS regulations at part 235, which were revised in 2008, 2009, and 2011. *See, e.g.,* 73 FR 18384, 18416; 74 FR 55726, 55739; 76 FR 53764, 53790. While part 1235 is substantively duplicative of the DHS regulations at part 235, several provisions in part 1235 address matters under the authority and jurisdiction of EOIR. For example, part 1235 includes procedures for an alien in expedited removal proceedings under section 235 of the Act, and who receives a positive credible fear finding from DHS, to request asylum before an immigration judge in regular removal proceedings under section 240 of the Act. *See, e.g.,* 8 CFR 1235.3(b)(4); *see also* 8 CFR 1208.30(a). Similar to the other parts under review, the Department intends to amend part 1235 to distinguish between the authority and jurisdiction of EOIR and DHS, removing any provisions that are no longer within the Attorney General's jurisdiction and do not need to be restated in the EOIR regulations. *See, e.g.,* 74 FR 55726, 55734. In particular, the Department intends to amend part 1235 by removing the provisions that are duplicative of the DHS regulations at part 235 and adding a cross-reference to the applicable DHS regulations at part 235 and the applicable EOIR regulations at part 1208.

In addition to the comments that the Department received in response to the RFI, the Department is also reviewing a public comment that DHS received in response to its retrospective review recommending amendments to part 1235. *See* ''Reducing Regulatory Burden; Retrospective Review Under Executive Order 13563,'' *available online at http://edocket.access.gpo.gov/2011/pdf/2011–5829.pdf; see also* ''Preliminary Plan for Retrospective Review of Existing Regulations,'' *available online at http://www.gpo.gov/fdsys/pkg/FR–2011–06–06/pdf/2011–13801.pdf.*[9] In particular, the commenter requested promulgation and amendment of DHS and EOIR regulations in order to delineate the authority and jurisdiction of each agency to review the U.S. citizenship claims of aliens in expedited removal proceedings. As a result, the Department is considering whether to amend the EOIR regulations addressing an immigration judge's review of an alien's claim to U.S. citizenship status if DHS places the alien in expedited removal proceedings. The Department notes that there is no current regulatory procedure for DHS or an alien in expedited removal proceedings to appeal to the Board for review of an immigration judge's status determination for an alien claiming U.S. citizenship. *See Matter of Lujan-Quintana,* 25 I&N Dec. 53, 55–56 (BIA 2009) (finding that the Board lacks jurisdiction to review an appeal by DHS of an immigration judge's decision to vacate an expedited removal order after a claimed status review hearing pursuant to 8 CFR 1235.3(b)(5)(iv), at which the immigration judge determined the individual to be a U.S. citizen).

The Department is considering amending the regulations at parts 1003 and 1235 to address this issue. One approach that the Department is considering is providing for an appeal process to the Board of an immigration judge's determination of status for an alien claiming U.S. citizenship in expedited removal proceedings. EOIR welcomes public comment on the need for addressing this issue, the proposed approach discussed in this Notice for addressing this issue, and any additional approaches.

IV. Public Comments

EOIR welcomes the public's comments on the proposed amendments to parts 1003, 1103, 1211, 1212, 1215, 1216, and 1235 summarized in this Notice. EOIR is particularly interested in receiving examples of where the EOIR regulations should be amended to distinguish more effectively between the authority and jurisdiction of EOIR and DHS. *See, e.g., Matter of Herrera Del Orden, supra.* EOIR is also particularly interested in regulatory amendments that may improve the efficiency and fairness of adjudications before EOIR. The potential amendments to parts 1003, 1103, 1211, 1212, 1215, 1216, and 1235 discussed in this Notice are not exhaustive. EOIR invites the public to provide any additional proposed amendments to these regulatory provisions, including opportunities for eliminating unnecessary or duplicative provisions, revising confusing or outdated language, and updating statutory or regulatory citations. EOIR also invites commenters to provide information about the effects of proposed amendments, including information to assist the Department in monetizing or quantifying the benefits and costs of amendments, as well as identifying qualitative benefits and costs. For example, EOIR welcomes data from the public on whether and by how many hours—actual or billable—these regulatory amendments may reduce the time spent by aliens and practitioners in determining how or where to file applications and/or petitions with each agency. EOIR further welcomes data on how much time and money aliens and practitioners spend in redrafting and/or resending applications and petitions that were misfiled and returned to the sender.

This round of the retrospective review is focused, at this point, only on parts 1003, 1103, 1211, 1212, 1215, 1216, and 1235, as well as, for limited purposes, on part 1208. As noted, the Department intends to review additional portions of the EOIR regulations in the future. In future rulemakings, the Department will also be considering amending the overall organization of the EOIR regulations so as to consolidate related regulatory provisions in one part. For example, the Department is considering consolidating all regulatory provisions related to representation and appearances in part 1292 by moving such provisions within part 1003 to part 1292. In anticipation of this future review and potential reorganization, EOIR also requests the public's comments on any additional amendments to its regulations, including opportunities for more effectively delineating the authority and jurisdiction of EOIR and DHS and improving the efficiency and fairness of adjudications before EOIR.

Comments that will provide the most assistance to EOIR will reference a specific regulatory section, provide draft regulatory language, explain the reason for the recommended amendment, and include data, information, or authority that support the recommended amendment. EOIR encourages those members of the public submitting comments to review those comments described in the Department's Plan. *See http://www.regulations.gov.*

Dated: September 19, 2012.

Juan P. Osuna,

Director.

[FR Doc. 2012–23874 Filed 9–27–12; 8:45 am]

BILLING CODE 4410–30–P

[9] Comments received by DHS in response to ''Reducing Regulatory Burden; Retrospective Review Under Executive Order 13563'' are available for viewing at *http://www.regulations.gov* and may be accessed with Docket No. DHS–2011–0015.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0610; Airspace Docket No. 12–ASO–28]

Proposed Amendment of Class E Airspace; Goldsboro, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E Airspace in the Goldsboro, NC area, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Mount Olive Municipal Airport. Airspace reconfiguration is necessary for the continued safety and management of instrument flight rules (IFR) operations within the Goldsboro, NC, airspace area. This action also would update the geographic coordinates of Mount Olive Municipal Airport and the Seymour Johnson TACAN.

DATES: 0901 UTC. Comments must be received on or before November 13, 2012.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA2012–0610; Airspace Docket No. 12–ASO–28, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2012–0610; Airspace Docket No. 12–ASO–28) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–0610; Airspace Docket No. 12–ASO–28.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface in the Goldsboro, NC area, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Mount Olive Municipal Airport. The geographic coordinates of Mount Olive Municipal Airport and the Seymour Johnson TACAN would be adjusted to coincide with the FAAs aeronautical database. Airspace reconfiguration is necessary for the continued safety and management of IFR operations within the Goldsboro, NC airspace area.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace in the Goldsboro, NC, area.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and

Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO NC E5 Goldsboro, NC [Amended]

Goldsboro, Seymour Johnson, AFB, NC
(Lat. 35°20′22″ N., long. 77°57′38″ W.)
Seymour Johnson TACAN
(Lat. 35°20′07″ N., long. 77°58′17″ W.)
Goldsboro-Wayne Municipal Airport
(Lat. 35°27′38″ N., long. 77°57′54″ W.)
Mount Olive Municipal Airport
(Lat. 35°13′17″ N., long. 78°02′19″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6 mile radius of Seymour Johnson, AFB, and within 2.5 miles each side of the Seymour Johnson TACAN 265° radial extending from the 6.6-mile radius to 12 miles west of the TACAN, and within a 5-mile radius of Goldsboro-Wayne Municipal Airport, and within a 6.5-mile radius of Mount Olive Municipal Airport.

Issued in College Park, Georgia, on September 10, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2012–23876 Filed 9–27–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0621; Airspace Docket No. 11–ASO–28]

Proposed Amendment of Class D and E Airspace; Tri-Cities, TN; Revocation of Class E Airspace; Tri-City, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This supplemental notice of proposed rulemaking would rename the city designator listed under the title in the preamble and regulatory text for Tri-Cities Regional Airport, and establish Class E airspace extending upward from 700 feet above the surface at Hawkins County Airport, Rogersville, TN, and Virginia Highlands Airport, Abington, VA. The Tri-Cities Class D airspace description would be amended to better describe the controlled airspace area. In an NPRM published in the **Federal Register** on April 10, 2012, the FAA proposed to amend existing controlled airspace extending upward from 700 feet above the surface at Tri-Cities Airport, Blountville, TN, that included the airports mentioned above. The FAA has reassessed the proposal and finds that separation of existing Class E airspace surrounding Virginia Highlands Airport, Abingdon, VA, and Hawkins County Airport, Rogersville, TN, from the Class E airspace area of Tri-Cities Regional Airport, Tri-Cities, TN, is necessary to further the safety and management of Instrument Flight Rules (IFR) operations in the Tri-Cities, TN area.

DATES: Comments must be received on or before November 13, 2012.

ADDRESSES: Send comments on this rule to: U. S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2011–0621; Airspace Docket No. 11–ASO–28, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On April 28, 2012, the FAA published a NPRM to amend Class D and Class E airspace, Blountville, TN, and revoke Class E airspace at Tri-City, TN, (77 FR, 21505). The comment period closed May 25, 2012. No comments were received. Subsequent to publication, the FAA reassessed the proposal to show the separation of Hawkins County Airport, and Virginia Highlands Airport, from the Tri-Cities Regional Airport, by establishing each airport with their own respective city designator. The Tri-Cities Class D airspace description would be amended to better describe the controlled airspace area. The city designator for Tri-Cities Regional Airport was changed to Blountville, TN, in error, and would be noted correctly as Tri-Cities, TN, in this action. The FAA seeks comments on this SNPRM.

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2011–0621; Airspace Docket No. 11–ASO–28) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2011–0621; Airspace Docket No. 11–ASO–28.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of SNPRM

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Supplemental Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by renaming the city designator listed in the preamble under title, and regulatory text from Blountville, TN, to Tri-Cities, TN. This action also would establish Class E airspace extending upward from 700 feet above the surface at Hawkins County Airport, Rogersville, TN, and Virginia Highlands Airport, Abingdon, VA, and would amend existing Class E airspace and Class D airspace to accommodate standard instrument approach procedures developed at Tri-Cities Regional Airport (formerly Tri-City Regional Airport), Tri-Cities, TN/VA. The Class E surface area airspace designated as an extension would be removed. The Tri-Cities Class D airspace description would be amended to better describe the controlled airspace area. The geographic coordinates of the airport would be adjusted to be in concert with the FAAs aeronautical database.

Class D and E airspace designations are published in Paragraph 5000, 6002, 6004, and 6005, respectively of FAA order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend controlled airspace in the Tri-Cities, TN, area.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

ASO TN D Tri-Cities, TN [Amended]

Tri-Cities Regional Airport, TN/VA
(Lat. 36°28′31″ N., long. 82°24′27″ W.)
Edwards Heliport, TN
(Lat. 36°25′57″ N., long. 82°17′37″ W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 6.8-mile radius of Tri-Cities Regional Airport, excluding the 2.5-mile radius of Edwards Heliport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E Airspace Designated as Surface Areas

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ASO TN E2 Tri-Cities, TN [Amended]

Tri-Cities Regional Airport, TN/VA
(Lat. 36°28′31″ N., long. 82°24′27″ W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 6.8-mile radius of Tri-Cities Regional Airport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

ASO TN E4 Tri-City, TN [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO TN E5 Tri-Cities, TN [Amended]

Tri-Cities Regional Airport, TN/VA
(Lat. 36°28′31″ N., long. 82°24′27″ W.)

That airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Tri-Cities Regional Airport and within 4-miles west and 8-miles east of the 223° bearing from the airport extending from the 9.3-mile radius to 23 miles southwest of the airport, and within 2-miles either side of the 43° bearing from the airport extending from the 9.3-mile radius to 14.5 miles northeast of the airport. and within a 17-mile radius of Virginia Highlands Airport

* * * * *

ASO TN E5 Rogersville, TN [New]

Hawkins County Airport, TN

(Lat. 36°27′27″ N., long. 82°53′06″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hawkins County Airport, and within 7 miles each side of Runway 07/25 centerline, extending from the 7-mile radius to 12 miles east of Hawkins County Airport.

* * * * *

ASO VA E5 Abingdon, VA [New]

Virginia Highlands Airport, VA
(Lat. 36°41′14″ N., long. 82°02′00″ W.)

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Virginia Highlands Airport

Issued in College Park, Georgia, on September 10, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2012–23867 Filed 9–27–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 181

[Docket No. USCG–2012–0843]

Hull Identification Numbers for Recreational Vessels

AGENCY: Coast Guard, DHS.

ACTION: Request for public comments.

SUMMARY: The Coast Guard announces that it is requesting public comments regarding the existing regulatory requirement to indicate a boat's model year as part of the 12-character Hull Identification Number (HIN). Under current regulations in 33 CFR part 181, the HIN must consist of 12 characters, the last two of which indicate the boat's model year. This notice requests public comments on whether we should continue to require model year as part of the HIN or change the regulatory definition of ''model year.''

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before November 27, 2012 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0843 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email Mr. Jeff Ludwig, U.S. Coast Guard; telephone 202–372–1061, email *Jeffrey.A.Ludwig@uscg.mil.* If you have questions about viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on this notice. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2012–0843) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and use ''USCG–2012–0843'' as your search term. Locate this notice in the search results and click the ''Comment Now'' box to submit your comment. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing Public Comments: To view the comments, go to *http://www.regulations.gov* and use ''USCG–2012–0843'' as your search term. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act: Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Background and Purpose

Under 46 U.S.C. 4302, the Coast Guard is authorized to promulgate regulations that require the display of a HIN on recreational boats as part of the Coast Guard's boating safety requirements. HINs are used in recall notification campaigns to identify all boats that may contain a defect which creates a substantial risk of personal injury to the public or fail to comply with required recreational boating safety standards. Accurate HINs are an important tool in recall campaigns.

When originally adopted in 1972, 33 CFR 181.25 required that boats display a 12-character HIN. Characters 1–3 consisted of the manufacturer identification number. Characters 4–8 consisted of the manufacturer serial number specific for that boat. Characters 9–12 could indicate either the boat's date of certification or model year. Also, as originally adopted, 33 CFR 181.3 defined the term ''model year'' to mean ''the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.''

This notice deals with the portion of the HIN that indicates a boat's model year. Since the HIN requirement was originally adopted, the Coast Guard has received numerous comments and suggestions regarding whether and how HINs should indicate the boat's model year. In 1983, the Coast Guard changed the HIN requirement with respect to characters 9–12 to the current regulatory requirement as follows: Characters 9–10 indicate the month and year of certification, when certification is

required. When certification is not required, characters 9–10 indicate the date of manufacture. Characters 11–12 indicate the vessel's model year. The definition of ''model year'' remains as ''the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.''

Some manufacturers desire more flexibility to vary the introduction date of the new model year from year to year, and argue that the current regulatory definition of ''model year'' prevents them from doing so. We attempted to address this issue in a rulemaking effort that commenced in 1994 and ended in 2000. On May 6, 1994, we published a notice of proposed rulemaking (NPRM) regarding HIN requirements that included a proposal to remove the regulatory definition of ''model year'' altogether in response to manufacturer calls for flexibility (*See* 59 FR 23651). In response to this proposal, we received public comments both in favor of and opposed to removing the definition of ''model year'' from the regulations. Accordingly, in a supplemental notice of proposed rulemaking (SNPRM) published on February 21, 1997, we proposed to revise the definition of ''model year'' instead of removing it altogether (*See* 62 FR 7971). The SNPRM proposed to define ''model year'' to mean ''the calendar year (January 1 through December 31) of, or the calendar year following (1) The boat's date of manufacture; or (2) If the boat is required to be certified, its date of certification.'' We note that in October 1997, the National Boating Safety Advisory Council passed a motion in favor of the existing regulatory definition instead of the one we proposed in the SNPRM. For reasons beyond the scope of this notice, we terminated the rulemaking effort on June 29, 2000 (*See* 65 FR 40069).

The definition of ''model year'' for HIN purposes and the requirement to indicate model year as part of the HIN continue to remain issues of concern to multiple interests. We are reconsidering whether the regulatory requirement to indicate model year as part of the HIN advances boating safety. Therefore, we are seeking public comments on how to address these issues. We encourage public comment on these issues in general, and particularly request public comments on any or all of the following specific questions:

1. Should Coast Guard regulations retain the current definition of ''model year'' in 33 CFR 181.3?

2. Should Coast Guard regulations revert to a previous HIN format that did not specify model year, but simply indicated the date of certification or date of completion of the boat by month and year (e.g., ''0612'' to indicate June 2012)?

3. Should Coast Guard regulations change the definition of ''model year'' in 33 CFR 181.3 as proposed in the February 17, 1997 SNPRM to mean ''the calendar year (January 1 through December 31) of, or the calendar year following (1) The boat's date of manufacture; or (2) If the boat is required to be certified, its date of certification''?

4. Should Coast Guard regulations replace the definition of ''model year'' in 33 CFR 181.3 with some other definition?

5. Should the Coast Guard delete the current definition of model year, revert to a previous HIN format that did not specify model year but simply showed the date of certification or date of production of the boat by month and year, and allow the manufacturer the option of adding a model year designation separate from the HIN, e.g. ABC123450412 [2013] (showing the boat was completed in April of 2012 and the manufacturer has determined it to be a 2013 model)?

6. In what ways does the requirement to indicate model year as part of the HIN advance boating safety?

We request comments from all interested parties to ensure that we identify the full range and significance of these issues.

This notice is issued under authority of 46 U.S.C. 4302, 5 U.S.C. 552(a), 33 CFR 1.05–1, and DHS Delegation 0170.1(92).

Dated: September 14, 2012.

Paul F. Thomas,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2012–23771 Filed 9–27–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0750; FRL–9363–8]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before October 29, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2012–0750, 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), (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.*

FOR FURTHER INFORMATION CONTACT: Kathryn Montague, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–1243; email address: *montague.kathryn@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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available online at *http://www.regulations.gov*.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

EPA received a pesticide petition (PP #2F8075) from Nichino America, Inc., 4550 New Linden Hill Rd., Suite 501, Wilmington, DE 19808, proposing, pursuant to FFDCA section 408(d), (21 U.S.C. 346a(d)), to amend 40 CFR 180.585. In that proposed amendment, the expiration date for the temporary tolerances for residues of the herbicide, pyraflufen-ethyl, ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1*H*-pyrazol-3-yl)-4-fluorophenoxyacetate and its acid metabolite, *E*-1, 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1*H*-pyrazol-3-yl)-4-fluorophenoxyacetic acid, expressed in terms of the parent, in or on the food commodities: Cattle, meat byproducts; goat, meat byproducts; horse, meat byproducts; milk; and sheep, meat byproducts would be extended until December 31, 2016.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 20, 2012.

G. Jeffrey Henrdon,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–23829 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0439; FRL–9364–3]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of pesticide petition; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of Wednesday, July 25, 2012, concerning Pesticide Petition (PP) 2F8026, which requests to establish tolerances for residues of the herbicide pyroxasulfone and its metabolites in or on wheat (grain, straw, forage, and hay). This document corrects a typographical error.

FOR FURTHER INFORMATION CONTACT: Michael Walsh, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–2972; email address: *walsh.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0439, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., 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.*

II. What does this correction do?

The preamble for FR Doc. 2012–17899, published in the **Federal Register** of Wednesday, July 25, 2012 (77 FR 43562) (FRL–9353–6), is corrected as follows: On page 43565, second column, first full paragraph, item ''13.,'' line 24, correct ''wheat, grain at 0.6 ppm'' to read ''wheat, straw at 0.6 ppm.''

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–23979 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0001; FRL–9364–6]

Notice of Filing of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before October 29, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) for the petition of interest as shown in the body of this document, 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), (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.*

FOR FURTHER INFORMATION CONTACT: A contact person, with telephone number and email address, is listed at the end of each pesticide petition summary. You may also reach each contact person by mail at Biopesticides and Pollution Prevention Division (BPPD) (7511P) or Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

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

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under

section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available online at *http://www.regulations.gov*.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance

1. *PP 2E8039.* (EPA–HQ–OPP–2012–0509). Syngenta Crop Protection, Inc, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide isopyrazam (SYN520453), in or on apple at 0.6 parts per million (ppm); and peanuts at 0.01 ppm. An adequate, validated method (GRM006.01B) is available for enforcement purposes for the determination of residues of isopyrazam, analyzed as the isomers SYN534968 and SYN534969, in crop samples. Final determination is by liquid chromatography-tandem mass spectrometry (LC–MS/MS). An analytical method suitable for the determination of residues of the metabolites CSCD459488 and CSCD459489 (*syn* and *anti* forms respectively) in crop samples using an external standardization procedure is also available. Final determination is by LC–MS/MS. Contact: Shaunta Hill, RD, (703) 347–8961, email address: *hill.shaunta@epa.gov*.

2. *PP 2E8050.* (EPA–HQ–OPP–2012–0586). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide halosulfuron-methyl, methyl 5-[(4,6-dimethoxy-2 pyrimidinyl)amino] carbonylaminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate, including its metabolites and degradates, in or on artichoke at 0.05 ppm; and caneberry subgroup 13–07 at 0.05 ppm. A practical analytical method, gas chromatography with a nitrogen-specific detector (GC–NSD), is available for enforcement purposes. The analytical method accounts for parent halosulfuron-methyl and for the halosulfuron-methyl rearrangement ester, sometimes referred to as ''RRE'' and ''MON 5781.'' This product results from the abstraction for the S02NHCO moiety between the rings, such that the two rings are then joined together only by an NH group. Contact: Sidney Jackson, RD, (703) 305–7610, email address: *jackson.sidney@epa.gov.*

3. *PP 2E8051.* (EPA–HQ–OPP–2012–0588). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201W., Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide fenoxaprop-ethyl, [(±)-ethyl 2-[4- [(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites 2-[4-[(6:-chloro-2-benzoxazolyl) oxy]phenoxy] propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one, each expressed as the parent compound, in or on grass, hay at 0.15 ppm. Tolerances are being proposed in grass hay for the combined residues of fenoxaprop-ethyl and its metabolites fenoxaprop-acid and AE F05414. The analytical method involves reflux with acid to convert fenoxaprop-ethyl and fenoxaprop acid to AE F05414, derivatization followed by SPE clean-up. Quantitation is by GC/MS. Contact: Andrew Ertman, RD, (703) 308–9367, email address: *ertman.andrew@epa.gov*.

4. *PP 2E8052.* (EPA–HQ–OPP–2012–0590). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide prometryn, (2,4-bis(isopropylamino)-6-methylthio-*s*-triazine), in or on bean, snap, succulent at 0.05 ppm; bean, forage at 0.09 ppm; dill, leaves at 0.3 ppm; dill, dried leaves at 1.1 ppm; and dill, oil at 1.3 ppm. Syngenta has developed and validated a GC analytical method for enforcement purposes. The method determines residues of prometryn in/on plants using a microcoulometric sulfur detection system. This method has been submitted to the EPA and is in the Pesticide Analytical Manual (PAM). Contact: Laura Nollen, RD, (703) 305–7390, email address: *nollen.laura@epa.gov*.

5. *PP 2E8061.* (EPA–HQ–OPP–2012–0589). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide sodium salt of fomesafen (fomesafen), 5-[2-chloro-4-(trifluoromethyl) phenoxy]-*N*-(methylsulfonyl)-2-nitrobenzamide, in or on cantaloupe; cucumber; pea, succulent; pumpkin; squash, summer; squash, winter; and watermelon at 0.025 ppm; and vegetable, soybean, succulent (edamame) at 0.05 ppm. An analytical method using chemical derivatization followed by GC with Nitrogen-Phosphorus detection (GC–NPD) has been developed and validated for residues of fomesafen in snap/dry beans, cotton seed and cotton gin byproducts, as well as for other crops. Contact: Laura Nollen, RD, (703) 305–7390, email address: *nollen.laura@epa.gov*.

6. *PP 2E8062.* (EPA–HQ–OPP–2012–0628). Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide mancozeb, in or on tangerine at 10 ppm. The proposed tolerances are to support imports of mandarins, tangerines and clementines. There are international maximum residue levels (MRLs) for mancozeb on citrus, including an applicable CODEX MRL. Per the 2011 Final Rule (April 6, 2011 **Federal Register**, Volume 76, No. 66, page 18906, FRL 8864–1; Docket EPA–HQ–OPP–2005–0307), adequate enforcement methodology is available to enforce the tolerance expression. The PAM lists Methods I, II, III, IV and A for dithiocarbamate residues in/on plant commodities. Method III based on group degradation to CS_2 is preferred. For ETU, methodology is based on the original method published by Olney and Yip (JAOAC 54: 165–169). Contact: Heather Garvie, RD, (703) 308–0034, email address: *garvie.heather@epa.gov*.

7. *PP 2E8070.* (EPA–HQ–OPP–2012–0706). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W., Princeton, NJ 08540, requests to establish tolerances in 40

CFR part 180 for residues of the molluscicide metaldehyde, in or on grass, forage at 1.5 ppm; grass, hay at 1.8 ppm; leaf petioles subgroup 4B at 0.80 ppm; peppermint, tops at 3.5 ppm; spearmint, tops at 3.5 ppm; peppermint, oil at 14 ppm; spearmint, oil at 14 ppm; caneberry subgroup 13–07A at 0.15 ppm; bushberry subgroup 13–07B at 0.15 ppm; berry, low growing, subgroup 13–07G at 6.25 ppm; taro, corn at 0.25 ppm; taro, leaves at 0.60 ppm; corn, field, grain at 0.05 ppm; corn, field, stover at 0.15 ppm; corn, field, forage at 0.25 ppm; corn, sweet, kernel plus cob with husks removed at 0.05 ppm; and soybean, seed at 0.05 ppm. A GC/MS analytical method has been developed for analyzing residues of metaldehyde in food crops including all of the crops identified above. Contact: Laura Nollen, RD, (703) 305–7390, email address: *nollen.laura@epa.gov*.

8. *PP 2F8008.* (EPA–HQ–OPP–2010–0217). Valent U.S.A. Corporation, P.O. Box 8025, Walnut Creek, CA 94596, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on fruiting, vegetables, group 8–10, except pepper/eggplant subgroup 8–10B at 0.2 ppm; and pepper/eggplant subgroup 8–10B at 0.7 ppm. Adequate enforcement methodology (LC/MS/MS analysis) is available to enforce the tolerance expression. Contact: Marianne Lewis, RD, (703) 308–8043, email address: *lewis.marianne@epa.gov*.

9. *PP 2F8019.* (EPA–HQ–OPP–2012–0593). Makhteshim Agan of North America, Inc, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604, requests to establish tolerances in 40 CFR part 180 for residues of the nemacide, fluensulfone equivalents (i.e.; the sum of thiazole sulfonic acid (TSA) and butene sulfonic acid (BSA) expressed as total fluensulfone equivalents), in or on fruiting vegetables at 0.6 ppm; and cucurbits at 1.0 ppm. Adequate analytical methods for determining fluensulfone in/on appropriate raw agricultural commodities and processed commodities have been developed and validated, including LC–MS/MS methods for use on tomato, pepper, melon, and cucumber. The analytical procedures have been successfully validated in terms of specificity, linearity, precision, accuracy and level of quantitation. The multiresidue methods (MRMs) study demonstrates that the FDA MRMs are not suitable for detection and enforcement of fluensulfone residues as sulfonic acid metabolites in non-fatty matrices. Contact: Jennifer Gaines, RD, (703) 305–5967, email address: *gaines.jennifer@epa.gov*.

10. *PP 2F8054.* (EPA–HQ–OPP–2012–0624). Gowan Company, LLC, P.O. Box 556, Yuma, AZ 85366, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide), in or on sorghum, grain at 3 ppm; sorghum, grain, forage at 5 ppm; and sorghum, grain, stover at 6 ppm. A practical analytical method, high performance liquid chromatography (HPLC) with an ultraviolet (UV) detector, which detects and measures residues of hexythiazox and its metabolites as a common moiety, is available for enforcement purposes with a limit of detection that allows monitoring of food with residues at or above the levels set in this tolerance. Contact: Olga Odiott, RD, (703) 308–9369, email address: *odiott.olga@epa.gov*.

11. *PP 2F8060.* (EPA–HQ–OPP–2012–0626). Nippon Soda Co., Ltd. c/o Nisso America Inc., 88 Pine St., 14th Fl., New York, NY 10005, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide acetamiprid, in or on citrus fruits, crop group 10 at 1.0 ppm; and citrus, dried pulp at 2.4 ppm. Based upon the metabolism of acetamiprid in plants and the toxicology of the parent and metabolites, quantification of the parent acetamiprid is sufficient to determine toxic residues. As a result, a method has been developed which involves extraction of acetamiprid from various matrices with solvents and analysis by LC/MS/MS methods. Contact: Jennifer Urbanski, RD, (703) 347–0156, email address: *urbanski.jennifer@epa.gov*.

12. *PP 2F8071.* (EPA–HQ–OPP–2012–0704). Syngenta Crop Protection, LLC, Regulatory Affairs, P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide sedaxane as a seed treatment, in or on corn (grain, forage, stover) and popcorn (grain, stover, corn ears) at 0.01 ppm; sorghum (grain, forage, stover) at 0.01 ppm; pea and bean, dried, shelled, subgroup 6C (grain, forage, hay) at 0.01 ppm; and rapeseed, subgroup 20A (grain) at 0.01 ppm . Various crops were analyzed for sedaxane (parent only) using a procedure for analysis of sedaxane (SYN524464) that can distinguish between its trans and cis isomers (SYN508210 and SYN508211). Plant matrices using method GRM023.01A or modified method GRM023.01B are taken through an extraction procedure with final determination by HPLC with triple quadrupole mass spectrometric detection (LC–MS/MS). Contact: Heather Garvie, RD, (703) 308–0034, email address: *garvie.heather@epa.gov*.

Amended Tolerance

1. *PP 2F8008.* (EPA–HQ–OPP–2010–0217). Valent U.S.A. Corporation, P.O. Box, 8025 Walnut Creek, CA 94596, requests to amend the tolerance in 40 CFR 180.586 (a) by deleting the tolerance for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on the vegetable, fruiting group 8 at 0.2 ppm, upon approval of fruiting, vegetables, group 8–10, except pepper/eggplant subgroup 8–10B at 0.2 ppm under ''New Tolerance'' for *PP 2F8008;* and replacing the tolerance for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on fruit, pome at 1.0 ppm with fruit, pome group (11–10) at 1.0 ppm due to the expansion of crop groups. Contact: Marianne Lewis, RD, (703) 308–8043, email address: *lewis.marianne@epa.gov*.

2. *PP 2F8034.* (EPA–HQ–OPP–2012–0520). Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268, requests to amend the tolerance in 40 CFR 180.480 for residues of the fungicide fenbuconazole, alpha-[2-(4-chlorophenyl)-ethyl]-alpha-phenyl-3-(1H-1,2,4-triazole)-1-propanenitrile, and its metabolites RH-9129, cis-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-3 *H*-furanone, and RH-9130, trans-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-3*H*-furanone, in or on pepper from 0.4 ppm to 1.0 ppm. Adequate analytical methods are available to enforce the tolerances of fenbuconazole residues in plant commodities. For pepper, samples from the residue trials were analyzed for fenbuconazole (RH–7592) and its lactone metabolites, RH–9129 and RH–9130, using Rohm & Haas analytical method Technical Report Number 34–90–47 or Technical Report Number 34–90–47R. The method had undergone an independent method validation and was also successfully accepted by EPA with minor modifications suggested by the Agency that included procedure for the standardization of the silica gel and Florisil column clean-up elution pattern (TR–34–90–47R). Contact: Erin Malone, RD, (703) 347–0253, email address: *malone.erin@epa.gov*.

New Tolerance Exemption

1. *PP 2E7986.* (EPA–HQ–OPP–2012–0615). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish an exemption from the requirement of a tolerance for

residues of polymers of one or more diglycidyl ethers of bisphenol A, resorcinol, glycerol, cyclohexanedimethanol, neopentyl glycol, and polyethylene glycol with one or more of the following: Polyoxypropylene diamine, polyoxypropylene triamine, n-aminoethylpiperazine, trimethyl-1,6-hexanediamine isophorone diamine, *N,N*-dimethyl-1,3-diaminopropane, nadic methyl anhydride, 1,2-cyclohexanedicarboxylic anhydride and 1,2,3,6-tetrahydrophthalic anhydride when used as an inert ingredient (carrier) in pesticide formulations under 40 CFR 180.960. Syngenta is submitting a petition to EPA under the FFDCA, as amended by the Food Quality Protection Act (FQPA), requesting an exemption from the requirement of a tolerance. This petition requests the elimination of the need to establish a maximum permissible level for residues of polymers of one or more diglycidyl ethers of bisphenol A, resorcinol, glycerol, cyclohexanedimethanol, neopentyl glycol, or polyethylene glycol with one or more of the following: polyoxypropylene diamine, polyoxypropylene triamine, n-aminoethylpiperazine, trimethyl-1,6-hexanediamine isophorone diamine, *N,N*-dimethyl-1,3-diaminopropane, nadic methyl anhydride, 1,2-cyclohexanedicarboxylic anhydride and 1,2,3,6-tetrahydrophthalic anhydride in or on all raw agricultural commodities. The petitioner believes no analytical method is needed because this information is generally not required when all criteria for polymer exemption per 40 CFR 723.250 are met. In addition, Syngenta is petitioning for an exemption from the requirement of a tolerance without any numerical limitations. Contact: Kerry Leifer, RD, (703) 308–8811, email address: *leifer.kerry@epa.gov*.

2. *PP 2E8017.* (EPA–HQ–OPP–2012–0558). Rhodia Inc., c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192, requests to establish an exemption from the requirement of a tolerance for residues of cationic hydroxypropyl guar (CAS No. 71329–50–5), with a minimum number average molecular weight (in amu) of 500,000, under 40 CFR 180.920 when used as an inert ingredient in pesticide formulations. This tolerance exemption petition summarizes and relies upon available data for cationic hydroxypropyl guar and the structurally similar substance, guar gum. The cationic hydroxypropyl guar data presented in this tolerance exemption petition are on two products. One product had a molar substitution (MS) of 0.6 and a degree of substitution (DS) of 0.1 and the other product had a MS of 0.6 and a DS of 0.3. In addition, test results on cationic guars are included as supporting data. Rhodia is requesting that cationic hydroxypropyl guar be exempt from the requirement of a tolerance under 40 CFR 180.920. Therefore, Rhodia believes that an analytical method to determine residues in treated crops is not relevant. Contact: William Cutchin, RD, (703) 305–7990, email address: *cutchin.william@epa.gov*.

3. *PP 2F7978.* (EPA–HQ–OPP–2012–0264). Becker Underwood, Inc., 801 Dayton Ave., P.O. Box 667, Ames, IA 50010, requests to establish an exemption from the requirement of a tolerance for residues of the elicitor of Induced Systemic Resistance, *Bacillus pumilus* strain BU F–33, in or on all food commodities. The petitioner believes no analytical method is needed because it is expected that, as proposed, use of *Bacillus pumilus* strain BU F–33 (i.e., seed treatment, in-furrow, and soil drench pesticide applications) would not result in residues that are of toxicological concern. *Contact:* Jeannine Kausch, BPPD, (703) 347–8920, email address: *kausch.jeannine@epa.gov*.

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 21, 2012.

Daniel J. Rosenblatt,

Acting, Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–23968 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1804, 1809, 1827, 1837 and 1852

RIN 2700–AD38; 2700–AD43; 2700–AD49

Personal Identity Verification, Release and Handling of Restricted Information, Protection of the Florida Manatee; Withdrawal

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rules; withdrawal.

SUMMARY: NASA hereby provides notice of the cancellation of three proposed procurement rules without further action. These rules were not finalized in a timely manner due to outside circumstances that prevented their completion. Inasmuch as NASA is now in process of a major NASA FAR Supplement (NFS) rewrite, any changes from the withdrawn rules that continue to be needed will be processed as a new action under the rewrite project.

FOR FURTHER INFORMATION CONTACT: Leigh Pomponio, NASA, Office of Procurement, Contract Management Division (Suite 2P77), 300 E Street SW., Washington, DC 30546–0001; email: *leigh.pomponio@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

NASA published three proposed rules to make changes to the NASA Federal Acquisition Supplement (NFS). Public comments were received on all three rules. However, circumstances at the time prevented NASA from issuing final rules. The purpose of this Notice is to advise that the proposed rules are cancelled without further action. At this time, NASA is in process of a major NFS rewrite, and any changes proposed under the cancelled rules, that are still required, will be included in new proposed rules related to the NFS rewrite.

The first cancelled proposed rule is identified by RIN 2700–AD38, Personal Identity Verification. It was published in the **Federal Register** at 73 FR 45679–45680. The second cancelled proposed rule is identified by RIN 2700–AD43, Release and Handling of Restricted Information. It was published in the **Federal Register** at 75 FR 9860–9864. This proposed rule was also listed in the Regulatory Agenda as RIN 2700–AD57. The third cancelled proposed rule is identified by RIN 2700–AD49, Protection of the Florida Manatee. It was published in the **Federal Register** at 73 FR 63420–63421.

William P. McNally,

Assistant Administrator for Procurement.

[FR Doc. 2012–23711 Filed 9–27–12; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 120807313–2313–01]

RIN 0648–XC154

Endangered and Threatened Wildlife; 90-Day Finding on Petitions To List the Northeastern Pacific Ocean Distinct Population Segment of Great White Shark as Threatened or Endangered Under the Endangered Species Act

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

ACTION: 90-day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce a 90-day finding on two petitions received to list the northeastern Pacific Ocean population of great white shark (*Carcharodon carcharias*) as a threatened or endangered distinct population segment (DPS) under the Endangered Species Act (ESA) and to designate critical habitat concurrently with the listing. We find that the petitions and information in our files present substantial scientific or commercial information indicating that the petitioned action may be warranted. We will conduct a status review of the species to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species from any interested party.

DATES: Information and comments on the subject action must be received by November 27, 2012.

ADDRESSES: You may submit comments, information, or data, identified by ''NOAA–NMFS–2012–0176'' by any one of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal *http://www.regulations.gov*. To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter ''NOAA–NMFS–2012–0176'' 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 or hand-delivery:* Protected Resources Division, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

Instructions: All comments received are a part of the public record and may be posted to *http://www.regulations.gov* without change. All personally identifiable information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or other information you wish to protect from public disclosure. NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, Corel WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Craig Wingert, NMFS, Southwest Region, (562) 980–4021; or Marta Nammack, NMFS, Office of Protected Resources, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On June 25, 2012, we received a petition from WildEarth Guardians to list the northeastern Pacific Ocean DPS of great white shark (*Carcharodon carcharias*) as threatened or endangered under the ESA. The petitioners also requested that critical habitat be designated for this DPS under the ESA. On August 13, 2012, we received a second petition, filed jointly by Oceana, Center for Biological Diversity (CBD), and Shark Stewards, to list the northeastern Pacific Ocean DPS of white shark (another common name for the great white shark) under the ESA and designate critical habitat. Both petitions bring forth much of the same or related factual information on the biology and ecology of great white sharks, and raise several identical or similar issues related to potential factors affecting this species. As a result, we are considering both petitions simultaneously in this 90-day finding. Copies of the petitions are available upon request (see **ADDRESSES,** above).

ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the status review with a finding published in the **Federal Register** as to whether or not the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a thorough review of the available information, as compared to the more limited scope of review at the 90-day stage, a ''may be warranted'' finding does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include any subspecies and, for vertebrate species, any DPS which interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS-U.S. Fish and Wildlife Service (USFWS) (jointly, ''the Services'') policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) any other natural or manmade factors affecting the species' continued existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA implementing regulations define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted (50 CFR 424.14(b)). In evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition: (1) Clearly indicates the administrative measure recommended

and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

Judicial decisions have clarified the appropriate scope and limitations of the Services' review of petitions at the 90-day finding stage, in making a determination that a petitioned action ''may be'' warranted. As a general matter, these decisions hold that a petition need not establish a ''strong likelihood'' or a ''high probability'' that a species is either threatened or endangered to support a positive 90-day finding.

We evaluate the petitioners' request based upon the information in the petition including its references and the information readily available in our files. We do not conduct additional research and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioners' sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files indicating the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioners' assertions. In other words, conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information negates a positive 90-day finding if a reasonable person would conclude that the uncertainty from the lack of information suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species faces an extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (e.g., population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union on the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but the classification alone does not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

Distribution and Life History of the Great White Shark

The great white shark (also known as ''white shark'') is a circumglobal species that resides primarily in temperate and sub-tropical waters (Compagno *et al.,* 1997; Domeier and Nasby-Lucas, 2006; Domeier *et al.,* 2012). White sharks commonly inhabit coastal and continental shelf waters, although they have been observed entering marine bays, estuaries, lagoons, and harbors (Compagno *et al.,* 1997). Recent studies suggest that these sharks also spend considerable amount of time in open ocean habitats thousands of kilometers from shore (Domeier, 2012). Areas likely to attract adult white sharks include coastal waters adjacent to pinniped colonies or haulout sites, as these are favored prey species (Klimley *et al.,* 1996; Hussey *et al.,* 2012). Known prey of white sharks also includes a wide range of other species from smaller demersal fish, such as rockfish, to giant pelagic species, such as tuna and swordfish, as well as sea turtles, seabirds, cetaceans, and other species of sharks (Fergusson, 1996; Long and Jones, 1996; Wilson and Patyten, 2008; IUCN, 2009; Santana-Morales *et al.,* 2012). White sharks are recognized as apex predators throughout the oceanic and coastal marine environments where they occur, and may play an important role in ecosystem balance and population control for a number of other marine species (Myers *et al.,* 2007; Wilson and Patyten, 2008). White sharks demonstrate the ability to undertake transoceanic migrations to specific locations in patterns that appear to be predictable (Boustany *et al.,* 2002; Jorgensen *et al.,* 2010; Chapple *et al.,* 2011; Domeier, 2012).

Great white sharks are distinguished by their stout spindle-shaped body, moderately long and bluntly conical snout, five long gill slits, large falcate first dorsal fin with free rear tip located over the pectoral inner margins, pivoting second dorsal and anal fins, white ventral body color, and lack of any secondary keels on the base of the caudal fin. The teeth are large, flat, and triangular shaped, with blade-like serrations, although teeth in the rear of

the mouth get progressively smaller and sometimes lack serration, especially in younger sharks (Compagno *et al.,* 1997; FAO, 2012). The maximum size of this species has not been established, but has been estimated at about 6 m (19 ft), and possibly up to 6.4 m (21 ft), or more (Cailliet *et al.,* 1985; Wilson and Patyten, 2008; IUCN, 2009). Estimated weight of the largest individuals is nearly 3,000 kg (6,600 lbs) (Cailliet *et al.,* 1985; Anderson *et al.,* 2011).

Available information on the general life history pattern of white sharks suggests that females mature at about 12–14 years of age, and about 4–5 m (13–16 ft) in length. Males mature at 9–10 years old, and about 3.5–4.1 m (11.5–13.5 ft) in length (Compagno *et al.,* 1997). It is believed that females give birth at 2 or 3-year intervals to litters of 2–10 pups that are 1–1.5 m (3.3–4.9 ft) in length after a 12–22 month gestation (Francis, 1996; Wilson and Patyten, 2008; Domeier, 2012). Embryos are oophagus, meaning they consume and store yolk in their stomachs (Francis, 1996; Uchida *et al.,* 1996), and viviparous (live) birth of pups likely occurs sometime between May and October (Domeier, 2012). Specific knowledge of pup survival rates is not available, but is estimated to be low (CITES, 2004).

Primary concentrations of white sharks occur in South Africa, Australia and New Zealand, and the northeastern Pacific Ocean, with other white sharks observed in the north Atlantic and the Mediterranean (Boustany *et al.,* 2002; Domeier and Nasby-Lucas, 2006; Weng *et al.,* 2007; Jorgensen *et al.,* 2010). Genetic and migration studies provide evidence that these may represent separate populations (Jorgensen *et al.,* 2010). Mitochondrial DNA suggests at least three matrilineal populations: South Africa/northwest Atlantic; southwest Pacific; and northeastern Pacific (Gubili *et al.,* 2012). Although the southwestern Pacific and northeastern Pacific populations could potentially interbreed, the genetic sampling indicates that these two populations are largely reproductively isolated. It has been suggested that the northeastern Pacific population was founded by relatively few sharks within the last 200,000 years, and hasn't mixed with other shark populations near Australia or South Africa since (Hance, 2009; Jorgensen *et al.,* 2010).

White sharks in the northeastern Pacific Ocean have been observed from Baja California to the Bering Sea (Kato, 1965; COSEWIC, 2006) and offshore out to Hawaii. Using satellite and acoustic telemetry, researchers have followed movements of white sharks in the northeastern Pacific Ocean and discovered patterns of site fidelity and repeated homing in structured seasonal migrations, including fixed destinations, schedules, and routes (Boustany *et al.,* 2002; Jorgensen *et al.,* 2010). As a result, three core areas have been identified in the central and northeastern Pacific: (1) North American shelf waters; (2) slope and offshore waters of Hawaii; and (3) an area between the North American coast and Hawaii termed the ''white shark café'' or Shared Offshore Foraging Area (SOFA) (Jorgensen *et al.,* 2010; Anderson *et al.,* 2011; Domeier, 2012). Each winter, great white sharks leave coastal aggregation sites off of central California (Farallon Islands/Año Nuevo/Point Reyes) and migrate 2000–5000 km offshore to subtropical and tropical pelagic habitats, returning to coastal aggregation sites in late summer. Site fidelity in North American coastal hotspots has also been documented using photo-identification (Jorgensen *et al.,* 2010; Chapple *et al.,* 2011; Sosa-Nishizaki *et al.,* 2012). Guadalupe Island, located 250 miles off the coast of Baja California, Mexico, is also a preferred aggregation site for adults (Sosa-Nishizaki *et al.,* 2012). Adult males annually migrate from preferred aggregation sites to the SOFA/white shark café. Females have been observed to migrate biennially between preferred aggregation sites and the area surrounding the SOFA/white shark café, usually after males have returned to coastal aggregation sites (Domeier, 2012).

The coastal areas of southern California and Baja California, Mexico, appear to be important nursery areas hosting large concentrations of young-of-the-year (YOY) and juvenile great white sharks (Dewar *et al.* 2004; Weng *et al.,* 2007; Galván-Magaña *et al.,* 2011; Domeier, 2012; Santana-Morales *et al.,* 2012). Information gained from the records of white shark bycatch in California and Baja fisheries, including gillnet, seine-net, and hook and line fisheries (Lowe *et al.,* 2012; Santana-Morales *et al.,* 2012), along with relatively consistent reporting of juvenile white shark observations along the southern California coast, lend support to the assertion that this area is important developmental habitat for white sharks before they mature into larger adults. Estimates of abundance have not been available historically, but recent studies have suggested the population size at two known aggregation sites (Farallon Islands/Central California and Guadalupe Island) in the northeastern Pacific Ocean is around 340 sub-adults and adults (Chapple *et al.,* 2011; Sosa-Nishizaki *et al.,* 2012).

Analysis of the Petitions and Information Readily Available in NMFS Files

The two petitions request the same action, to list the northeastern Pacific Ocean (NEP) DPS of great white shark (or white shark) as endangered or threatened under the ESA and to designate critical habitat for the DPS. Therefore, we evaluated the information provided in both petitions and readily available in our files to determine if the petitions presented substantial scientific or commercial information indicating that the petitioned action may be warranted. Both petitions contain information on the species, including the taxonomy, species description, geographic distribution, habitat, population status and trends, and factors contributing to the species' decline. Both petitions state that a primary threat to the NEP population of white shark is exploitation by fishing (historical and current) and bycatch in fisheries. Both petitions also assert that the lack of adequate regulatory protection worldwide, bioaccumulation of contaminants, and habitat degradation, as well as the species' biological constraints, increase the susceptibility of the NEP population of white shark to extinction.

According to both petitions, the NEP population of white shark qualifies as a DPS because the NEP population is both discrete and significant, as defined under the Services' DPS policy (61 FR 4722; February 7, 1996). The WildEarth Guardians petition asserts that all of the five causal factors in section 4(a)(1) of the ESA are adversely affecting the continued existence of the NEP population, whereas the Oceana *et al.* petition does not discuss disease and predation as a factor that is adversely affecting the NEP population. In the following sections, we analyze the information presented by the petitions and in our files on the qualification of the NEP population of white shark as a DPS and the specific ESA section 4(a)(1) factors affecting the population's risk of extinction.

Qualification of Northeastern Pacific Ocean Population as a DPS

Both petitions assert that the NEP population of white shark qualifies as a DPS, because it is both a discrete and significant population segment of the species, as defined in the NMFS and USFWS policy on DPSs (61 FR 4722; February 7, 1996). First, the petitions state that the NEP population is discrete based on both genetic and spatial

separation from other populations of white shark. Genetic analyses indicate that the NEP population of white sharks is similar to and descended from the Australian/New Zealand (ANZ) population (Jorgensen *et al.,* 2010; Gubili *et al.,* 2012). The NEP population was likely established during the Late Pleistocene, from a limited number of founders from the ANZ population, but has since had little gene flow with the ANZ population (Jorgensen *et al.,* 2010). Thus, although the two populations can interbreed, they are thought to be largely reproductively isolated (Jorgensen *et al.,* 2010).

In addition to genetic separation, the NEP population is geographically separated from other populations, adheres to predictable seasonal migratory routes, and exhibits strong site fidelity within the NEP. As discussed above, white sharks in the NEP population range from Baja California to the Bering Sea, and out to Hawaii. Tagged white sharks from the NEP population consistently used three core areas within the northeastern and central Pacific ocean: (a) The coastal shelf waters of North America (primarily from central California to Baja California); (b) the slope and offshore waters of the Hawaiian archipelago; and (c) offshore waters between California and Hawaii, including an offshore habitat approximately halfway between California and Hawaii referred to as the SOFA/white shark café, used primarily by adults (Boustany *et al.,* 2002; Jorgensen *et al.,* 2010; Domeier, 2012). The individuals followed seasonal migratory patterns, generally moving offshore starting in winter and returning to the California and Baja California coast in the late summer (Jorgensen *et al.,* 2010; Domeier, 2012). Tagged individuals from the NEP population did not show any straying or spatial overlap with the ANZ population (Jorgensen *et al.,* 2010). YOY and juvenile white sharks also stay within the geographic boundaries of the NEP population, likely using nearshore, shallow waters of the Southern California Bight and Baja California as nursery habitats, with adults likely aggregating at sites off central California and at Guadalupe Island (off Baja California) to mate (Domeier, 2012). Thus, the available information on migratory behavior and habitat use indicates that the NEP population is geographically separated from other white shark populations.

Second, the petitions state that the NEP population is discrete because of international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA (i.e., the inadequacy of existing regulatory mechanisms as a factor to consider in determining whether a species is endangered or threatened). The petitions state that a large portion of the NEP population's habitat is within U.S. waters, highlighting the importance of U.S. protections for the species. The petitions also argue that the NEP population is discrete because it ranges internationally into waters with differing management regimes, particularly when occupying offshore habitats and visiting aggregation sites off Baja California, where it may be subject to exploitation by non-U.S. entities. However, the Services' DPS policy states that a population may be considered discrete if it is separated from other populations by international boundaries within which significant differences in regulatory mechanisms exist. That the NEP population crosses these international boundaries actually argues against considering this population as discrete from other white shark populations. Thus, the NEP population is not considered discrete based on this factor. Nevertheless, the information available in the petitions and in our files provides evidence suggesting the NEP population may be discrete based on both genetic and spatial separation from other populations.

Both petitions make the case that the NEP population is significant to the taxon. As described above, the NEP population does not appear to overlap spatially with other populations (Jorgensen *et al.,* 2010; Domeier, 2012; Gubili *et al.,* 2012). The petitions reason that loss of this population would result in a significant gap in the range of the species because it is unlikely, given the geographic separation of the NEP population from other populations, that sharks from other populations would expand their distribution into the NEP's current habitats. The petitions also state that the NEP population is genetically differentiated from other white shark populations, as described above. In addition, the Oceana *et al.* petition contends that the NEP population occupies an ecological setting that is unique to this species, because they are the only population to occupy coastal waters off California and the SOFA. Overall, the information available in the petitions and in our files suggests that the NEP population of white shark may be significant to the species. The Oceana *et al.* petition also argues that great white sharks play an important ecological role that is essential for the health of the NEP ecosystem, as a top predator that regulates prey populations (e.g., fish, other sharks, and pinnipeds). We do not comment on the merit of this statement, but note that in determining whether a discrete population segment is significant, the NMFS and USFWS policy focuses on the biological and ecological significance of the population segment to the taxon, not to the ecosystem.

Based on the above analysis, we conclude that the information in the two petitions and in our files suggests that the NEP population of white shark may qualify as a DPS under the discreteness and significance requirements.

The Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

Both petitions assert that habitat degradation, largely associated with increasing human activity, poses a threat to the NEP population of white shark, although the two petitions focus on different sources of habitat degradation. The Oceana *et al.* petition briefly mentions that pollutant discharge can degrade coastal aggregation and nursery habitats, whereas the WildEarth Guardians petition goes into more detail on this potential threat. The WildEarth Guardians petition cites urban stormwater runoff and point source discharge as important sources of pollutants (e.g., pesticides, fertilizers, trace metals, synthetic organic compounds, petroleum, and pathogens) into the Southern California Bight (DiGiacomo *et al.,* 2004). The petition states that these pollutants threaten predators like white sharks, primarily through effects on their prey. For example, historical discharges of organochlorines, such as DDT and PCBs, into the Southern California Bight have resulted in high levels of these contaminants in local populations of pinnipeds (Blasius and Goodmanlowe, 2008), one of the prey resources for white sharks. Both petitions cite a recent finding that young white sharks sampled off California have high levels of mercury, DDT, PCBs, and chlordanes that could result in physiological impairment (Mull *et al.,* 2012). The WildEarth Guardians petition briefly states that water quality in areas off Mexico where the NEP population occurs may also be affected by contaminants (Parks Watch, 2004).

The WildEarth Guardians petition also suggests that the concentration of marine debris in the North Pacific Gyre (the ''Great Pacific Garbage Patch'') may

have deleterious effects on offshore habitats, including the SOFA. The main concern expressed in the petition is the concentration of plastic of various sizes in the ''Garbage Patch'' (Algalita, 2009) which could be ingested by white sharks in the area either directly or ingested by their prey. The petition also suggests that accumulation of persistent organic pollutants on the plastic (Algalita, 2009) may pose another threat to the health of white sharks. We note, however, that it appears to be unclear exactly what the adults (primarily males) are preying on in the SOFA (Jorgensen *et al.,* 2010; Domeier, 2012) because the area is devoid of the small marine mammals typically preyed upon by adult white sharks (Domeier, 2012). Adults in the SOFA may be feeding on squid or other species that target squid (Domeier, 2012). Without specific information about the extent to which adults in the SOFA are feeding and what they are feeding on, it is difficult to evaluate the potential effects of plastic marine debris on the NEP population's feeding habitat and prey resources.

The Oceana *et al.* petition focuses on two sources of habitat degradation: (1) Decreased prey resources due to human exploitation; and (2) the effects of ocean acidification on the California Current ecosystem. The WildEarth Guardians petition briefly mentions that fisheries activities in coastal areas may deplete important prey resources for the NEP population (CITES, 2004). The Oceana *et al.* petition provides more detail, stating that human exploitation depleted populations of pinnipeds, an important prey resource for adult white sharks. The petition contends that although pinniped populations are currently increasing, they were depleted for a long period of time and remain below historical levels. We note that the most recent stock assessments estimate that harbor seals may be at carrying capacity (NMFS, 2011a) and that northern elephant seals have almost reached their carrying capacity for pups per year (NMFS, 2007). Population trends have generally been increasing since the 1980s or earlier for harbor seals, California sea lions, and northern elephant seals in California (NMFS, 2007; 2011a; 2011b). Thus, although these prey resources may have been limited in the past when pinniped populations were at historical lows, the populations have been increasing over the last 30 years or more and may not currently be limiting. For example, an increased frequency of observed shark attacks on prey off the South Farallon Islands from 1983 to 1993 indicated a potential increase in the white shark population at the islands, which may be explained by increased recruitment of younger white sharks supported by the increase and stabilization of pinniped prey resources over the 1970s and 1980s (Pyle *et al.,* 1996). Further analysis is needed to evaluate what effect changes in pinniped populations have had on the status of white shark populations over time. The petition also states that there have been and continue to be major commercial fisheries for most of the other prey resources supporting various life stages of white sharks (e.g., fish species, crustaceans, cephalopods; Klimley, 1985; Ellis and McCosker, 1995). Again, further analysis is needed to specifically evaluate the impacts of these fisheries on prey resources for white sharks.

The Oceana *et al.* petition also contends that the effects of ocean acidification could have negative impacts on the marine food web within the California Current ecosystem, including on the NEP population of white shark. The petition cites a model simulation study which predicts that by 2050, the oceanic uptake of increased atmospheric CO_2 will lower the pH and the saturation state of aragonite (a mineral form of calcium carbonate, used by calcifying organisms) in nearshore waters of the California Current system to levels well below the natural range for this area (Gruber *et al.,* 2012). The petition states that these effects of ocean acidification will have negative impacts on fish species, referencing recent studies showing that high CO_2 and low pH levels impair olfactory responses and homing ability in clownfish (Munday *et al.,* 2009) and can lead to cardiac failure in some fish species (Ishimatsu *et al.,* 2004). The petition readily admits, however, that the severity of effects on specific species is uncertain. Some fish species may experience metabolic responses to elevated CO_2 levels at the cellular level, but are able to compensate for those responses at the whole animal level, making them less sensitive to the effects of ocean acidification (Portner, 2008). In addition, extrapolating specific effects at the species levels to the overall ecosystem (e.g., effects on prey availability and predator-prey interactions for top predators like white sharks) is highly uncertain. The petition also states that ocean acidification can potentially affect marine mammals and other marine life by reducing the sound absorption of seawater and allowing sound to travel further (Hester *et al.,* 2008). However, the petition does not explain what the potential effects on marine mammals and other marine life may be or how any such effects relate to the degradation of white shark habitat (e.g., the availability or abundance of prey resources). The available information is not sufficient to determine if ocean acidification may be threatening the habitat of the NEP population of white shark such that listing may be warranted.

We conclude that the information in the petitions and in our files suggests that habitat degradation associated with pollutant discharge in the Southern California Bight may be impacting the health of the NEP population of white shark. Human exploitation may have impacted prey resources (e.g., pinnipeds and fish and invertebrate species) in the past; however, further analyses are needed to evaluate the recent and current impacts on prey resources. In addition, the information provided on the effects of marine debris in the North Pacific Gyre or ocean acidification is insufficient to evaluate whether these factors may be threatening the habitat of the NEP population of white shark such that listing may be warranted.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Information from both petitions suggests that a primary threat to the NEP population of white shark is from fisheries. The petitions cite information on the effects of fisheries on white sharks worldwide and within the NEP. White sharks are harvested in targeted fisheries and as bycatch and are highly prized for their teeth, jaws, and fins. White sharks are primarily caught incidentally in commercial fisheries using longlines, setlines, gillnets, trawls, fish traps, and other gear (Compagno, 2001; Fowler *et al.,* 2005; Lowe *et al.,* 2012; Santana-Morales *et al.,* 2012). The curious nature of white sharks makes them more vulnerable to incidental capture, and their high value and negative reputation may contribute to the killing of incidentally caught individuals rather than being released alive (Fowler *et al.,* 2005). CITES (2004a) estimated that low to mid hundreds of white sharks are killed annually as bycatch within each major region of the species' range. Targeted sport and commercial fisheries for white sharks also exist worldwide. Targeted sports fisheries may either kill or release sharks alive, but post-release mortality is unknown. It is estimated that tens to low hundreds of white sharks are killed in sports fisheries worldwide each year (CITES, 2004). Targeted commercial fisheries for white sharks are thought to be uncommon and opportunistic when

aggregations are found, but the species' site fidelity and tendency to aggregate in predictable areas make it vulnerable to over-exploitation (CITES, 2004). Targeted commercial fisheries worldwide may also kill tens to low hundreds of white sharks each year (CITES, 2004).

In the NEP Ocean, there is little commercial fishing activity in the SOFA, providing a potential refuge from incidental capture for individuals when they occupy this offshore area (Domeier, 2012). However, the lack of international laws to protect great white sharks in international waters is a potential threat to the species (Domeier, 2012; discussed further under ''Inadequacy of existing regulatory mechanisms''). White sharks are most vulnerable to fisheries capture when occupying nearshore aggregation or nursery habitats, especially YOY and juvenile stages (Domeier, 2012). Off California, there have been no directed fisheries for white sharks, but incidental and targeted catch has occurred (Lowe *et al.,* 2012). An analysis of fishery-dependent catch records for the Southern California Bight from 1936 to 2009 found that the majority of the reported white shark captures (where size was indicated) were of YOY sharks (60 percent), followed by juveniles (32 percent) and subadults/adults (8 percent); however, the proportion of YOY sharks in the reported catch increased to 77 percent after the nearshore gillnet ban was implemented in 1994 (Lowe *et al.,* 2012). Commercial entangling nets (81 percent) and recreational hook-and-line fishing (8 percent) accounted for the majority of the reported white shark captures (Lowe *et al.,* 2012). The number of reported white shark captures in commercial entangling nets has been 20 or less from 1985 through 2009, except in 1985 when 25 captures were reported (Lowe *et al.,* 2012). The analysis suggests that the effects of incidental capture in gillnet fisheries off California have decreased compared to historical effects. As gillnet fishing effort decreased from the mid-1980s to mid-1990s, so did reports of white shark captures (Lowe *et al.,* 2012). However, although gillnet fishing effort remained stable or decreased from the mid-1990s through 2009, reports of white shark captures increased from 2005 through 2009 (Lowe *et al.,* 2012). Increases in the number of reported captures in the gillnet fisheries since 2005, despite stable or decreased effort, may be the result of increased reporting of captures and/or an increase in the abundance of white sharks due to the nearshore gillnet ban and changes in offshore gillnet regulations (Lowe *et al.,* 2012). Also, data from the Monterey Bay Aquarium's Juvenile White Shark Tagging Program indicate that YOY and juvenile white sharks have relatively high post-release survival after being caught in gillnet gear (Lowe *et al.,* 2012).

Incidental catch of white sharks also continues to occur off Baja California. Incidental catch of 111 great white sharks was reported from 1999 through 2010, consisting of YOY (79.8 percent) and juvenile (20.2 percent) sharks (Santana-Morales *et al.,* 2012). Incidental catch primarily occurred in bottom gillnet gear (74.7 percent), but also in drift gillnet (18 percent) and artisanal seine net (4.5 percent) gear (Santana-Morales *et al.,* 2012).

The petitions assert that the continued incidental catch of white sharks poses a threat to the species, because the removal of just a few individuals could have a substantive effect on the local population (Pyle *et al.,* 1996; Chapple, 2011). The petitions also highlight the high value of white shark teeth, jaws, and fins as trophies, curios, and food, stating that this provides a strong monetary incentive to capture and keep white sharks (Clarke, 2004; Shivji *et al.,* 2005; Clarke *et al.,* 2006).

We conclude that the petitions and information in our files present evidence that fisheries impacts continue to affect white shark populations worldwide and in the NEP, primarily due to incidental capture in fisheries and the potential for the high value of great white shark teeth, jaws, and fins to promote keeping incidentally caught individuals rather than releasing them back into the water. This information suggests that fisheries impacts may be affecting the continued existence of the NEP population of white shark. To further evaluate these effects, more information is needed on fisheries impacts specifically within the range of the NEP population, particularly on the capture of white sharks in fisheries in offshore waters and the lethal and sublethal effects of catch and release.

Disease or Predation

The WildEarth Guardians petition asserts that the addition of mercury, organochlorine contaminants, and other pollutants to the ocean and the effects of these pollutants on the NEP population of white sharks may be categorized as disease. The petition does not provide any additional information to support that disease is a factor affecting the NEP population's continued existence such that listing may be warranted. Thus, the available information is insufficient to evaluate if disease may be affecting the continued existence of the NEP population of white shark. The petition more appropriately discusses pollutants and their effects on the NEP population under the habitat degradation and ''other natural or manmade'' factors.

Inadequacy of Existing Regulatory Mechanisms

The petitions assert that the inadequacy of existing Federal, state, or international regulatory mechanisms require that the NEP population of white shark be listed under the ESA. The petitions contend that although Federal, state, and international regulations exist to protect white sharks from targeted capture in some areas, these regulations are insufficient because white sharks in the NEP population are still vulnerable to incidental capture throughout its range, and to exploitation when in international waters. In addition, the WildEarth Guardians petition states that existing regulations do not protect the NEP population's habitat and health from threats such as habitat degradation, pollution, and overfishing of prey resources.

Within the United States, Federal and state regulations to protect white sharks vary. Currently, the retention of white sharks in U.S. Federal waters in the Pacific Ocean is prohibited under the Highly Migratory Species Fishery Management Plan. In California, targeted capture of white sharks is prohibited, but incidentally caught white sharks may be retained under a permit from the California Department of Fish and Game for scientific or educational purposes (14 CCR § 28.06). In Oregon, all white sharks must be released immediately if caught (ODFW, 2012). Washington and Hawaii do not have specific fisheries regulations for white shark. However, both Hawaii and California passed bans making it unlawful to possess, sell, offer for sale, trade, or distribute shark fins, which may provide some protection for white sharks. The petitions argue that despite these protections, the continued incidental capture and mortality of even small numbers of white sharks in U.S. waters, particularly off California, can have a large impact on the local population, citing a study off the Farallon Islands in which the removal of four white sharks from the area in 1982 resulted in significantly fewer sightings of shark attacks on pinnipeds than expected in 1983 to 1985 (Pyle *et al.,* 1996). The petitions also suggest that illegal fishing may be a problem in the United States, citing cases of illegal

fishing and sale of white shark teeth, jaws, and fins in 2003 (CITES, 2004).

Outside of the United States, protections for white sharks also vary. In Mexico, catch and retention of white sharks and the landing of shark fins without carcasses has been banned since 2006 (Lack and Sant, 2011), although incidental capture continues to occur (Galván-Magaña *et al.,* 2010; Santana-Morales *et al.,* 2012). In Canada, there are no specific regulations to protect white sharks, although a ban on shark finning may provide some protection (DFO, 2007). In international waters, white sharks are protected under CITES (Appendix II) and other international agreements, including the Convention on Migratory Species (Appendix I and II) and the United Nations Convention on the Law of the Sea. However, the petitions contend that these protections are not sufficient, given continued trade in white shark products due to poaching and variable enforcement of regulations (CITES, 2004; Clarke, 2004; Shivji *et al.,* 2005; Clarke *et al.,* 2006; Galván-Magaña *et al.,* 2010; Jorgensen *et al.,* 2010; Viegas, 2011).

Based on the information in the petition and in our files as discussed above, we conclude that existing regulatory mechanisms may be inadequate to address threats to the NEP population of white shark. To further evaluate the adequacy of existing regulatory mechanisms, more information is needed regarding the level of illegal fishing and poaching in U.S. and international waters.

Other Natural or Manmade Factors

The two petitions assert that other natural or manmade factors may be affecting the survival and recovery of the NEP population of white shark, including contaminant loads, negative press, life history factors, small population size, and the synergistic effects of all of the threats facing the population. Both petitions cite a study conducted in the Southern California Bight revealing mercury and organochlorines (e.g., DDT, PCBs, and chlordanes) in the tissues of juvenile white sharks at levels that may result in physiological impairment (Mull *et al.,* 2012). Young white sharks are likely bioaccumulating these contaminants (likely from historical discharges in the Southern California Bight) when feeding on prey resources in the area (Blasius and Goodmanlowe, 2008; Mull *et al.,* 2012). The WildEarth Guardian petition also cites negative media attention as a threat to white sharks, especially when shark attacks on humans occur, because this generates general paranoia and encourages targeting of the species for sport or trophy hunting (IUCN, 2009).

The WildEarth Guardians petition asserts that natural factors, including the species' life history characteristics and small population size, also increase the extinction risk of the NEP population of white shark, particularly when considered in combination with other threats to the species. The petition states that the species' life history characteristics (e.g., slow growth, late maturation, long-life, long generation time, small litter size, and low reproductive capacity) make it susceptible to extinction when faced with population declines and continuing threats (Withgott and Brennan, 2007). The petition also contends that the small estimated population size (e.g., approximately 340 subadults and adults in the NEP population; Chapple *et al.,* 2011; Sosa-Nishizaki *et al.,* 2012) makes the population highly susceptible to extinction due to a stochastic event (Brook *et al.,* 2008). We note, however, that this estimate of abundance is based on studies of individuals surveyed in aggregation sites off central California and Guadalupe Island, and do not include YOY and juveniles. Also, without information on the historical abundance of the NEP population, it is difficult to assess what this estimated population size means for the persistence of the population. The low estimated abundance of the population may be the result of anthropogenic pressures on the population or a naturally low carrying capacity (the NEP population is thought to have been established by a limited number of founders from the ANZ population; Jorgensen *et al.,* 2010) (Chapple *et al.,* 2011). Catch ratios of white sharks to all shark species off the U.S. west coast from 1965 (1:67) to 1983 (1:210) suggest a potential decline in abundance (Casey and Pratt, 1985, cited in Fowler *et al.,* 2005). However, recent increases in the incidental capture of white sharks in gillnet fisheries off California, despite stable or decreasing fishing effort, suggest that the population may be increasing (Lowe *et al.,* 2012). In addition, an increased frequency of observed white shark attacks on pinnipeds off the South Farallon Islands over time indicates an increase in the shark population at the islands (Pyle *et al.,* 1996; Pyle *et al.,* 2003). Thus, it is difficult at this time to determine population trends and to evaluate how the estimated size of the NEP population relates to the population's extinction risk.

Overall, the petition and information in our files suggest that effects from bioaccumulation of contaminants and negative media attention, coupled with the life history characteristics of white sharks, may be affecting the survival and recovery of the NEP population. More specific information is needed, however, to assess population trends and to evaluate the population's estimated abundance in terms of the potential effects on the population's survival and recovery.

Summary of Section 4(a)(1) Factors

We conclude that the petition presents substantial scientific or commercial information indicating that multiple section 4(a)(1) factors, as discussed above, may be causing or contributing to an increased risk of extinction for the NEP population of white shark.

Petition Finding

After reviewing the information contained in both petitions, as well as information readily available in our files, we conclude the petitions present substantial scientific information indicating the petitioned action of listing the NEP population of white shark as a threatened or endangered DPS may be warranted. Therefore, in accordance with section 4(b)(3)(A) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(3)), we will commence a status review of the species. During the status review, we will determine whether the population identified by the petitioners meets the DPS policy's criteria, and if so, whether the population is in danger of extinction (endangered) or likely to become so within the foreseeable future (threatened) throughout all or a significant portion of its range. We now initiate this review, and thus, the northeastern Pacific Ocean population of white shark is considered to be a candidate species (50 CFR 424.15(b)). Within 12 months of the receipt of the WildEarth Guardians petition (June 25, 2013), we will make a finding as to whether listing the species as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA. If listing the species is warranted, we will publish a proposed rule and solicit public comments before developing and publishing a final rule.

Information Solicited

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information relevant to whether the NEP Ocean population of white sharks is a DPS and whether it is threatened or endangered. Specifically, we are soliciting published and unpublished

information in the following areas: (1) Population structure information in the Pacific Ocean, such as genetics data; particularly any unpublished information; (2) migratory and behavior patterns in the NEP Ocean, particularly any unpublished information; (3) life history and ecology, particularly any unpublished information; (4) historical and current distribution and abundance of this species throughout the NEP Ocean; (5) historical and current population trends in the NEP Ocean; (6) historical and current data on commercial and recreational fisheries directed at white sharks in the NEP Ocean, including Mexican waters; (7) historical and current data on white shark bycatch and retention in commercial and recreational fisheries in the NEP Ocean, including Mexican waters; (8) data on the trade of white shark products, including fins, jaws, and teeth in the NEP Ocean, including Mexico; (9) data or other information on encounter rates with white sharks through ecotourism operations and sightings data, and long-term records of white shark attacks, wounds or scaring of marine mammals; (10) adverse impacts related to coastal habitat degradation and the health of white sharks, including, but not limited to, impacts related to discharge of pollutants, marine debris, or ocean acidification; (11) any current or planned activities that may adversely impact the species; (12) ongoing or planned efforts to protect and restore the species and their habitats; and (12) management, regulatory, and enforcement information.

We also request information on critical habitat for the NEP Ocean population of white sharks. Specifically, we request information on the physical and biological habitat features that are essential to the conservation of the species and identification of habitat areas that include these essential physical and biological features. Essential features include, but are not limited to: (1) Space for individual and population growth and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and development of offspring; and (5) habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of the species (50 CFR 424.12). For habitat areas potentially qualifying as critical habitat, we request information describing: (1) The activities that affect the habitat areas or could be affected by the designation; and (2) the economic impacts, impacts to national security, or other relevant impacts of additional requirements of management measures likely to result from the designation.

We request that all information be accompanied by: (1) Supporting documentation such as maps, raw data with associated documentation, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, mailing address, email address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request from the NMFS Southwest Regional Office (see **ADDRESSES**).

Authority

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

Dated: September 25, 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.

[FR Doc. 2012–23963 Filed 9–27–12; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 77, No. 189

Friday, September 28, 2012

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0063]

Notice of Request for Extension of Approval of an Information Collection; National Animal Health Reporting System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the National Animal Health Reporting System.

DATES: We will consider all comments that we receive on or before November 27, 2012.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS–2012–0063–0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2012–0063, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS–2012–0063* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the National Animal Health Reporting System, contact Mr. Chris Quatrano, Management and Program Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B MS 2E6, Fort Collins, CO 80526–8117; (970) 494–7207. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Reporting System (NAHRS).

OMB Number: 0579–0299.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal Plant Health Inspection Service (APHIS) is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and other articles to prevent the introduction and interstate spread of livestock diseases and to eradicate such diseases from the United States when feasible. In connection with this mission, APHIS operates the National Animal Health Reporting System (NAHRS), which collects, on a national basis, data monthly from State veterinarians on the presence or absence of diseases of interest to the World Organization for Animal Health (OIE).

As a member country of OIE, the United States must submit reports to the OIE on the status of certain diseases in specific livestock, poultry, and aquaculture species. Reportable diseases are diseases that have the potential for rapid spread, irrespective of national borders, that are of serious socioeconomic or public health consequence, and that are of major importance in the international trade of animals and animal products. The potential benefits to trade of accurate reporting on the health status of the U.S. commercial livestock, poultry, and aquaculture industries include expansion of those industries into new export markets, and preservation of existing markets through increased confidence in quality and disease freedom. This data collection is unique in terms of the type, quantity, and frequency; no other entity is collecting and reporting data to the OIE on the health status of U.S. livestock, poultry, and aquaculture.

The number of NAHRS reportable diseases has increased approximately from 120 to 150 diseases in 2012 in part due to the expansion of information collected on aquaculture diseases. In addition, States have expanded their laboratory resources through improved laboratory information management systems, the information collected regarding equine infectious anemia has been expanded, and increased efforts are being made by APHIS to validate the information collected from States.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 8 hours per response.

Respondents: State animal health officials.

Estimated annual number of respondents: 52.

Estimated annual number of responses per respondent: 12.

Estimated annual number of responses: 624.

Estimated total annual burden on respondents: 4,992 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 24th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23969 Filed 9–27–12; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Plumas County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Corrected date: Notice of meeting.

SUMMARY: The meeting date of September 21, 2012 published in the September 10, 2012 **Federal Register** Notice was incorrect. The correct date is September 28, 2012. The Plumas County Resource Advisory Committee will meet in Quincy, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 112–141) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects authorized under title II of the Act.

DATES: The meeting will be held September 28, 2012 from 9 a.m.–2 p.m.

ADDRESSES: The meeting will be held at the Plumas Sierra County Fair Mineral Building at 207 Fairgrounds Road in Quincy, CA.

Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Plumas National Forest Supervisors Office, 159 Lawrence Street, Quincy, CA 95971. Please call ahead to Lee Anne Schramel Taylor at (530) 283–7850 to facilitate entry into the building to view comments.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel Taylor, RAC Coordinator, Plumas National Forest, (530) 283–7850, TTY 711, *eataylor@fs.fed.us*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The following business will be conducted: review and recommend projects authorized under title II of the Act. An agenda will be posted at *http://www.fs.fed.us/srs* at least one week prior to the meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. A summary of the meeting will be posted at *http://www.fs.usda.gov/srs* within 21 days of the meeting.

Meeting Accommodations: If you are a person requiring resonable accomodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: September 25, 2012.

Nancy Francine,

Ecosystem Staff Officer.

[FR Doc. 2012–24045 Filed 9–26–12; 11:15 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 12–00002]

Export Trade Certificate of Review

ACTION: Notice of issuance of an Export Trade Certificate of Review to SunWest Foods, Inc (Application #12–00002).

SUMMARY: On August 20, 2012, the U.S. Department of Commerce issued an Export Trade Certificate of Review to SunWest Foods, Inc (''SunWest).'' This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2010). The U.S. Department of Commerce, International Trade Administration, Office of Competition and Economic Analysis (''OCEA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the issuance in the **Federal Register**. Under Section 305(a) of the Export Trading Company Act (15 U.S.C. 4012(b)(1)) and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Member (Within the Meaning of 15 CFR 325.2(1))

SunWest Milling Company, Inc.

Description of Certified Conduct

SunWest is certified to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets.

Export Trade

Products: SunWest proposes to export under the Certificate, directly and through other suppliers, rice and rice products, including, but not limited to: Harvest rice; rough rice; brown rice; milled, under milled, and unpolished rice, coated rice; oiled rice; enriched rice; rice bran; polished rice, head rice; broken rice; second head rice; brewers rice; screenings; and rice flour; but not including wild rice.

Services: All services related to the export of Products.

Technology Rights: All intellectual property rights associated with Products or Services, including, but not limited to: Patents, trademarks, services marks, trade names, copyrights and neighboring (related) rights, trade secrets, knowhow, and confidential databases and computer programs.

Export Trade Facilitation Services (as They Relate to the Export of Products): Services to facilitate the export of Products, including but not limited to: consulting and trade strategy; converting harvest rice to marketable finished rice products via the drying, storage, milling, and packaging processes; arranging and coordinating delivery of Products to port of export; arranging for inland and/or ocean transportation; allocating Products to vessel; arranging for storage space at port; arranging for warehousing, stevedoring, wharfage, handling,

inspection, fumigation, and freight forwarding; insurance and financing; documentation and services related to compliance with customs requirements; sales and marketing; export brokerage; foreign marketing and analysis; foreign market development; overseas advertising and promotion; Products-related research and design based upon foreign buyer and consumer preferences; inspection and quality control; shipping and export management; export licensing; provisions of overseas sales and distribution facilities and overseas sales staff; legal, accounting, and tax assistance; development and application of management information systems; trade show exhibitions; professional services in the area of government relations and assistance with federal and state export assistance programs (e.g., export enhancement and market promotion programs); invoicing (billing) foreign buyers; collecting (letters of credit and other financial instruments) payment for Products; and arranging for payment of applicable commissions and fees.

Export Markets

All parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operations

To engage in Export Trade in the Export Markets, SunWest (and its affiliated company and Member SunWest Milling Company, Inc.) may:

1. Exchange information with Suppliers or Export Intermediaries individually regarding availability of Products for export, prices of Products for sale in the Export Markets, and coordinating the export of Products to Export Markets;

2. Confer with Suppliers individually regarding offers to purchase and offers to sell by SunWest for specific export sales opportunities;

3. Process other Suppliers' harvest rice to marketable finished Products for Export Markets via drying, storage, milling, and packaging processes;

4. Solicit other Suppliers to offer/sell Products to SunWest or its Member for subsequent sales into Export Markets;

5. Solicit orders for the export of Products from potential foreign distributors and purchasers in Export Markets;

6. Prepare and submit offers of Products to potential foreign distributors, purchasers, and other entities for sale in Export Markets;

7. Establish the price and quantity of Products for sale in Export Markets and set other terms for any export sale;

8. Negotiate and enter into agreements for sale of Products in Export Markets;

9. Enter into agreements to purchase Products from one or more Suppliers to fulfill specific export sales obligations. In such agreements, SunWest and its Member may agree to purchase Products for sale in the Export Markets exclusively from one or more Suppliers, and the Supplier (or Suppliers) may agree to deal exclusively with SunWest or its Member for the sale of their Products in the Export Markets.

10. Assign sales of Products to, and/or divide or share export orders among, Suppliers or other persons based on orders, export markets, territories, customers, or any other basis SunWest or its Member deem appropriate;

11. Broker and take title to the Products;

12. Enter into agreements with one or more Export Intermediaries for the sale of Products in the Export Markets, in which agreements (a) SunWest or its Member may agree to deal exclusively with that Export Trade Intermediary in a particular Export Market, and/or (b) that Export Intermediary may agree to represent SunWest or its Member exclusively in a particular export market for the export of Products;

13. Enter into agreements with customers in the Export Markets in which the customer may agree to purchase Products exclusively from SunWest or its Member;

14. Apply for and utilize government export assistance and incentive programs;

15. Refuse to (a) purchase Products, (b) sell Products, (c) provide Services, or (d) provide information regarding export sales of Products to any Supplier(s) or other entities for any reason SunWest or its Member deem appropriate;

16. Refuse to (a) sell Products, (b) quote prices of Products, (c) provide Export Trade Facilitation Services, (d) provide information regarding Products, or (e) market or sell Products to any customers or distributors in the Export Markets, or in any countries or geographic areas in the Export Markets; and

17. Meet with Suppliers or other entities periodically to discuss general matters specific to the activities approved in this Certificate (not related to price and supply arrangements between SunWest or its Member and the individual Suppliers) such as relevant facts concerning the Export Markets (e.g., demand conditions, transportation costs and prices in the export markets), or the possibility of joint marketing, bidding or selling arrangements in the Export Markets.

Terms and Conditions of Certificate

1. Neither SunWest nor its Member shall intentionally disclose, directly or indirectly, to any Supplier any information regarding any other Supplier's costs, production, inventories, domestic prices, domestic sales, capacity to produce products for domestic sale, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless such information is already generally available to the trade or public.

2. SunWest and its Member will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

Definitions

''Supplier'' means a person who mills, produces, provides, markets, or sells Products, Services, and/or Technology Rights.

''Export Intermediary'' means a person who acts as a distributor, representative, sales or marketing agent, joint marketer, or broker, or who performs similar functions.

Dated: September 24, 2012.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2012–23950 Filed 9–27–12; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet in open session on Tuesday, October 16, 2012, from 9 a.m. to 5 p.m. Mountain Time and Wednesday, October 17, 2012, from 8:30 a.m. to 11:30 a.m. Mountain Time. The VCAT is composed of fifteen members appointed by the Under Secretary of Commerce for Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

DATES: The VCAT will meet on Tuesday, October 16, 2012, from 9 a.m. to 5 p.m. Mountain Time and Wednesday, October 17, 2012, from 8:30 a.m. to 11:30 a.m. Mountain Time.

ADDRESSES: The meeting will be held in Building 81, Room 1A116, at the National Institute of Standards and Technology, Boulder, Colorado 80305–3328. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899–1060, telephone number 301–975–2667. Ms. Shaw's email address is *stephanie.shaw@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on NIST followed by presentations and discussions on NIST's R&D planning and its activities and programs related to the Centers of Excellence, manufacturing, and next generation of measurement services. The VCAT Subcommittee on Safety will review and discuss its recent activities. The meeting also will include laboratory tours and conclude with a wrap-up discussion of recommendations and the path forward for the 2012 VCAT Annual Report. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST web site at *http://www.nist.gov/director/vcat/agenda.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On October 17, approximately one-half hour will be reserved in the morning for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland 20899, via fax at 301–216–0529 or electronically by email to *gail.ehrlich@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Stephanie Shaw by 5:00 p.m. Eastern Time, Tuesday, October 9, 2012. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Ms. Shaw's email address is *stephanie.shaw@nist.gov* and her phone number is 301–975–2667.

Dated: September 25, 2012.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2012–23895 Filed 9–27–12; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC260

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council), its Visioning and Strategic Planning Working Group, and Spiny Dogfish Committee will hold public meetings.

DATES: The meetings will be held Monday October 15, 2012 through Thursday, October 18, 2012. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Ocean Place, One Ocean Blvd., Long Branch, NJ 07740; telephone: (732) 571–4000.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION:

Monday, October 15, 2012

1 p.m. until 5 p.m.—The Visioning and Strategic Planning Working Group will meet.

Tuesday, October 16, 2012

9 a.m. until 5 p.m.—The Visioning and Strategic Planning Working Group will meet.

5 p.m. until 6 p.m.—There will be a Public Listening Session.

Wednesday, October 17, 2012

9 a.m.—The Council will convene.

9 a.m. until 10 a.m.—The Council will receive a presentation regarding the Management Strategy Evaluation (MSA) Summer Flounder Study.

10 a.m. until noon—Delaware Special Management Zone (SMZ) request will be discussed.

1 p.m. until 2 p.m.—Dogfish Amendment 3 will be discussed.

2 p.m. until 3 p.m.—Spiny Dogfish Specifications will be approved as a Committee of the Whole.

3 p.m. until 4 p.m.—Framework 7 (Meeting 2) and 8 (Meeting 1) to the Mackerel, Squid, and Butterfish FMP will be discussed.

4 p.m. until 5 p.m.—The Standardized Bycatch Reporting Methodology (SBRM) Fishery Management Action Team (FMAT) Report will be given.

Thursday, October 18, 2012

9 a.m. until 10 a.m.—The Council will receive a presentation from the Science Center for Marine Fisheries (SCeMFiS).

10 a.m. until 1 p.m.—The Council will hold its regular Business Session to approve the August 2012 minutes; receive the South Atlantic Council Liaison, Organizational, Executive Director's, and Science Reports, and, conduct any continuing and/or new business.

Agenda items by day for the Council's Committees and the Council itself are:

On Monday, October 15—The Visioning and Strategic Planning

Working Group will finalize the mission statement, review top themes from the Visioning Project, and discuss objectives, strategies, and tactics for three to four strategic goals.

On Tuesday, October 16—The Visioning and Strategic Planning Working Group will review the outcomes from Day 1 and discuss objectives, strategies, and tactics for three to four strategic goals (continued from Day 1). During the Public Listening Session there will be a Clean Ocean Zone presentation with a question and answer session and an interactive session with leadership.

On Wednesday, October 17—There will be a MSE Summer Flounder Study with a presentation on recreational management approaches as examined by Partnership for Mid-Atlantic Fisheries Science (PMAFS) project investigators. The Council will review and approve options for designation of Delaware artificial reefs in the EEZ and schedule public hearings for the Delaware SMZ request. The Council will approve and adopt final measures in Amendment 3 to the Spiny Dogfish FMP. The Spiny Dogfish Committee will meet as a Committee of the Whole to review the Scientific and Statistical Committee (SSC) and the Spiny Dogfish Monitoring Committee recommendations for 2013–15 and adopt recommendations for 2013–15 management measures. Framework 7 (Meeting 2) and 8 (Meeting 1) to Mackerel, Squid, and Butterfish FMP will be discussed to (1) consider changing butterfish catch cap for the longfin squid fishery to a butterfish discard cap, (2) consider adding butterfish cap closure authority in trimester 2, and (3) consider procedure for transferring quota between landings and discards in the butterfish cap near the end of the year. The Council will discuss the SBRM FMAT Report to consider approval of alternatives for analysis and possible inclusion in the new SBRM Amendment now under development.

On Thursday, October 18—The Council will receive a presentation on SCeMFiS cooperative research. The Council will hold its regular Business Session to approve the August minutes, receive the South Atlantic Liaison Report, receive Organizational Reports, the Executive Director's Report, the Science Report, and conduct any continuing and/or new business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302)-526–5251, at least 5 days prior to the meeting date.

Dated: September 24, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–23850 Filed 9–27–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA626

Marine Mammals; File No. 16163

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 16163 has been issued to the Northwest Fisheries Science Center (Dr. M. Bradley Hanson, Principal Investigator), 2725 Montlake Blvd. East, Seattle, Washington 98112–2097.

ADDRESSES: The permit amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Jennifer Skidmore, (301)427–8401.

SUPPLEMENTARY INFORMATION: On June 25, 2012, notice was published in the **Federal Register** (77 FR 37878) that a request for an amendment to Permit No. 16163 to conduct research on cetacean species in U.S. and international waters in the Pacific Ocean, including waters of Alaska, Washington, Oregon, California, and Hawaii had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The permit amendment authorizes an increase in takes associated with Level B harassment from 25 each per year to 2500 for short-beaked common (*Delphinus delphis*) and long-beaked common (*D. capensis*) dolphins. The amended permit is valid through the expiration date of the original permit, June 6, 2017.

A supplemental environmental assessment (SEA) analyzing the effects of the permitted activities on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the SEA, NMFS determined that issuance of the permit amendment would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on September 17, 2012.

Dated: September 20, 2012.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–23964 Filed 9–27–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA840

Marine Mammals; File No. 16479

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to The Pacific Whale Foundation [Responsible Party: Gregory Kaufman], 300 Maalaea Road, Suite 211, Wailuku, HI 96793 to conduct research on humpback whales (*Megaptera novaeangliae*).

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427–8401; fax (301)713–0376; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808)944–2200; fax (808)973–2941.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Amy Hapeman, (301)427–8401.

SUPPLEMENTARY INFORMATION: On November 23, 2011 notice was published in the **Federal Register** (76 FR 72389) that a request for a permit to conduct research on humpback whales had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The permit authorizes vessel approach for photo-identification and behavioral observation of humpback whales and incidental harassment of Hawaiian insular false killer whales (*Pseudorca crassidens*) in Maui County waters, Hawaii. The permit expires on June 1, 2017.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on September 17, 2012.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 20, 2012.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–23961 Filed 9–27–12; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

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

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 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 CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 7/9/2012 (77 FR 40344–40345) and 7/20/2012 (77 FR 42701–42702), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

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. 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 products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services 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 products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN: 8140–00–NSH–0014—Tube, Cardboard, Grenade, 155 mm Projectile
NPA: SVRC Industries, Inc., Saginaw, MI
Contracting Activity: DEPT OF THE ARMY, W4MM USA JOINT MUNITIONS CMD, ROCK ISLAND, IL
Coverage: C-List for 100% of the requirement of the Crane Army Ammunition Activity, as aggregated by the USA Joint Munitions Command, Army Contracting Command—Rock Island, Rock Island, IL.

Privacy Filters With Frames

NSN: 7045–00–NIB–0377—17.0″
NSN: 7045–00–NIB–0378—19.0″
NSN: 7045–00–NIB–0389—22.0″ Widescreen
NSN: 7045–00–NIB–0390—19.0″ Widescreen
NSN: 7045–00–NIB–0391—24.0″ Widescreen
NPA: Wiscraft, Inc., Milwaukee, WI
Contracting Activity: GENERAL SERVICES ADMINISTRATION, NEW YORK, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Contact Center Services, Defense Manpower Data Center, Defense Human Resource Center, Alexandria, VA (CONUS)
NPA: InspiriTec, Inc., Philadelphia, PA
Contracting Activity: DEFENSE HUMAN RESOURCES ACTIVITY, HQS DEFENSE HUMAN RESOURCES ACTY, ARLINGTON, VA
Service Type/Location: Custodial/Janitorial Services, Vancouver US Armed Forces Reserve Center (AFRC)/WA070, 15005 NE 65th Street, Vancouver, WA
NPA: Portland Habilitation Center, Inc., Portland, OR
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–ARCC NORTH, FORT McCOY, WI

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2012–23864 Filed 9–27–12; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

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

ACTION: Proposed Additions to the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by the nonprofit agency employing persons who are blind or have other severe disabilities.

Comments Must Be Received On or Before: 10/29/2012.

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 products listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to Procurement List for production by the nonprofit agency listed:

Products

NSN: CBFF0001—Shirt, Navy Fire Fighters, Unisex, Short Sleeve Polo, Small thru XXX-Large
NSN: CBFF0002—Shirt, Navy Fire Fighters, Unisex, Short Sleeve Polo, Beyond XXX-Large
NSN: CBFF0003—Shirt, Polo, Navy Fire Fighters, Unisex, Long Sleeve, Small thru XXX-Large
NSN: CBFF0004—Shirt, Polo, Navy Fire Fighters, Unisex, Long Sleeve, Beyond XXX-Large
NSN: CBFF0005—Shirt, Navy Fire Fighters, Unisex, Short Sleeve, Neck 14½″ thru 19″
NSN: CBFF0006—Shirt, Navy Fire Fighters, Unisex, Short Sleeve, Neck beyond 19″
NSN: CBFF0007—Shirt, Navy Fire Fighters, Unisex, Neck size 14½″ to 19″, Long Sleeve, 33″ to 37″
NSN: CBFF0008—Shirt, Navy Fire Fighters, Unisex, Long Sleeve, Neck beyond 19″, Sleeve beyond 37″
NSN: CBFF0009—Pants, Navy Fire Fighters, Women's, Tactical, 6oz., 4 thru 20
NSN: CBFF0010—Pants, Navy Fire Fighters, Women's, Tactical, 6oz., 22 thru 24
NSN: CBFF0011—Pants, Navy Fire Fighters, Women's, Tactical, 6oz., beyond 24
NSN: CBFF0012—Pants, Navy Fire Fighters, Men's, Tactical, 6oz., Waist 30″ thru 48″
NSN: CBFF0013—Pants, Navy Fire Fighters, Men's, Tactical, 6oz., Waist 50″ thru 56″
NSN: CBFF0014—Pants, Navy Fire Fighters, Men's, Tactical, 6oz., Waist beyond 56″
NSN: CBFF0015—Pants, Navy Fire Fighters, Women's, Tactical, 7.5oz., 4 thru 20
NSN: CBFF0016—Pants, Navy Fire Fighters, Women's, Tactical, 7.5oz., 22 thru 24
NSN: CBFF0017—Pants, Navy Fire Fighters, Women's, Tactical, 7.5oz., beyond 24
NSN: CBFF0018—Pants, Navy Fire Fighters Men's, Tactical, 7.5oz., Waist 30″ thru 48″
NSN: CBFF0019—Pants, Navy Fire Fighters, Men's, Tactical, 7.5oz., Waist 50″ thru 56″
NSN: CBFF0020—Pants, Navy Fire Fighters, Men's, Tactical, 7.5oz., Waist beyond 56″
NSN: CBFF0021—Shorts, Navy Fire Fighters, Men's, Tactical, 6oz., Waist 30″ thru 48″
NSN: CBFF0022—Shorts, Navy Fire Fighters, Men's, Tactical, 6oz., Waist 50″ thru 56″
NSN: CBFF0023—Shorts, Navy Fire Fighters, Men's, Tactical, 6oz., Waist beyond 56″
NSN: CBFF0024—T-Shirt, Navy Fire Fighters, Small thru X-Large
NSN: CBFF0024XXL—T-Shirt, Navy Fire Fighters, XX-Large
NSN: CBFF0024XXXL—T-Shirt, Navy Fire Fighters, XXX-Large
NSN: CBFF0024XXXXL—T-Shirt, Navy Fire Fighters, XXXX-large
NSN: CBFF0025—Shirt, Navy Fire Fighters, Men's, Workstation, Small thru X-Large
NSN: CBFF0025XXL—Shirt, Navy Fire Fighters, Men's, Workstation, XX-Large
NSN: CBFF0025XXXL—Shirt, Navy Fire Fighters, Men's, Workstation, XXX-Large
NSN: CBFF0025XXXXL—Shirt, Navy Fire Fighters, Men's, Workstation, XXXX-Large
NSN: CBFF0025XXXXXL—Shirt, Navy Fire Fighters, Men's, Workstation, XXXXX-Large
NSN: CBFF0026—Pants, Navy Fire Fighters, Women's, Uniform, 4 thru 20
NSN: CBFF0027—Pants, Navy Fire Fighters, Women's, Uniform, 22 thru 24
NSN: CBFF0028—Pants, Navy Fire Fighters, Women's, Uniform, Beyond 24
NSN: CBFF0029—Pants, Navy Fire Fighters, Men's, Uniform, Waist 28″ thru 48″
NSN: CBFF0030—Pants, Navy Fire Fighters, Men's, Uniform, Waist 50″ thru 56″
NSN: CBFF0031—Pants, Navy Fire Fighters, Men's, Uniform, Waist beyond 56″
NSN: CBFF0032—Pants, Navy Fire Fighters, Women's, EMS, 4 thru 20
NSN: CBFF0033—Pants, Navy Fire Fighters, Women's, EMS, size 22 thru 24
NSN: CBFF0034—Pants, Navy Fire Fighters, Women's, EMS, beyond 24
NSN: CBFF0035—Pants, Navy Fire Fighters, Men's, EMS, Waist 28″ thru 48″
NSN: CBFF0036—Pants, Navy Fire Fighters, Men's, EMS, Waist 50″ thru 56″
NSN: CBFF0037—Pants, Navy Fire Fighters, Men's, EMS, Waist beyond 56″
NSN: CBFF0038—Belt, Navy Fire Fighters, Leather w/o Buckle, Waist 28″ thru 40″
NSN: CBFF0039—Belt, Navy Fire Fighters, Leather w/o Buckle, Waist 42″ thru 56″
NSN: CBFF0040—Belt, Navy Fire Fighters, Leather w/o Buckle, Waist 58″ thru 62″
NSN: CBFF0041—Belt, Navy Fire Fighters, Leather w/Chrome Buckle, Waist 28″ thru 40″
NSN: CBFF0042—Belt, Navy Fire Fighters, Leather w/Chrome Buckle, Waist 42″ thru 56″
NSN: CBFF0043—Belt, Navy Fire Fighters, Leather w/Chrome Buckle, Waist 58″ thru 62″
NSN: CBFF0044—Belt, Navy Fire Fighters, Leather w/Gold Buckle, Waist 28″ thru 40″
NSN: CBFF0045—Belt, Navy Fire Fighters, Leather w/Gold Buckle, Waist 42″ thru 56″
NSN: CBFF0046—Belt, Navy Fire Fighters, Leather w/Gold Buckle, Waist 58″ thru 62″
NSN: CBFF0047—Belt, Navy Fire Fighters TDU, w/Plastic Buckle, Waist 28″ thru 40″
NSN: CBFF0048—Belt, Navy Fire Fighters TDU, w/Plastic Buckle, Waist 42″ thru 56″
NSN: CBFF0049—Belt, Navy Fire Fighters TDU, w/Plastic Buckle, Waist 58″ thru 62″
NSN: CBFF0050—Tie Clip, Navy Fire Fighters, Plastic
NSN: CBFF0051—Tie Clip, Navy Fire Fighters, Metal
NSN: CBFF0053—Nameplate, Navy Fire Fighters, 2 Line, Metal
NSN: CBFF0054—Collar, Brass, Navy Fire Fighters, Metal
NSN: CBFF0055—Shorts, Navy Fire Fighters, Physical Training, Small thru X-Large
NSN: CBFF0055XXL—Shorts, Navy Fire Fighters, Physical Training, XX-Large
NSN: CBFF0055XXXL—Shorts, Navy Fire Fighters, Physical Training, XXX-Large
NSN: CBFF0055XXXXL—Shorts, Navy Fire Fighters, Physical Training, XXXX-Large
NSN: CBFF0056—T-Shirt, Navy Fire Fighters, Physical Training, Short Sleeve Small thru X-Large
NSN: CBFF0056XXL—T-Shirt, Navy Fire Fighters, Physical Training, Short Sleeve XX-Large
NSN: CBFF0056XXXL—T-Shirt, Navy Fire Fighters, Physical Training, Short Sleeve, XXX-Large
NSN: CBFF0056XXXXL—T-Shirt, Navy Fire Fighters, Physical Training, Short Sleeve, XXXX-Large
NSN: CBFF0057—Sweat Pants, Navy Fire Fighters, Physical Training, Small thru X-Large
NSN: CBFF0057XXL—Sweat Pants, Navy Fire Fighters, Physical Training, XX-Large
NSN: CBFF0057XXXL—Sweat Pants, Navy Fire Fighters, Physical Training, XXX-Large
NSN: CBFF0057XXXXL—Sweat Pants, Navy Fire Fighters, Physical Training, XXXX-Large

NSN: CBFF0058—Sweat Shirt, Navy Fire Fighters, Physical Training, Small thru X-Large
NSN: CBFF0058XXL—Sweat Shirt, Navy Fire Fighters, Physical Training, XX-Large
NSN: CBFF0058XXXL—Sweat Shirt, Navy Fire Fighters, Physical Training, XXX-Large
NSN: CBFF0058XXXXL—Sweat Shirt, Navy Fire Fighters, Physical Training, XXXX-Large
NSN: CBFF0059—Coveralls, Navy Fire Fighters, Long Sleeve, 34″ to 48″
NSN: CBFF0060—Coveralls, Navy Fire Fighters, Long Sleeve, 50″ to 60″
NSN: CBFF0061—Coveralls, Navy Fire Fighters, Long Sleeve, Beyond 60″
NSN: CBFF0062—Coveralls, Navy Fire Fighters, Short Sleeve, 34″ thru 48″
NSN: CBFF0063—Coveralls, Navy Fire Fighters, Short Sleeve, 50″ thru 60″
NSN: CBFF0064—Coveralls, Navy Fire Fighters, Short Sleeve, Beyond 60″
NSN: CBFF0065—Sweater, Navy Fire Fighters, Unisex, Navy Small thru X-Large
NSN: CBFF0066—Sweater, Navy Fire Fighters, Unisex, Navy, XX-Large thru XXX-Large
NSN: CBFF0067—Sweater, Navy Fire Fighters, Unisex, Navy, Small thru X-Large
NSN: CBFF0068—Sweater, Navy Fire Fighters, Unisex, Navy, XX-Large thru XXX-Large
NSN: CBFF0069—Shirt, Navy Fire Fighters, Short Sleeve, White, Neck 14″ thru 18.5″
NSN: CBFF0070—Shirt, Navy Fire Fighters, Short Sleeve, White, Neck beyond 18.5″
NSN: CBFF0071—Shirt, Navy Fire Fighters, Short Sleeve, White, neck 14″ thru 18.5″, Long Body
NSN: CBFF0072—Shirt, Navy Fire Fighters, Long Sleeve, White, Neck 14.5″ to 18.5″, Sleeve 33″ to 37″
NSN: CBFF0073—Shirt, Navy Fire Fighters, Long Sleeve, White, Neck 19″ and above, Sleeve 33″ to 37″
NSN: CBFF0074—Shirt, Navy Fire Fighters, Long Sleeve, White, Neck 14.5″ to 18.5″ Sleeve Beyond 37″
NSN: CBFF0075—Shirt, Navy Fire Fighters, Long Sleeve, White, Neck 14.5″ to 18.5″ w/Long Body
NSN: CBFF0076—Jacket, Navy Fire Fighters, Cyclone, X-Small thru XXXX-Large
NSN: CBFF0077—Ball Cap, Navy Fire Fighters, Elastic, One Size Fits All
NSN: CBFF0078—Baseball Cap, Navy Fire Fighters, Velcro, One Size Fits All
NSN: CBFF0079—Watch Cap, Navy Fire Fighters, One Size Fits All
NSN: CBFF0080—Watch Cap, Navy Fire Fighters, One Size Fits All
NPA: Oswego Industries, Inc., Fulton, NY
Contracting Activity: DEPT OF THE NAVY, NAVSUP FLT LOG CTR JACKSONVILLE, JACKSONVILLE, FL
Coverage: C-List for 100% of the requirement of the U.S. Navy Southeast Regional locations within the authority of Naval Supply Systems Command (NAVSUP) Fleet Logistics Center in Jacksonville, FL, as aggregated by the Naval Supply Systems Command (NAVSUP) Fleet Logistics Center, Jacksonville, FL.

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2012–23865 Filed 9–27–12; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests; Office of Elementary and Secondary Education; Early Reading First: Grant Performance Report

SUMMARY: Each Early Reading First grantee is required to forward an annual performance report or final report to the Secretary describing the annual progress made toward's the project's goals.

DATES: Interested persons are invited to submit comments on or before November 27, 2012.

ADDRESSES: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 04940. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Early Reading First: Grant Performance Report.

OMB Control Number: 1810–0696.

Type of Review: Extension.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 1,020.

Abstract: In accordance with the Elementary and Secondary Education Act of 1965, as amended, Title I, Part B, Subpart 2, Early Reading First, section 1225 states that each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Each report shall include, at a minimum, a description of: (1) The research-based instruction, materials, and activities being used in the programs funded under the grant; and (2) the type of ongoing professional development to staff.

Dated: September 24, 2012.

Darrin A. King,
Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2012–23849 Filed 9–27–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995), intends to extend for three years, an information collection request with the Office of Management and Budget (OMB) for the Electricity Subsector Cybersecurity Capability Maturity Model (ES–C2M2) Program. Comments are invited on: (a)

Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be filed by November 27, 2012. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to: Matthew Light, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585.

To ensure receipt of the comments by the due date, submission by email (*matthew.light@hq.doe.gov*) is recommended. Alternatively, Mr. Light may be contacted by telephone at 202–586–8550.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Matthew Light at the contact information listed above.

SUPPLEMENTARY INFORMATION: The proposed collection is based on the Electricity Subsector Cybersecurity Capability Maturity Model (ES–C2M2). The model structure includes domains—logical groupings of cybersecurity risk management activities—and maturity indicator levels (MILs). The content within each domain includes characteristics, which are expressions of domain activities at each level of maturity. The model, using the Self-Evaluation Survey document can be used by various electricity subsector entities to identify best practices and potential resource allocations for cybersecurity in terms of supply chain management, information sharing, asset, change and configuration management, and risk management, among others. It is imperative that the owners and operators of the nation's electric utilities, as well as the government agencies supporting the subsector, have the ability to understand what capabilities and competencies will allow the sector to defend itself, and how to prioritize necessary investments. This program supports strategies identified in the White House Cyberspace Policy Review 2010 and the 2011 Roadmap to Achieve Energy Delivery Systems Cybersecurity. DOE will collect survey results from voluntary participants of the ES–C2M2 program to analyze and compare results across the industry to better understand the subsector's overall cybersecurity capabilities. The collected information will also be used to develop benchmarks that will be shared with program participants.

This information collection request contains: (1) OMB No. New; (2) Information Collection Request Title: Electricity Subsector Cybersecurity Capability Maturity Model Program; (3) Type of Request: New; (4) Purpose: The Department of Energy, at the request of the White House, and in collaboration with DHS and industry experts, has developed a maturity model with owners, operators and subject matter experts to meet their request to identify and prioritize cybersecurity capabilities relative to risk and cost; (5) Annual Estimated Number of Respondents: 250; (6) Annual Estimated Number of Total Responses: 250; (7) Annual Estimated Number of Burden Hours: 2000; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $100,000.

Statutory Authority: Section 301 of the Department of Energy Organization Act, codified at 42 U.S.C. 7151.

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

Patricia Hoffman,

Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2012–23911 Filed 9–27–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, October 18, 2012, 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Rachel Blumenfeld, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, Paducah, Kentucky 42001, (270) 441–6806.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken as Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Rachel Blumenfeld as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Rachel Blumenfeld at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Rachel Blumenfeld at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2011Meetings.html.*

Issued at Washington, DC on September 21, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–23909 Filed 9–27–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Notice of Public Meeting: Designing for Impact IV: Workshop on Building the National Network for Manufacturing Innovation

AGENCY: Advanced Manufacturing Office, Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of public meeting.

SUMMARY: DOE's Advanced Manufacturing Office, as part of the inter-agency Advanced Manufacturing National Program Office (AMNPO) announces the fourth of a series of public workshops entitled ''Designing for Impact: Workshop on Building the National Network for Manufacturing Innovation. This workshop series provides a forum for the AMPNO to present on the proposed National Network for Manufacturing Innovation (NNMI) and its regional components, Institutes for Manufacturing Innovation (IMIs) and to provide an opportunity for public comment on the proposal. The discussion at the workshop will focus on the following topics: Technologies with Broad Impact, Institute Structure and Governance, Strategies for Sustainable Institute Operations, and Education and Workforce Development. The Designing for Impact workshop series is organized by representatives from the Department of Commerce, NIST; Department of Defense; Department of Energy; National Aeronautics and Space Administration; and National Science Foundation.

DATES: The meeting will be held Thursday, October, 18 2012, from 7:30 a.m. to 4:30 p.m.

ADDRESSES: University of Colorado at Boulder, Law School, 2450 Kittredge Loop Road, Boulder, CO 80309. Additional information can be found at *http://manufacturing.gov/amp/ampevents.html.*

FOR FURTHER INFORMATION CONTACT: Robert Ivester or Bhima Sastri, 202–586–9488, *NNMI4@sra.com.*

SUPPLEMENTARY INFORMATION: The President has proposed that the federal government catalyze the creation of a NNMI as a central element of the U.S. response to the manufacturing competitiveness challenge.[1] The proposed NNMI initiative focuses on strengthening and ensuring the long term competitiveness and job-creating power of U.S. manufacturing. The constituent IMIs would bring together industry, universities and community colleges, federal agencies, and U.S. states to accelerate innovation by investing in industrially-relevant manufacturing technologies with broad applications to bridge the gap between basic research and product development, provide shared assets to help companies—particularly small manufacturers—access cutting-edge capabilities and equipment, and create an unparalleled environment to educate and train students and workers in advanced manufacturing skills. Each IMI would serve as a regional hub of manufacturing excellence, providing the innovation infrastructure to support regional manufacturing and ensuring that our manufacturing sector is a key pillar in an economy that is built to last. Each IMI also would have a well-defined technology focus to address industrially-relevant manufacturing challenges on a large scale and to provide the capabilities and facilities required to reduce the cost and risk of commercializing new technologies. In his March 9, 2012 announcement, President Obama proposed building a national network consisting of up to 15 IMIs.

On May 4, 2012 the AMNPO issued a Request for Information (RFI), seeking public comment on specific questions related to the structure and operations of the NNMI and IMIs. (77 FR 26509) The RFI was published in the **Federal Register** and may be found at: *http://www.gpo.gov/fdsys/pkg/FR-2012-05-04/pdf/2012-10809.pdf.* Comments in response to the RFI are due on or before 11:59 p.m. Eastern Time on October 25, 2012. Those interested in providing written comments in response to the RFI should refer to the May 4, 2012 notice for information regarding submission of comments.

Tentative Agenda (Subject To Change)

An agenda will be posted online when available at: *http://manufacturing.gov/amp/ampevents.html.* This meeting is an opportunity for participants to provide, based on their individual experience, individual information and facts regarding this topic. It is not the object of this session to obtain any group position or consensus. Rather, the Department is seeking as many recommendations as possible from all individuals at this meeting.

Registration and Accommodations

Individuals planning to attend the fourth public workshop must sign-up in advance. Announcements of additional workshops may be found at: *http://www.manufacturing.gov/amp/ampevents.html.* Future workshops will also be announced in the **Federal Register**.

Issued in Washington, DC, on September 21, 2012.

Kathleen Hogan,

Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2012–23887 Filed 9–27–12; 8:45 am]

BILLING CODE 6450–01–P

[1] See *http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/budget.pdf,* page 217.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1720–003; ER10–2285–003; ER10–2404–002; ER10–2423–002; ER10–2942–003; ER10–2994–007; ER10–3158–003; ER10–3159–002; ER10–3161–003; ER10–3162–003; ER11–2112–004; ER11–2196–004; ER11–2462–003; ER11–2463–003; ER11–2464–003; ER11–2465–003; ER11–2466–003; ER11–2467–003; ER11–2468–003; ER11–2469–003; ER11–2470–003; ER11–2471–003; ER11–2472–003; ER11–2473–003; ER11–2474–005; ER11–2475–003; ER11–2482–004; ER11–2483–003; ER11–2484–003; ER11–2485–004; ER11–2486–003; ER11–2487–004; ER11–2488–003; ER11–2507–003; ER11–2514–003; ER11–2563–004; ER11–2564–004; ER12–2075–002; ER12–2076–002; ER12–2077–002; ER12–2078–002; ER12–2081–002; ER12–2083–002; ER12–2084–002; ER12–2086–002; ER12–2097–002; ER12–2101–002; ER12–2102–002; ER12–2106–002; ER12–2107–002; ER12–2108–002; ER12–2109–002; ER12–308–003; ER12–422–002; ER12–96–002.

Applicants: Dry Lake Wind Power II LLC, Central Maine Power Company, Flat Rock Windpower II LLC, Flat Rock Windpower LLC, Elk River Windfarm, LLC, Iberdrola Renewables, LLC, Dillion Wind LLC, Dry Lake Wind Power, LLC, Shiloh I Wind Project, LLC, Mountain View Power Partners III, LLC, Blue

Creek Wind Farm LLC, San Luis Solar LLC, Big Horn Wind Project LLC, Big Horn II Wind Project LLC, Colorado Green Holdings LLC, Hay Canyon Wind LLC, Juniper Canyon Wind Power LLC, Klamath Energy LLC, Klamath Generation LLC, Klondike Wind Power, LLC, Klondike Wind Power II LLC, Klondike Wind Power III LLC, Leaning Juniper Wind Power II LLC, Pebble Springs Wind LLC, Star Point Wind Project LLC, Twin Buttes Wind LLC, Casselman Windpower LLC, Hardscrabble Wind Power LLC, Lempster Wind, LLC, Locust Ridge Wind Farm, LLC, Locust Ridge Wind Farm II, LLC, Providence Heights Wind, LLC, Streator-Cayuga Ridge Wind Power LLC, Carthage Energy, LLC, PEI Power II, LLC, New York State Electric & Gas Corporation, Rochester Gas & Electric Corporation, Atlantic Renewable Projects II LLC, Barton Windpower LLC, Buffalo Ridge I LLC, Buffalo Ridge II LLC, Elm Creek Wind, LLC, Elm Creek Wind II LLC, Farmers City Wind, LLC, Flying Cloud Power Partners, LLC, Moraine Wind LLC, Moraine Wind II LLC, New Harvest Wind Project LLC, Rugby Wind LLC, Trimont Wind I LLC, MinnDakota Wind LLC, Northern Iowa Windpower II LLC, Manzana Wind LLC, New England Wind, LLC, South Chestnut LLC.

Description: Notice of Change in Status of the Iberdrola MBR Sellers, *et al.*

Filed Date: 9/20/12.

Accession Number: 20120920–5164.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER10–1997–001.

Applicants: Midwest Independent Transmission System.

Description: 9–20–12 Baseline Clean-Up to be effective 7/28/2010.

Filed Date: 9/20/12.

Accession Number: 20120920–5001.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER11–4711–001.

Applicants: R&R Energy, Inc.

Description: R&R Energy Compliance Filing to be effective 10/29/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5008.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–1986–001.

Applicants: Tucson Electric Power Company.

Description: TEP Compliance Filing—Amended and Restated Balancing Authority Agreement to be effective 8/7/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5003.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2104–001.

Applicants: Michigan Electric Transmission Company.

Description: Michigan Electric Transmission Company, LLC submits tariff filing per 35: METC Compliance Filing to be effective 8/27/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5100.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2132–001.

Applicants: ITC Midwest LLC.

Description: ITC Midwest LLC submits tariff filing per 35: Compliance Filing of ITC Midwest to be effective 8/28/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5141.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2263–001.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35: REFILE Rate Schedule No. 217 Compliance Filing to be effective 10/1/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5106.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2297–002.

Applicants: BFE Scheduling, LLC.

Description: Inquiry Response to be effective 9/24/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5004.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2661–000.

Applicants: PJM Interconnection, L.L.C.

Description: Original Service Agreement No. 3397; Queue No. W2–030 to be effective 8/23/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5032.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2662–000.

Applicants: Park Power LLC.

Description: Application for Market-Based Rate Authorization to be effective 11/19/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5074.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2663–000.

Applicants: PJM Interconnection, L.L.C.

Description: Queue Position V3–045; Original Service Agreement Nos. 3398 & 3399 to be effective 8/20/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5079.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2664–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of Service Agreement 3197 in Docket No. ER12–1000–000 to be effective 8/20/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5087.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2665–000.

Applicants: El Paso Electric Company.

Description: Concurrence of EPE to TEP Rate Schedule No. 321 to be effective 12/28/2011.

Filed Date: 9/20/12.

Accession Number: 20120920–5094.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2666–000.

Applicants: Bangor Hydro Electric Company.

Description: Bangor Hydro Electric Company submits tariff filing per 35.13(a)(2)(iii: Filing of E&P Agreement with Passadumkeag Windpark to be effective 9/13/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5103.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2668–000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Southwest Reserve Sharing Group Certificate of Concurrence to be effective 12/28/2011.

Filed Date: 9/20/12.

Accession Number: 20120920–5143.

Comments Due: 5 p.m. ET 10/11/12.

Docket Numbers: ER12–2669–000.

Applicants: California Independent System Operator C.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2012–09–20 Replacement Requirement for RA Maintenance Outages Amendment to be effective 11/20/2012.

Filed Date: 9/20/12.

Accession Number: 20120920–5148.

Comments Due: 5 p.m. ET 10/11/12.

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 21, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–23943 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF12–16–000]

Dominion Cove Point LNG, LP; Notice of Intent To Prepare an Environmental Assessment for the Planned Cove Point Liquefaction Project, Request for Comments on Environmental Issues, Notice of On-Site Environmental Review, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cove Point Liquefaction Project (Project) involving construction and operation of facilities by Dominion Cove Point LNG, LP (Dominion) in Maryland and Virginia. This EA will be used by the Commission in its decision-making process to determine whether the construction and operation of the proposed facilities is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input during the scoping process will help the Commission staff determine what issues need to be evaluated in the EA. The Commission staff will also use the scoping process to help determine whether preparation of an environmental impact statement is more appropriate for this Project based upon the potential significance of the anticipated levels of impact. Please note that the scoping period will close on October 24, 2012. This is not your only public input opportunity; please refer to the Environmental Review Process flow chart in Appendix 1.[1]

Comments may be submitted in written form or verbally. Further details on how to submit written comments are provided in the Public Participation section of this notice. In lieu of or in addition to sending written comments, you are invited to attend the public scoping meetings listed below.

Date and time	Location
Tuesday, October 9, 2012 7:00 p.m. Eastern	Patuxent High School Auditorium, 12485 Southern Connector Boulevard, Lusby, MD 20657, (410) 535–7865.
Wednesday, October 10, 2012 7:00 p.m. Eastern	Creighton's Corner Elementary School, Multi-Purpose Room, 23171 Minerva Drive, Ashburn, VA 20148, (703) 957–4480.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government officials are asked to notify their constituents of this planned Project and encourage them to comment on their areas of concern.

On-Site Environmental Review

In addition to the public scoping meetings noticed above, the FERC staff will conduct an on-site review of environmental issues associated with the potential addition of compression at two existing compressor stations in Loudoun and Fairfax Counties, Virginia. You are invited to attend the on-site environmental review at the location listed below.

Date and time	Location
Wednesday, October 10, 2012 1:00 p.m. Eastern	Greene Mill Preserve Community Center, 41080 Solti Way, Leesburg, VA 20175.

Involvement of the U.S. Department of Energy

The FERC is the lead federal agency in preparing the EA to satisfy the requirements of the National Environmental Policy Act (NEPA). The U.S. Department of Energy, Office of Fossil Energy (DOE) has agreed to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities.

Under section 3 of the Natural Gas Act of 1938, as amended (NGA), 15 USC 717b, DOE would authorize the export of natural gas, including liquefied natural gas (LNG), to countries with which the United States has not entered into a free trade agreement providing for national treatment for trade in natural gas, unless it finds that the proposed export will not be consistent with the public interest. For the Project, the purpose and need for DOE action is to respond to Dominion's application filed with DOE on October 3, 2011 (FE Docket No. 11–128–LNG) seeking authorization to export domestic natural gas as LNG for a 25-year period commencing the earlier of the date of first export or six years from the date that the requested authorization is issued. DOE authorization of Dominion's application would allow the export of LNG to any country with the capacity to import LNG and with which trade is not prohibited by U.S. law or policy.

Summary of the Planned Project Before FERC

Dominion plans to add natural gas liquefaction and exportation capabilities to its existing Cove Point LNG Terminal located on the Chesapeake Bay in Lusby, Maryland. The liquefaction facilities would consist of new natural gas-fired turbines to drive the main refrigerant compressors, one or two LNG drive trains, and associated new and modified processing facilities. The Project would be capable of processing an average of 750 million standard cubic feet of natural gas per day for a nominal LNG train capacity of approximately 4.5

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

to 5 million tons per annum. As discussed below, all of the proposed liquefaction facilities would be located within the fenced, operating industrial area of the existing LNG terminal. Work at the LNG terminal would also include additional on-site power generation and minor modifications to the existing off-shore pier. The Project would not include new LNG storage tanks or an increase in the size and/or frequency of LNG marine traffic currently authorized for the Cove Point LNG Terminal.

To support construction of the liquefaction facilities, Dominion would utilize two nearby properties, referred to as Offsite Area A and Offsite Area B. Dominion is also considering relocating its administrative functions, currently located at the Cove Point LNG Terminal, to a nearby business park referred to as the Interrelated Area. The need to relocate the administrative functions and the location of the new administrative building within the business park remain under evaluation by Dominion.

The Cove Point Liquefaction Project would also include installing approximately 29,000 to 34,000 total horsepower of additional compression at its existing Loudoun Compressor Station in Loudoun County, Virginia and/or its existing Pleasant Valley Compressor Station in Fairfax County, Virginia. The amount and location of the additional compression would be based on customer requirements, which are being finalized.

Dominion plans to begin construction at the Cove Point LNG Terminal in March 2014, with compressor station expansion proposed to begin in March, 2016.

A map depicting the general location of the Project facilities and a detailed drawing depicting proposed activities near the Cove Point LNG Terminal are included in Appendix 2.

Land Requirements for Construction

Dominion is still in the planning phase for the Project and workspace requirements have not been finalized at this time. Excluding a conveyance to Calvert County Parks, the Cove Point LNG Terminal property encompasses approximately 925 acres, but Dominion would construct and operate the proposed liquefaction facilities on 40 to 60 acres within the fenceline of the 130-acre operating industrial area. Construction of the liquefaction facilities would also require the temporary use of 100 to 200 acres of land at Offsite Areas A and B, and construction of a new administration building would impact approximately 5 acres within the Interrelated Area. Construction at the existing Loudoun and/or Pleasant Valley Compressor Station sites would disturb up to approximately 40 acres of land within Dominion's property lines at each facility. In addition, Dominion would utilize up to approximately 75 acres of land at its nearby Leesburg Compressor Station to support construction at the Loudoun Compressor Station, if required.

The EA Process

The NEPA requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- Water resources, fisheries, and wetlands;
- Vegetation, wildlife, and endangered and threatened species;
- Socioeconomics;
- Cultural resources;
- Land use and cumulative impacts;
- Air quality and noise; and
- Public safety.

We will also evaluate reasonable alternatives to the planned Project or portions of the Project, including the no action alternative, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's Pre-filing Process. The purpose of the Pre-filing Process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA. In addition, representatives from FERC participated in the public open houses sponsored by Dominion in the Project area in July, 2012 to explain the environmental review process to interested stakeholders.

Our independent analysis of the issues will be presented in the EA. If the Commission staff determines the preparation of an EA is appropriate, the EA will be placed in the public record and be published and distributed to the public. A comment period will be allotted when the EA is noticed. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section beginning on page 6.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the DOE has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this Project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[3] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the Project is further developed. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations,

[2] "Us," "we," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Advisory Council on Historic Preservation's regulations are at Title 36 of the Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities, the environmental information provided by Dominion, and comments received by the public. This preliminary list of issues may be changed based on your comments and our analysis:

- Construction and operational impacts on nearby residences in proximity to the existing LNG terminal and compressor stations;
- Impacts on forested land;
- Impacts on air quality and noise;
- Impacts on threatened and endangered species; and
- Public safety.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before October 24, 2012.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF12–16–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

1. You can file your comments electronically by using the *eComment* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

2. You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister*.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing'';

3. You can attend and provide either oral or written comments at a public scoping meeting. A transcript of each meeting will be made so that your comments will be accurately recorded and included in the public record; or

4. You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

When an EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version, or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Becoming an Intervenor

Once Dominion files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-Filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until a formal application for the Project is filed with the Commission.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF12–16). 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 text 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*.

Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Finally, Dominion has established a Web site for this Project at *https://www.dom.com/business/gas-transmission/cove-point/liquefaction.jsp*. The Web site includes a Project overview, environmental information, and information for affected stakeholders.

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23933 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF12–18–000; Docket No. PF12–20–000]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Oregon LNG Export Project and Washington Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

LNG Development Company, LLC and Oregon Pipeline Company	Docket No. PF12–18–000
Northwest Pipeline GP	Docket No. PF12–20–000

The Federal Energy Regulatory Commission (FERC or Commission) is in the process of evaluating the construction and operation of facilities proposed by LNG Development Company, LLC and Oregon Pipeline Company (collectively referred to as Oregon LNG). The new proposal is referred to as the Oregon LNG Export Project (Export Project) and has been assigned Docket No. PF12–18–000. Oregon LNG plans to amend its pending application in Docket Nos. CP09–6–000 and CP09–7–000 (Oregon LNG Terminal and Pipeline Project) into a bidirectional liquefied natural gas (LNG) terminal and pipeline after completion of the FERC's pre-filing review process for the Export Project.

The Oregon LNG Export Project would be comprised of: (1) Liquefaction facilities to be located at the proposed import terminal site in Warrenton, Oregon, and (2) about 39 miles of new 36-inch-diameter pipeline. The new pipeline would traverse Columbia County, Oregon and end in Cowlitz County, Washington to interconnect with the interstate gas transmission system of Northwest Pipeline GP (Northwest). Northwest proposes to expand the capacity of its pipeline between Sumas and Woodland, Washington to provide natural gas to the proposed Oregon LNG terminal and to growing markets in the state of Washington. Northwest's Washington Expansion Project (WEP) also is in the FERC's pre-filing review process (Docket No. PF12–20–000).

Oregon LNG's Export Project and Northwest's WEP would be connected actions, and the FERC intends on evaluating both project proposals in the same environmental impact statement (EIS). The EIS will also address the unchanged components of the Oregon LNG Terminal and Pipeline Project, as originally proposed, for which scoping has already been carried out. As described below, the FERC will hold public meetings to allow the public to provide input to the assessment of the Oregon LNG Export Project and the WEP.

The FERC will be the lead federal agency in the preparation of the EIS that will satisfy the requirements of the National Environmental Policy Act (NEPA). The U.S. Coast Guard, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and U.S Fish and Wildlife Service are cooperating agencies on the pending Oregon LNG Project under Docket Nos. CP09–6–000 and CP09–7–000. The Commission will use the EIS in its decision-making process to determine whether or not to authorize the projects. This Notice of Intent (NOI) explains the scoping process we [1] will use to gather information on the project from the public and interested agencies. Your input will help identify the issues that need to be evaluated in the EIS.

Comments on the projects may be submitted in written form or verbally. Further details on how to submit written comments are provided in the Public Participation section of this NOI. In lieu of sending written comments, we invite you to attend one of the public scoping meetings scheduled as follows:

Oregon LNG Export Project

Monday, October 15, 2012, 6:00 p.m.

Warrenton Community Center, 170 SW 3rd Street, Warrenton, OR, 503–861–2233.

Tuesday, October 16, 2012, 6:00 p.m.

Woodland High School/Middle School Commons, 755 Park Street, Woodland, WA, 360–841–2700.

Thursday, October 18, 2012, 6:00 p.m.

Vernonia Schools, Commons, 1000 Missouri Avenue, Vernonia, OR, 503–429–1333.

Washington Expansion Project

Monday, October 15, 2012, 6:00 p.m.

Sedro-Woolley High School Auditorium, 1235 3rd Street, Sedro-Woolley, WA, 360–855–3903.

Tuesday, October 16, 2012, 6:00 p.m.

Riverview Elementary, 7322 64th St. SE, Snohomish, WA, 360–563–7332.

Wednesday, October 17, 2012, 6:00 p.m.

V.R. Lee Community Building, 221 SW 13th Street, Chehalis, WA, 360–748–0271; and Auburn Parks and Recreation Admin. Bldg., 910 Ninth Street SE., Auburn, WA, 253–931–3043.

Thursday, October 18, 2012, 6:00 p.m.

R.A. Long High School Auditorium, 2903 Nichols Blvd., Longview, WA, 360–575–7156.

This NOI is being sent to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Indian tribes and regional Native American organizations; commentors and other interested parties; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Proposed Projects

Oregon LNG Export Project: The Oregon LNG Export Project would consist of components new to and modified from the originally proposed import-only LNG terminal and pipeline (Docket Numbers CP09–6–000 and CP09–7–000) to allow Oregon LNG to export LNG. The Export Project (PF12–18–000) would be capable of liquefying approximately 1.3 billion cubic feet per day (Bcf/d) of pretreated natural gas for the export of approximately 9 million metric tons per annum (MTPA) of LNG via LNG carriers.

Specifically, the Export Project would be comprised of: (1) Liquefaction and export facilities to be located at the proposed import terminal site in Warrenton, Oregon, and (2) about 39 miles of new pipeline commencing at milepost 47.5 of the pending proposed Oregon Pipeline.

Liquefaction facilities would include:

- A natural gas pretreatment facility to remove sulfur compounds, water, mercury, and other impurities;

[1] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

• Two liquefaction process trains, each capable of a liquefaction capacity of approximately 4.5 MTPA;
• Refrigerant storage;
• New flare system; and
• New water intake on the Columbia River and water delivery pipeline from the intake to a new water treatment system.

In addition, the proposed Export Project would include expansion of system, equipment, and structures associated with the original import terminal design. No additional marine facilities would be required for the Export Project.

Pipeline facilities would include:
• A new pipeline segment: and
• A new compressor station at MP 80.8.

The new pipeline segment would extend northeast to east from the southwest corner of Columbia County, Oregon to Woodland, Washington to interconnect with the interstate natural gas transmission system of Northwest Pipeline.

Washington Expansion Project: Northwest states that the purpose of its Project is to expand the capacity of its pipeline between Sumas and Woodland, Washington, by 750,000 dekatherms per day to provide natural gas to the proposed Oregon LNG import/export terminal in Warrenton, Oregon, and to growing markets in the state of Washington.

Pipeline facilities for the WEP would include:
• About 140 miles of 36-inch-diameter pipeline loop along Northwest's existing Northwest Pipeline in 10 segments; and
• An additional 96,000 horsepower (hp) of compression at five existing compressor stations.

Upon completion, the Northwest Pipeline would be capable of delivering about 1.25 billion cubic feet per day of gas at the interconnect with the proposed Oregon LNG pipeline in Woodland. The 10 segments of new pipeline loop would be noncontiguous and traverse through Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, and Cowlitz Counties. These segments would vary in length from 5 miles to 45 miles. The loops would be placed within Northwest's existing right-of-way to the extent practicable and the existing compressor station footprints would not change.

Location maps (figures 1 and 2) depicting the proposed facilities are attached to this NOI as Appendix 1.[2]

The EIS Process

NEPA requires the Commission to take into account the environmental impacts that could result from an action when it considers whether or not an LNG terminal or an interstate natural gas pipeline should be approved. The FERC will use the EIS to consider the environmental impacts that could result if it issues project authorizations to Northwest under section 7 of the Natural Gas Act and Oregon LNG under sections 3 and 7 of the Natural Gas Act. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. See flow chart for our EIS Pre-Filing Environmental Review Process in Appendix 2. With this NOI, the Commission staff is requesting public comments on the scope of the issues to be addressed in the EIS relative to the Export Project and the WEP. All comments received (written or oral) will be considered during preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction, operation, and maintenance of the proposed projects under these general topics:
• Geology and soils
• Water resources
• Aquatic and marine resources
• Vegetation and wildlife
• Threatened and endangered species
• Land use, recreation, and visual resources
• Cultural resources
• Socioeconomics
• Air quality and noise
• Reliability and safety
• Cumulative impacts

In the EIS, we will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on affected resources.

Our independent analysis of the issues will be included in a draft EIS. The draft EIS will be mailed to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Indian tribes and regional Native American organizations; commentors; other interested parties; local libraries and newspapers; and the FERC's official service list for this proceeding. A 45-day comment period will be allotted for review of the draft EIS. We will consider all comments on the draft EIS and revise the document, as necessary, before issuing a final EIS. The Commission will consider the findings in the final EIS when it makes its decision about whether to approve or disapprove the project. To ensure that your comments are considered, please follow the instructions in the Public Participation section of this NOI.

Although no formal applications have been filed for the Export Project and WEP, the FERC staff has already initiated its NEPA review under its pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC.

With this NOI, we are asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues, in addition to those agencies that have already agreed to serve as cooperating agencies, to formally cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this NOI.

Currently Identified Environmental Issues

We have already identified issues that we think deserve attention based on our previous experience with similar projects in the region. This preliminary list of issues, which is presented below, may be revised based on your comments and our continuing analyses specific to the Export Project and WEP.

• Safety of residents during construction and operation of the project
• Noise and air quality
• Marine and aquatic environment
• Geological hazards, including seismic activity and landslides
• Pipeline impacts on waterbodies and wetlands, including issues of erosion control
• Vegetation, including the clearing of forested areas
• Pipeline construction in dense residential areas
• Threatened and endangered species and wildlife habitat
• Recreation and recreational areas
• Cultural resources
• Property values and socioeconomic concerns

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Public Participation

You can make a difference by providing us with your specific comments or concerns about Export Project and WEP. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Commission. Your comments to the FERC will be most useful if they focus on the potential environmental effects of the proposal, reasonable alternatives to the proposal, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Comments that you submit to the FERC during the pre-filing process will be part of the public record and will not have to be resubmitted after Oregon LNG and Northwest file their application with the FERC. To ensure that your comments are timely and properly recorded, please send them so that the Commission receives them in Washington, DC on or before November 8, 2012.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket numbers (PF12–18–000 for the Export Project or PF12–20–000 for the WEP) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

The public scoping meetings (dates, times, and locations listed above) are designed to provide another opportunity to offer comments on the proposed project. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues that they believe should be addressed in the EIS. A transcript of the meetings will be generated so that your comments will be accurately recorded.

If you are currently an intervenor in the pending Oregon LNG Terminal and Pipeline Project proposal, you do not need to file for intervention status once Oregon LNG files its updated application with the Commission. Your intervention status will remain with the amended proposal.

Once Oregon LNG and Northwest formally file their applications with the Commission, you may want to become an ''intervenor,'' which is an official party to the proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's web site. Please note that you may not request intervenor status at this time. You must wait until formal applications are filed with the Commission.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property or mineral rights may be used permanently or temporarily for project purposes, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

On April 12, 2012 Oregon LNG notified the property owners who are no longer affected by the new Oregon LNG proposal. If you are no longer affected by the new proposal, and would like to be removed from our mailing list, please return the attached Information Request (Appendix 3) indicating this. If you would like to remain on the environmental mailing list, you do not need to reply.

Copies of the EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Additional Information

Additional information about the projects is available from the Commission's Office of External Affairs at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF12–18 for the Export Project or PF12–20 for the WEP). 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.*

Any public meetings or additional site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Oregon LNG has established a Web site for its project at *http://www.oregonlng.com.* The Web site includes a project overview, status, potential impacts and mitigation, and answers to frequently asked questions. You can also request additional information by calling Oregon LNG directly at 503–298–4969, or by sending an email to *info@OregonLNG.com.*

Finally, Northwest has established a Web site for its project at *http://co.williams.com/williams/operations/gas-*

pipeline/expansion-projects/northwest-pipeline-expansion-projects/washington-expansion/. Northwest can be contacted on its toll-free hotline: 888–892–8905 or by sending an email to *WashingtonExpansion@williams.com.*

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23935 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14110–001]

Black Canyon Hydro, LLC; Notice of Environmental Site Review

On Wednesday, October 3, 2012, at 3 p.m., Commission staff will be participating in an environmental site review for the proposed Black Canyon Hydroelectric Project. All interested participants should meet at 44937 Southeast 70th Street, Snoqualmie, Washington 98065. For additional information, please contact Brandon Cherry at 202–502–8328.

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23936 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER12–2676–000]

Piedmont Green Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Piedmont Green Power, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is October 15, 2012.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 24, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–23942 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF12–11–000]

El Paso Natural Gas Company; Notice of Public Scoping Meetings for the Planned SASABE Lateral Project

On October 18 and 20, 2012, the Federal Energy Regulatory Commission (FERC or Commission) Office of Energy Project's staff will hold public scoping meetings for El Paso Natural Gas Company's (El Paso) Sasabe Lateral Project (Project). The Project is a planned 60-mile-long natural gas pipeline that would link El Paso's existing South Mainline System near Tucson, Arizona, to a point at the U.S.-Mexico border near the town of Sasabe, Arizona. FERC staff will conduct public scoping meetings as part of their preparation of an environmental impact statement (EIS) on the Project. The scoping meetings are designed to provide the public with an opportunity to offer verbal comments on the Project and on the issues they believe should be addressed in the EIS.

More information about this Project and the Commission's EIS process is available in the *Notice of Intent to Prepare an Environmental Impact Statement for the Planned Sasabe Lateral Project and Request for Comments on Environmental Issues* (NOI), issued on August 1, 2012. The NOI also provides details on how to submit written comments in lieu of or in addition to verbal comments on the Project.

The public scoping meetings are scheduled as follows:

Date and time	Location
Thursday, October 18, 2012 6:00 p.m. local time	Robles Elementary School, Cafeteria, 9875 South Sasabe Road, Tucson, AZ 85735.
Saturday, October 20, 2012 10:00 a.m. local time [1]	San Fernando Elementary School, 1 Schoolhouse Drive, Sasabe, AZ 85633.

[1] A Spanish-English translator will be provided at this meeting.

All public meetings will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information. Please note that the scoping period for the Project will close on October 27, 2012, 7 days after the last scoping meeting, as mentioned in the NOI.

This notice is being sent to the Commission's current environmental mailing list for this Project. The NOI and additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF12–11). 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.

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23932 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP12–1042–000]

Gas Transmission Northwest LLC; Notice of Petition for Declaratory Order

Take notice that on September 18, 2012, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2012), Gas Transmission Northwest LLC (GTN), filed a petition seeking a declaratory order from the Commission declaring that the phrase ''commercially free'' as set forth and used in GTN's tariff does not mean that the natural gas GTN transports on its system must be ''entirely free'' of compressor oil.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on Thursday, October 18, 2012.

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23931 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14427–000]

Go Green Go Hydro LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On June 20, 2012, Go Green Go Hydro LLC (Go Green or applicant) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Black Lassic and Shanty Creeks Hydroelectric Water Power Project (Black Lassic Project or project) to be located on Black Lassic, South Shanty, and Shanty Creeks within the Six Rivers National Forest, near the city of Dinsmore, Trinity County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) Three 5-foot-high, 25–30-foot-long diversion structures with gravity uncontrolled spillways; (2) a 9,000-foot-long penstock; (3) a 30-by-30-foot powerhouse containing a two-nozzle Pelton wheel coupled to a synchronous generator with a capacity of 2,800 kilowatts; (4) a 6-foot-wide by 120-foot-long tailrace; and (5) a 24,440-foot-long, 12-kilovolt transmission line. The proposed project would have an average annual generation of 5,000 megawatt-hours.

Applicant Contact: Mr. David G. DeMera, Go Green Go Hydro LLC, 18300 Morgan Valley Road, Lower Lake, CA 95457, (707) 953–6400.

FERC Contact: Shana Murray, *shana.murray@ferc.gov,* (202) 502–8333.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14427 in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23938 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14416–000]

FPP Project 111, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 22, 2012, FPP Project 111, LLC., Massachusetts, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Lorella Pumped Storage Hydroelectric Project to be located near the town of Klamath Falls, Klamath County, Oregon. The project would affect federal lands administered by the Bureau of Land Management. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An upper reservoir with a surface area of 200 acres, formed by a 178-foot-high and a 50-foot-high, rockfill earthwork impoundment, with a total storage capacity of 14,300 acre-feet at a water surface area of 5,523 feet above mean sea level (msl); (2) a lower reservoir with a surface area of 400 acres, formed by an 50-foot-high, rockfill earthwork impoundment, with a total storage capacity of 16,900 acre-feet at a water surface elevation of 4,191 feet msl; (3) 200-foot-wide spillways for both the upper and lower dams; (4) a 1,500-foot-long, 38-foot-wide D-shaped tailrace tunnel; (5) a 1,350-foot-deep, 24-foot-diameter vertical shaft to connect the upper and lower reservoir to the power tunnel; (6) a 3,200-foot-long, 24-foot-diameter power tunnel to connect the shaft with four steel-lined penstocks, each 12 feet in diameter and 355 feet long; (7) a 380-foot by 80-foot underground, reinforced concrete powerhouse containing a 250-megawatt reversible pump-turbine-generators, control systems, and ancillary equipment; and (8) a 4-mile-long, 500-kilovolt transmission line that would connect the project substation to the existing Pacific Intertie lines at the Captain Jack substation. The annual energy output would be approximately 1,600 gigawatt-hours

Applicant Contact: Daniel R. Irvin, FFP Project 111, LLC., 239 Causeway Street, Suite 300, Boston, MA 02114; phone (978) 252–7631.

FERC Contact: Mary Greene; phone: (202) 502–8865.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14416) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 24, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23937 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP12–523–000]

WBI Energy Transmission Company, Inc.; Notice of Request Under Blanket Authorization

Take notice that on September 17, 2012, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58506–5601, filed in Docket No. CP12–523–000, a prior notice request pursuant to sections 157.210 of the Commission's regulations under the Natural Gas Act (NGA). WBI Energy seeks authorization to install and operate mainline natural gas facilities, and to increase the Maximum Allowable Operating Pressure (MAOP) of a segment of mainline and associated laterals in McKenzie, Mountrail, and Williams Counties, North Dakota. WBI Energy proposes to perform these activities under its blanket certificate issued in Docket Nos. CP82–487–000, *et al.* [30 FERC ¶ 61,143 (1985)], all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota, 58506–5601, or by calling (701) 530–1560 (telephone), *keith.tiggelaar@wbienergy.com.*

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: September 25, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–23939 Filed 9–27–12; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2011–0985; FRL–9358–5]

Flonicamid; Applications To Add New Food Uses on Previously Registered Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt.

SUMMARY: This notice announces the receipt of applications to add new food uses on previously registered pesticide products containing the insecticide, flonicamide, pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. EPA is publishing this notice pursuant to section 3(c)(4) of FIFRA.

DATES: Comments must be received on or before October 29, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2011–0985, 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.*

FOR FURTHER INFORMATION CONTACT: Carmen Rodia, Registration Division (7504P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460–0001; telephone number: (703) 306–0327; email address: *rodia.carmen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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 (EPA–HQ–OPP–2011–0985) and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Registration Applications

EPA received four applications for the addition of new food uses on previously registered pesticide products containing the insecticide, flonicamid, *N*-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, (Decisions No. 457721; 457723; 457724; and 457725), pursuant to the provisions of section 3(c) of FIFRA, and is publishing this notice of receipt of these applications pursuant to section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30-day public comment period on the proposed decision, risk assessments, and draft label. Please see the Agency's public participation Web site for additional information on this process *http://www.epa.gov/pesticides/regulating/registration-public-involvement.html.*

1. *Registration Number:* 71512–7. *Docket Number:* EPA–HQ–OPP–2011–0985. *Company name and address:* ISK Bioscience Corporation, 7470 Auburn

Road, Suite A, Concord, OH 44077. *Active ingredient:* Flonicamid. *Product Name:* Technical Flonicamid Insecticide. *Proposed Use(s):* Berry, low-growing (subgroup 13–07G); Cucumber (for greenhouse use); and Rapeseed (subgroup 20A).

2. *Registration Number:* 71512–9. *Docket Number:* EPA–HQ–OPP–2011–0985. *Company name and address:* ISK Bioscience Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077. *Active ingredient:* Flonicamid. *Product Name:* Flonicamid 50WG. *Proposed Use(s):* Berry, low-growing (subgroup 13–07G); Cucumber (for greenhouse use); and Rapeseed (subgroup 20A).

3. *Registration Number:* 71512–10. *Docket Number:* EPA–HQ–OPP–2011–0985. *Company name and address:* ISK Bioscience Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077. *Active ingredient:* Flonicamid. *Product Name:* Beleaf 50SG Insecticide. *Proposed Use(s):* Berry, low-growing (subgroup 13–07G); Cucumber (for greenhouse use); and Rapeseed (subgroup 20A).

4. Registration Number: 71512–14. *Docket Number:* EPA–HQ–OPP–2011–0985. *Company name and address* ISK Bioscience Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077. *Active ingredient:* Flonicamid. *Product Name:* Flonicamid 50WG for Manufacturing and Repacking Use Only. *Proposed Use(s):* Berry, low-growing (subgroup 13–07G); Cucumber (for greenhouse use); and Rapeseed (subgroup 20A).

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 21, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–23981 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9005–3]

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 09/17/2012 Through 09/21/2012 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. 20120305, Final EIS, USFS, OR, Ogden Vegetation Management Project and Forest Plan Amendment, Proposes to Conduct Vegetation and Fuel Management Activities that will Protect, Maintain, and/or Enhance the Forests Natural Resources and Recreational Opportunities, Bend/Ft. Rock Ranger District, Deschutes National Forest, Deschutes County, OR, Review Period Ends: 10/29/2012, Contact: Beth Peer 541–383–4769.

EIS No. 20120306, Final EIS, USFS, WI, Park Falls Hardwoods Vegetation and Transportation Management Activities, Implementation, Chequamegon-Nicolet National Forest, Medford-Park Falls Ranger District, Price County, WI, Review Period Ends: 10/29/2012, Contact: Jane Darnell 715–748–4875, ext. 38.

EIS No. 20120307, Draft EIS, USFS, AZ, Rim Lakes Forest Restoration Project, Amendment to the Apache-Sitgreaves National Forests Land and Resource Management Plan, Coconino County, AZ, Comment Period Ends: 11/13/2012, Contact: Sandy Hurlocker 505–753–7331.

EIS No. 20120308, Draft EIS (Tiering), NASA, AK, Sounding Rocket Program (SRP) at Poker Flat Research Range (PFRR), Continuing Sounding Rocket Launches, Alaska, Comment Period Ends: 11/26/2012, Contact: Joshua Bundick 757–824–2319.

Amended Notices

EIS No. 20100234, Final EIS, USAF, 00, ADOPTION—Shaw Air Base Airspace Training Initiative (ATI) of Bulldog Military Operating Areas, 20th Fighter Wing Proposal to Modify the Training Airspace Overlying Parts, South Carolina and Georgia, Review Period Ends: 07/26/2010, Contact: Linda Devine 757–764–9434 ADOPTION—The U.S. Department of Transportation's Federal Aviation Administration adopted partial of the U.S. Air Force's Final EIS filed with EPA. The FAA was a cooperating Agency with the USAF's EIS therefore, no distribution was needed for this adoption and there is no comment period.

Dated: September 25, 2012.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2012–23928 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0390; FRL–9363–7]

Notice of Receipt of Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any previously registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before October 29, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA File Symbol for the product of interest as shown in the body of this document, 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), (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.*

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Biopesticides and Pollution Prevention Division (BPPD) (7511P), or Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

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. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any previously registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30-day public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register pesticide products containing active ingredients not included in any previously registered products:

1. *EPA File Symbol:* 66222–EUG. *Docket ID Number:* EPA–HQ–OPP–2012–0673. *Applicant:* Makhteshim Agan of North America, Inc, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604. *Active ingredient:* Fluensulfone at 40%. *Product Type:* Nematicide. *Proposed Uses:* To control Root Knot Nematodes on Cucurbits and Fruiting Vegetables. Contact: Jennifer Gaines, (RD), (703) 305–5967, email address: *gaines.jennifer@epa.gov.*

2. *EPA File Symbol:* 85004–RN. *Docket ID Number:* EPA–HQ–OPP–2012–0609. *Applicant:* Pasteuria Bioscience, Inc., 12085 Research Dr., Suite 185, Alachua, FL 32615. *Active ingredient:* Nematicide with *Pasteuria* spp. (*Hoplolaimus galeatus* nematode)—Ph3 at 99.88%. *Product Type:* Nematicide. *Proposed Use:* Manufacturing use. Contact: Jeannine Kausch, (BPPD), (703) 347–8920, email address: *kausch.jeannine@epa.gov.*

3. *EPA File Symbol:* 85004–RR. *Docket ID Number:* EPA–HQ–OPP–2012–0609. *Applicant:* Pasteuria Bioscience, Inc., 12085 Research Dr., Suite 185, Alachua, FL 32615. *Active ingredient:* Nematicide with *Pasteuria* spp. (*Hoplolaimus galeatus* nematode)—Ph3 at 16.6450% and (*Candidatus*) *Pasteuria usgae* –BL1 at 16.6650%. *Product Type:* Nematicide. *Proposed Uses:* For control of lance nematode *(Hoplolaimus galeatus*) and sting nematode (*Belonolaimus longicaudatus*) on turf. Contact: Jeannine Kausch, (BPPD), (703) 347–8920, email address: *kausch.jeannine@epa.gov.*

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 21, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–23962 Filed 9–27–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 15, 2012.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Richard Geno Preservati,* individually; and with Nancy Karen Preservati, both of Captiva, Florida; as a group acting in concert to acquire voting shares of New Peoples Bankshares, Inc., and thereby indirectly acquire voting

shares of New Peoples Bank, Inc., both in Honaker, Virginia.

Board of Governors of the Federal Reserve System, September 25, 2012.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. 2012–23878 Filed 9–27–12; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 24, 2012.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *American Bancorporation, Inc.,* Sapulpa, Oklahoma; to acquire 100 percent of the voting shares of The Highland Ban-Corp, Inc., and thereby indirectly acquire voting shares of The Cleveland Bank, both in Cleveland, Oklahoma.

Board of Governors of the Federal Reserve System, September 25, 2012.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

[FR Doc. 2012–23877 Filed 9–27–12; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0205; Docket 2012–0001; Sequence 11]

General Services Administration Acquisition Regulation (GSAR) Part 523; Submission for OMB Review; Environmental Conservation, Occupational Safety, and Drug-Free Workplace

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for comments regarding the extension of a previously existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Environmental Conservation, Occupational Safety, and Drug-Free Workplace. A notice was published in the **Federal Register** at 77 FR 36543, on June 19, 2012. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: October 29, 2012.

FOR FURTHER INFORMATION CONTACT: Mitchell Gasbarra, Procurement Analyst, General Services Acquisition Policy Division, GSA, at telephone (202)357–5846 or via email to *Mitchell.gasbarra@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0205 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace.

Instructions: Please submit comments only and cite Information Collection 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Hazardous Substance Act and Hazardous Material Transportation Act prescribe standards for packaging of hazardous substances. To meet the requirements of the Acts, the General Services Administration Regulation prescribes clause 552.223–72, Hazardous Material Information, to be inserted in solicitations and contracts that provides for delivery of hazardous materials on an f.o.b. origin basis. This information collection will be accomplished by means of the clause, which requires the contractor to identify for each National Stock Number the DOT Shipping Name, DOT Hazards Class, and whether the item requires a DOT label. Contracting Officers and technical personnel use the information to monitor and ensure contract requirements based on law and regulation. Properly identified and labeled items of hazardous material allows for appropriate handling of such items throughout GSA's supply chain system. The information is used in GSA warehouses, stored in an NSN database and provided to GSA customers. Non-Collection and/or a less frequently conducted collection of the information resulting from Clause 552.223–72 would prevent the Government from being properly notified and prepared for arrival and storage of items containing hazardous material. Government activities may be hindered from

apprising their employees of; (1) All hazards to which they may be exposed; (2) Relative symptoms and appropriate emergency treatment; and (3) Proper conditions and precautions for safe use and exposure.

B. Annual Reporting Burden

Respondents: 563.
Responses per Respondent: 3.
Hours per Response: .658.
Total Burden Hours: 1111.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat, 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 3090–0205, Environmental Conservation, Occupational Safety, and Drug-Free Workplace, in all correspondence.

Dated: September 19, 2012.

Joseph A. Neurauter,

Director, Office of Acquisition Policy, Senior Procurement Executive.

[FR Doc. 2012–23902 Filed 9–27–12; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0284; Docket 2012–0001; Sequence 14]

Office of Citizen Services and Innovative Technologies; Information Collection; Data.gov Feedback Mechanisms

AGENCY: General Services Administration (GSA).

ACTION: Notice of a request for comments regarding an extension of an existing information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve a previously approved information collection requirement regarding Data.gov Feedback Mechanisms.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: November 27, 2012.

ADDRESSES: Submit comments identified by Information Collection 3090–0284, Data.gov Feedback Mechanisms, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0284, Data.gov Feedback Mechanisms''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0284, Data.gov Feedback Mechanisms'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 3090–0284, Data.gov Feedback Mechanisms.

Instructions: Please submit comments only and cite Information Collection 3090–0284, Data.gov Feedback Mechanisms, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Marion Royal, General Services Administration, Office of Citizen Services and Innovative Technologies, 1275 First Street NE., Washington, DC 20417; telephone number: 202–208–4643; fax number: 202–357–0077; email address: *datagov@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Pursuant to section 3506(c)(2)(A) of the PRA, GSA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, GSA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that GSA could make to reduce the paperwork burden for very small businesses affected by this collection.

What should I consider when I prepare my comments for GSA?

You may find the following suggestions helpful for preparing your comments.

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by GSA, be sure to identify the ICR title on the first page of your response. You may also provide the **Federal Register** citation.

Data.gov is inspired by the President's program for ''Open Government'' and ''Transparency''. In response to the President's direction to improve the transparency of government, the Federal Chief Information Officer (CIO) Council created a Web site/portal that improves public access to a wide variety of U.S. Government data. Data.gov is a public-friendly Web site that provides descriptions of the federal datasets, information on how to access the datasets, points of contact information, metadata information, interactive datasets, ''Communities'' areas centered on specific topics, and links to publicly accessible applications that leverage the datasets. This information collection request is being submitted in order to fulfill the public feedback aspects of this important initiative. Data.gov visitors will be provided opportunities to provide feedback and ratings in the spirit of the President's open government and transparency initiative. Examples of feedback mechanisms are:

(1) A five-star rating system to give visitors information about which datasets other visitors found most useful and interesting on the Data.gov Web page,

(2) A ''Suggest Other Datasets'' entry page for the public to submit ideas for datasets with an optional contact email address provided for those visitors wishing to identify themselves,

(3) A ''Contact Us'' entry page with an optional contact email address for those visitors wishing to identify themselves,

(4) Pages for visitors to advise how they leverage the datasets in new and different ways to build applications, conduct analysis, and perform research,

(5) Pages for visitors to rate the benefit of the reported new solutions, etc.

B. Annual Reporting Burden

Number of Respondents: 9882.
Total Annual Responses: 9882.
Average hours per response: 0.017.
Total Burden Hours: 168.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 3090–0284, Data.gov Feedback Mechanisms, in all correspondence.

Dated: September 13, 2012.

Casey Coleman,

Chief Information Officer.

[FR Doc. 2012–23907 Filed 9–27–12; 8:45 am]

BILLING CODE 6820–WY–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision To Evaluate a Petition To Designate a Class of Employees From the Mound Plant in Miamisburg, OH, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees from the Mound Plant in Miamisburg, Ohio, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Mound Plant.
Location: Miamisburg, Ohio.
Job Titles and/or Job Duties: All workers potentially exposed to radioactive materials while working at the Mound Plant.
Period of Employment: September 1, 1972 through December 31, 1972, and from January 1, 1975 through December 31, 1976.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–23913 Filed 9–27–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10408]

Agency Information Collection Activities: Proposed Collection; 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) 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 functions; (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:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Early Retiree Reinsurance Program Survey of Plan Sponsors; *Use:* Under the Patient Protection and Affordable Care Act (42 U.S.C. 18002) and implementing regulations at 45 CFR part 149, employment-based plans that offer health coverage to early retirees and their spouses, surviving spouses, and dependents are eligible to receive tax-free reimbursement for a portion of the costs of health benefits provided to such individuals. The statute limits how the reimbursement funds can be used, and requires the Secretary of HHS to develop a mechanism to monitor the appropriate use of such funds. The survey that is the subject of this information collection package, is part of that mechanism. *Form Number:* CMS–10408 (OCN 0938–1150); *Frequency:* Yearly; *Affected Public:* Private Sector: Business or other for-profit and not-for-profit institutions; Public Sector; *Number of Respondents:* 927; *Total Annual Responses:* 927; *Total Annual Hours:* 10,197. (For policy questions regarding this collection contact David Mlawsky at (410) 786–6851. 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.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *November 27, 2012:*

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: CMS–10408/OCN 0938–1150, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: September 25, 2012.

Martique Jones,

Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2012–23919 Filed 9–27–12; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10161]

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:* Reinstatement without change of a previously approved collection. *Title of Information Collection:* New Freedom Initiative—Web-based Reporting System for Grantees. *Use:* CMS awards competitive grants to states and other eligible entities for the purpose of designing and implementing effective and enduring improvements in community-based long-term services and support systems. CMS requires that grantees report on a quarterly, semi-annual, and/or annual basis depending upon the grant type. CMS requires the information obtained through web-based grantee reporting for two reasons: To effectively monitor the grants and to report to Congress and other interested stakeholders the progress and obstacles experienced by the grantees. The grantees are the respondents to the web-based reporting system. *Form Number:* CMS–10161 (OCN 0938–0979). *Frequency:* Annually, semi-annually, and quarterly. *Affected Public:* State, Local or Tribal Governments. *Number of Respondents:* 171. *Total Annual Responses:* 428. *Total Annual Hours:* 3,764. (For policy questions regarding this collection contact Effie George at 410–786–8639. 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 29, 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 25, 2012.

Martique Jones,

Director, Regulations Development Group, Division-B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2012–23899 Filed 9–27–12; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3264–FN]

Medicare and Medicaid Programs; Approval of the American Osteopathic Association/Healthcare Facilities Accreditation Program (AOA/HFAP) Application for Continuing CMS-Approval of Its Ambulatory Surgical Center (ASC) Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the American Osteopathic Healthcare Facilities Accreditation Program (AOA/HFAP) for continued recognition as a national accrediting organization for ambulatory surgical centers (ASCs) that wish to participate in the Medicare and/or Medicaid programs.

DATES: *Effective Date:* This final notice is effective October 23, 2013 through October 23, 2017.

FOR FURTHER INFORMATION CONTACT:

Barbara Easterling (410) 786–0482.
Cindy Melanson, (410) 786–0310.
Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in an ASC provided certain health, safety, and other requirements are met. Section 1832(a)(2)(F)(i) of the Act permits the Secretary to establish distinct criteria for facilities seeking designation as an ASC. The regulations at 42 CFR part 416 specify the conditions that an ASC must meet in order to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for ASCs. Regulations pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488.

Generally, in order to enter into an agreement, an ASC must first be certified by a State survey agency as complying with the conditions or requirements set forth in Part 416. Thereafter, the ASC is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation. In accordance with the requirements at 416.26, an ASC may be deemed to meet conditions for coverage if it is accredited by a national accrediting body.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under Part 488 subpart A must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at 488.4 and 488.8. The regulations at 488.8(d)(3) require accrediting organizations to reapply for continued approval of its accreditation program

every 6 years or sooner as determined by CMS.

AOA/HFAP's current term of approval for their ASC accreditation program expires October 23, 2012.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30 day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

On May 25, 2012, we published a proposed notice in the **Federal Register** (77 FR 31361) announcing AOA/HFAP's request for continued approval of its ASC accreditation program. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at 488.4 and 488.8, we conducted a review of AOA/HFAP's application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of AOA/HFAP's—(1) corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its surveyors; (4) ability to investigate and respond appropriately to complaints against accredited facilities; and (5) survey review and decision-making process for accreditation.
- The comparison of AOA/HFAP's accreditation to our current Medicare ASC conditions for coverage.
- A documentation review of AOA/HFAP's survey process for the following:

+ Determine the composition of the survey team, surveyor qualifications, and AOA/HFAP's ability to provide continuing surveyor training.

+ Compare AOA/HFAP's processes to those of State survey agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

+ Evaluate AOA/HFAP's procedures for monitoring ASC's found to be out of compliance with AOA/HFAP's program requirements. The monitoring procedures are used only when AOA/HFAP identifies noncompliance. If noncompliance is identified through validation reviews, the State survey agency monitors corrections as specified at 488.7(d).

+ Assess AOA/HFAP's ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

+ Establish AOA/HFAP's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

+ Determine the adequacy of staff and other resources.

+ Confirm AOA/HFAP's ability to provide adequate funding for performing required surveys.

+ Confirm AOA/HFAP's policies with respect to whether surveys are announced or unannounced.

+ Obtain AOA/HFAP's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with Section 1865(a)(3)(A) of the Act, the May 25, 2012 proposed notice also solicited public comments regarding whether AOA/HFAP's requirements met or exceeded the Medicare conditions for coverage for ASCs. We received one comment in response to our proposed notice. The commenter expressed support for AOA/HFAP's ASC accreditation program.

IV. Provisions of the Final Notice

A. Differences Between AOA/HFAP's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

We compared AOA/HFAP's ASC requirements and survey process with the Medicare conditions for certification and survey process as outlined in the State Operations Manual (SOM). Our review and evaluation of AOA/HFAP's ASC application, which were conducted as described in section III of this final notice, yielded the following:

- To meet the requirements at 416.44(b)(1), AOA/HFAP revised its standards to include thresholds for new and existing Life Safety Code (LSC) requirements. In addition, AOA/HFAP revised its standards to ensure all waivers for LSC deficiencies are reviewed and approved by the CMS Regional Office.
- To meet the requirement at 416.44(b)(4), AOA/HFAP revised its standards to ensure all ASCs are in compliance with the emergency lighting requirements.
- To meet the requirement at 416.50, AOA/HFAP revised its crosswalk to include the patient rights condition for coverage requirements.
- To meet the requirements at 488.4, AOA/HFAP revised its policies to ensure the survey process requirements for ASCs is accurate, clear and complete.
- To meet the requirements at 488.8, AOA/HFAP modified its policies and procedures to ensure all complaints are appropriately triaged, and investigated.
- To meet the requirements at section 2728 of the SOM, AOA/HFAP modified its policies to ensure all accepted plans of correction include the citation cited, the procedure implementing the plan, and the monitoring procedure.
- To meet the requirements of 2728B, AOA/HFAP revised its policies to ensure all plans of correction contain the procedure for implementing the plan and the monitoring procedure to ensure cited deficiencies remain corrected and in compliance with the regulatory requirements.
- AOA/HFAP also made extensive organization-wide changes to their internal processes in response to an 18 month accreditation program review that was concluded in July 2012. AOA/HFAP demonstrated compliance with our requirements across their organization and accreditation programs.

B. Term of Approval

Based on our review and observations described in section III of this final notice, we have determined that AOA/HFAP's requirements for ASCs meet or exceed our requirements. Therefore, we approve AOA/HFAP as a national accreditation organization for ASCs that request participation in the Medicare program, effective October 23, 2013 through October 23, 2017.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—ASC Insurance Program; and No. 93.774,

Medicare—Supplementary Medical Insurance Program)

Dated: September 25, 2012.

Marilyn Tavenner,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2012–23996 Filed 9–27–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4158–N]

Medicare Program; Medicare Appeals; Adjustment to the Amount in Controversy Threshold Amounts for Calendar Year 2013

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustment in the amount in controversy (AIC) threshold amounts for Administrative Law Judge (ALJ) hearings and judicial review under the Medicare appeals process. The adjustment to the AIC threshold amounts will be effective for requests for ALJ hearings and judicial review filed on or after January 1, 2013. The calendar year 2013 AIC threshold amounts are $140 for ALJ hearings and $1,400 for judicial review.

EFFECTIVE DATE: This notice is effective on January 1, 2013.

FOR FURTHER INFORMATION CONTACT: Liz Hosna (*Katherine.Hosna@cms.hhs.gov*), (410) 786–4993.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1869(b)(1)(E) of the Social Security Act (the Act), as amended by section 521 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), established the amount in controversy (AIC) threshold amounts for Administrative Law Judge (ALJ) hearing requests and judicial review at $100 and $1000, respectively, for Medicare Part A and Part B appeals. Section 940 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), amended section 1869(b)(1)(E) of the Act to require the AIC threshold amounts for ALJ hearings and judicial review to be adjusted annually. The AIC threshold amounts are to be adjusted, as of January 2005, by the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) for July 2003 to July of the year preceding the year involved and rounded to the nearest multiple of $10. Section 940(b)(2) of the MMA provided conforming amendments to apply the AIC adjustment requirement to Medicare Part C/Medicare Advantage (MA) appeals and certain health maintenance organization and competitive health plan appeals. Health care prepayment plans are also subject to MA appeals rules, including the AIC adjustment requirement. Section 101 of the MMA provides for the application of the AIC adjustment requirement to Medicare Part D appeals.

A. Medicare Part A and Part B Appeals

The statutory formula for the annual adjustment to the AIC threshold amounts for ALJ hearings and judicial review of Medicare Part A and Part B appeals, set forth at section 1869(b)(1)(E) of the Act, is included in the applicable implementing regulations, 42 CFR 405.1006(b) and (c). The regulations require the Secretary of the Department of Health and Human Services (the Secretary) to publish changes to the AIC threshold amounts in the **Federal Register** (§ 405.1006(b)(2)). In order to be entitled to a hearing before an ALJ, a party to a proceeding must meet the AIC requirements at § 405.1006(b). Similarly, a party must meet the AIC requirements at § 405.1006(c) at the time judicial review is requested for the court to have jurisdiction over the appeal (§ 405.1136(a)).

B. Medicare Part C/Medicare Advantage Appeals

Section 940(b)(2) of the MMA applies the AIC adjustment requirement to Medicare Part C (MA) appeals by amending section 1852(g)(5) of the Act. The implementing regulations for Medicare Part C (MA) appeals are found at 42 CFR part 422, subpart M. Specifically, § 422.600 and § 422.612 discuss the AIC threshold amounts for ALJ hearings and judicial review. Section 422.600 grants any party to the reconsideration, except the MA organization, who is dissatisfied with the reconsideration determination, a right to an ALJ hearing as long as the amount remaining in controversy after reconsideration meets the threshold requirement established annually by the Secretary. Section 422.612 states, in part, that any party, including the MA organization, may request judicial review if the AIC meets the threshold requirement established annually by the Secretary.

C. Health Maintenance Organizations, Competitive Medical Plans, and Health Care Prepayment Plans

Section 1876(c)(5)(B) of the Act states that the annual adjustment to the AIC dollar amounts set forth in section 1869(b)(1)(E) of the Act applies to certain beneficiary appeals within the context of health maintenance organizations and competitive medical plans. The applicable implementing regulations for Medicare Part C appeals are set forth in 42 CFR part 422, subpart M, and as discussed previously, apply to these appeals. The Medicare Part C appeals rules also apply to health care prepayment plan appeals.

D. Medicare Part D (Prescription Drug Plan) Appeals

The annually adjusted AIC threshold amounts for ALJ hearings and judicial review that apply to Medicare Parts A, B, and C appeals also apply to Medicare Part D appeals. Section 101 of the MMA added section 1860D–4(h)(1) of the Act regarding Part D appeals. This statutory provision requires a prescription drug plan sponsor to meet the requirements set forth in sections 1852(g)(4) and (g)(5) of the Act, in a similar manner as MA organizations. As noted previously, the annually adjusted AIC threshold requirement was added to section 1852(g)(5) of the Act by section 940(b)(2)(A) of the MMA. The implementing regulations for Medicare Part D appeals can be found at 42 CFR part 423, subparts M and U. The regulations at § 423.562(c) prescribe that, unless the Part D appeals rules provide otherwise, the Part C appeals rules (including the annually adjusted AIC threshold amount) apply to Part D appeals to the extent they are appropriate. More specifically, § 423.1970 and § 423.1976 of the Part D appeals rules discuss the AIC threshold amounts for ALJ hearings and judicial review. Section 423.1970(a) grants a Part D enrollee, who is dissatisfied with the independent review entity (IRE) reconsideration determination, a right to an ALJ hearing if the amount remaining in controversy after the IRE reconsideration meets the threshold amount established annually by the Secretary. Sections 423.1976(a) and (b) allow a Part D enrollee to request judicial review of an ALJ or MAC decision if, in part, the AIC meets the threshold amount established annually by the Secretary.

II. Annual AIC Adjustments

A. AIC Adjustment Formula and AIC Adjustments

As previously noted, section 940 of the MMA requires that the AIC threshold amounts be adjusted annually, beginning in January 2005, by the percentage increase in the medical care component of the consumer price index (CPI) for all urban consumers (U.S. city average) for July 2003 to July of the year preceding the year involved and rounded to the nearest multiple of $10.

B. Calendar Year 2013

The AIC threshold amount for ALJ hearing requests will increase to $140 and the AIC threshold amount for judicial review will rise to $1,400 for CY 2013. These updated amounts are based on the 40.04 percent increase in the medical care component of the CPI from July 2003 to July 2012. The CPI level was at 297.600 in July 2003 and rose to 416.759 in July 2012. This change accounted for the 40.04 percent increase. The AIC threshold amount for ALJ hearing requests changes to $140.04 based on the 40.04 percent increase. In accordance with section 940 of the MMA, this amount is rounded to the nearest multiple of $10. Therefore, the CY 2013 AIC threshold amount for ALJ hearings is $140. The AIC threshold amount for judicial review changes to $1,400.40 based on the 40.04 percent increase. This amount was rounded to the nearest multiple of $10, resulting in the CY 2013 AIC threshold amount of $1,400 for judicial review.

C. Summary Table of Adjustments in the AIC Threshold Amounts

In the following table we list the CYs 2009 through 2013 threshold amounts.

	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013
ALJ Hearing	$120	$130	$130	$130	$140
Judicial Review	1,220	1,260	1,300	1,350	1,400

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 12, 2012.

Marilyn Tavenner,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2012–23992 Filed 9–27–12; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0961]

Agency Information Collection Activities; Proposed Collection; Comment Request; Environmental Impact Considerations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection entitled ''Environmental Impact Considerations.''

DATES: Submit either electronic or written comments on the collection of information by November 27, 2012.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *daniel.gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Environmental Impact Considerations—21 CFR Part 25 (OMB Control Number 0910–0322)—Extension)

FDA is requesting OMB approval for the reporting requirements contained in the FDA collection of information ''Environmental Impact Considerations.''

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347) states national environmental objectives and imposes upon each Federal Agency the duty to consider the environmental effects of its actions. Section 102(2)(c) of

NEPA requires the preparation of an environmental impact statement (EIS) for every major Federal action that will significantly affect the quality of the human environment.

FDA's NEPA regulations are in part 25 (21 CFR part 25). All applications or petitions requesting Agency action require the submission of a claim for categorical exclusion or an environmental assessment (EA). A categorical exclusion applies to certain classes of FDA-regulated actions that usually have little or no potential to cause significant environmental effects and are excluded from the requirements to prepare an EA or EIS. Section 25.15(a) and (d) specifies the procedures for submitting to FDA a claim for a categorical exclusion. Extraordinary circumstances (25.21), which may result in significant environmental impacts, may exist for some actions that are usually categorically excluded. An EA provides information that is used to determine whether an FDA action could result in a significant environmental impact. Section 25.40(a) and (c) specifies the content requirements for EAs for nonexcluded actions.

This collection of information is used by FDA to assess the environmental impact of Agency actions and to ensure that the public is informed of environmental analyses. Firms wishing to manufacture and market substances regulated under statues for which FDA is responsible must, in most instances, submit applications requesting approval. Environmental information must be included in such applications for the purpose of determining whether the proposed action may have a significant impact on the environment. Where significant adverse events cannot be avoided, the Agency uses the submitted information as the basis for preparing and circulating to the public an EIS, made available through a **Federal Register** document also filed for comment at the Environmental Protection Agency. The final EIS, including the comments received, is reviewed by the Agency to weigh environmental costs and benefits in determining whether to pursue the proposed action or some alternative that would reduce expected environmental impact.

Any final EIS would contain additional information gathered by the Agency after the publication of the draft EIS, a copy or a summary of the comments received on the draft EIS, and the Agency's responses to the comments, including any revisions resulting from the comments or other information. When the Agency finds that no significant environmental effects are expected, the Agency prepares a finding of no significant impact.

FDA estimates the burden of this collection of information as follows:

Estimated Annual Reporting Burden for Human Drugs (Including Biologics in the Center for Drug Evaluation and Research)

Under 21 CFR 312.23(a)(7)(iv)(3), 21 CFR 314.50(d)(1)(iii), and 21 CFR 314.94(a)(9)(i), each investigational new drug application (IND), new drug application (NDA), and abbreviated new drug application (ANDA) must contain a claim for categorical exclusion under 25.30 or 25.31 or an EA under 25.40. In 2011, FDA received 2,818 INDs from 2,064 sponsors, 99 NDAs from 79 applicants, 3,247 supplements to NDAs from 376 applicants, 5 biologic license applications (BLAs) from 5 applicants, 287 supplements to BLAs from 50 applicants, 895 ANDAs from 195 applicants, and 5,348 supplements to ANDAs from 299 applicants. FDA estimates that it receives approximately 12,699 claims for categorical exclusions as required under 25.15(a) and (d), and 10 EAs as required under 25.40(a) and (c). Therefore, over the next 3 years, FDA estimates that approximately 3,175 respondents will submit an average of 4 applications for categorical exclusion and 10 respondents will submit an average of 1 EA. Based on information provided by the pharmaceutical industry, FDA estimates that it takes sponsors or applicants approximately 8 hours to prepare a claim for a categorical exclusion and approximately 3,400 hours to prepare an EA.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15(a) and (d)	3,175	4	12,700	8	101,600
25.40(a) and (c)	10	1	10	3,400	34,000
Total					135,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Estimated Annual Reporting Burden for Human Foods

Under 21 CFR 71.1, 171.1, 170.39, and 170.100, food additive petitions, color additive petitions, requests from exemption from regulation as a food additive, and submission of a food contact notification for a food contact substance must contain either a claim of categorical exclusion under 25.30 or 25.32 or an EA under 25.40. In 2011, FDA received 97 industry submissions. FDA received an annual average of 42 claims of categorical exclusions as required under 25.15(a) and (d), and 33 EAs as required under 25.40(a) and (c). Therefore, over the next 3 years, FDA estimates that approximately 42 respondents will submit an average of 1 application for categorical exclusion and 33 respondents will submit an average of 1 EA. FDA estimates that, on average, it takes petitioners, notifiers, or requestors approximately 3 hours to prepare a claim of categorical exclusion and approximately 210 hours to prepare an EA.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN FOODS [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15(a) and (d)	42	1	42	8	336

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN FOODS [1]—Continued

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.40(a) and (c)	33	1	33	210	6,930
Total					7,266

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Estimated Annual Reporting Burden for Medical Devices

Under 21 CFR 814.20(b)(11), premarket approvals (PMA) (original PMAs and supplements) must contain a claim for categorical exclusion under 25.30 or 25.34 or an EA under 25.40. In 2011, FDA received approximately 52 claims (original PMAs and supplements) for categorical exclusions as required under 25.15(a) and (d), and 0 EAs as required under 25.40(a) and (c). Therefore, over the next 3 years, FDA estimates that approximately 52 respondents will submit an average of 1 application for categorical exclusion. Based on information provided by less than 10 sponsors, FDA estimates that it takes approximately 6 hours to prepare a claim for a categorical exclusion.

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR MEDICAL DEVICES [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15 (a) and (d)	52	1	52	6	312

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Estimated Annual Reporting Burden for Biological Products, Drugs, and Medical Devices in the Center for Biologics Evaluation and Research

BLAs under 21 CFR 601.2(a), as well as INDs (21 CFR 312.23), NDAs (21 CFR 314.50), ANDAs (21 CFR 314.94), and PMAs (21 CFR 814.20), must contain either a claim of categorical exclusion under 25.30 or 25.32 or an EA under 25.40. In 2011, FDA received 14 BLAs from 14 applicants, 831 BLA supplements to license applications from 153 applicants, 288 INDs from 210 sponsors, 1 NDA from 1 applicant, 37 supplements to NDAs from 9 applicants, 1 ANDA from 1 applicant, 12 supplements to ANDAs from 2 applicants, and 45 PMA supplements from 11 applicants. FDA estimates that approximately 10 percent of these supplements would be submitted with a claim for categorical exclusion or an EA.

FDA estimates that it received approximately 481 claims for categorical exclusion as required under 25.15(a) and (d), and 2 EAs as required under 25.40(a) and (c). Therefore, over the next 3 years, FDA estimates that approximately 247 respondents will submit an average of 2 applications for categorical exclusion and 2 respondents will submit an average of 1 EA. Based on information provided by industry, FDA estimates that it takes sponsors and applicants approximately 8 hours to prepare a claim of categorical exclusion and approximately 3,400 hours to prepare an EA for a biological product.

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICAL PRODUCTS [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15 (a) and (d)	247	2	494	8	3,952
25.40 (a) and (c)	2	1	2	3,400	6,800
Total					10,752

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Estimated Annual Reporting Burden for Animal Drugs

Under 21 CFR 514.1(b)(14), new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs), 21 CFR 514.8(a)(1) supplemental NADAs and ANADAs, 21 CFR 511.1(b)(10) investigational new animal drug applications (INADs), and 21 CFR 571.1(c) food additive petitions must contain a claim for categorical exclusion under 25.30 or 25.33 or an EA under 25.40. In 2011, FDA's Center for Veterinary Medicine has received approximately 698 claims for categorical exclusion as required under 25.15(a) and (d), and 10 EAs as required under 25.40(a) and (c). Therefore, over the next 3 years, FDA estimates that approximately 70 respondents will submit an average of 10 applications for categorical exclusion and 10 respondents will submit an average of 1 EA. FDA estimates that it takes sponsors/applicants approximately 3 hours to prepare a claim of categorical exclusion and an average of 2,160 hours to prepare an EA.

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN FOR ANIMAL DRUGS [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15 (a) and (d)	70	10	700	3	2,100
25.40 (a) and (c)	10	1	10	2,160	21,600
Total					23,700

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Estimated Annual Reporting Burden for Tobacco Products

Under sections 905, 910, and 911 of the Federal Food, Drugs, and Cosmetic Act, premarket tobacco applications (PMTAs), applications for substantial equivalence (SEs), Exemption from SEs, and modified risk tobacco products must contain a claim for categorical exclusion under 25.30 or 25.34 or an EA under 25.40. In 2011, FDA estimated it will receive approximately 20 PMTAs and supplements from 20 respondents, 150 reports intended to demonstrate the SE of a new tobacco product from 150 respondents, 500 exemption from SE requirements applications from 500 respondents, and 3 modified risk Tobacco product applications from 3 respondents for a total of 673 responses from 673 respondents. FDA estimates that there were 538 claims from 538 respondents for categorical exclusions as required under 25.15(a) and (d), and 135 EAs from 135 respondents as required under 25.40(a) and (c). Therefore, over the next 3 years, FDA estimates that approximately 538 respondents will submit an average of 1 application for categorical exclusion and 135 respondents will submit an average of 1 EA. Based on FDA's experience and previous information provided by potential sponsors, FDA estimates that it takes approximately 12 hours to prepare a claim for a categorical exclusion and 12 hours to prepare an EA.

TABLE 6—ESTIMATED ANNUAL REPORTING BURDEN FOR TOBACCO PRODUCTS [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15 (a) and (d)	538	1	538	12	6,456
25.40 (a) and (c)	135	1	135	12	1,620
Total					8,076

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 7—ESTIMATED ANNUAL TOTAL REPORTING BURDEN FOR ALL CENTERS [1]

CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
25.15 (a) and (d)	4,124		14,526		114,756
25.40 (a) and (c)	190		190		70,950
Total					185,706

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 21, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–23838 Filed 9–27–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0977]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents.

DATES: Submit either electronic or written comments on the collection of information by November 27, 2012.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *daniel.gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents—21 CFR 1140 (OMB Control Number 0910–0312)—Renewal

This is a request for a renewal of OMB approval of the information collection requirements contained in FDA's regulations for cigarettes and smokeless tobacco containing nicotine. The regulations that are codified at 21 CFR Part 1140 (previously codified at 21 CFR Part 897) are authorized by section 102 of the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31). Section 102 of the Tobacco Control Act required FDA to publish a final rule regarding cigarettes and smokeless tobacco identical in its provisions to the regulation issued by FDA in 1996 (61 FR 44396, August 28, 1996), with certain specified exceptions including subpart C (which included 897.24) and 897.32(c) be removed from the reissued rule (section 102(a)(2)(B)). The reissued final rule was published in the **Federal Register** on March 19, 2010 (75 FR 13225).

This collection includes reporting information requirements for 1140.30 (formerly 897.30) which directs persons to notify FDA if they intend to use a form of advertising that is not addressed in the regulations. Disclosure requirements for 1140.32 (formerly 897.32) states that the advertising must use black text on a white background, but that this particular requirement does not apply to adult newspapers, magazines, periodicals, or other publications. Recordkeeping requirements under 1140.32 indicate that competent and reliable survey evidence is required to determine whether a particular publication is an ''adult'' publication.

The requirements are as follows:

21 CFR 1140.30	Reporting	Directs persons to notify FDA if they intend to use a form of advertising that is not originally described in the March 19, 2010, final rule.
21 CFR 1140.32	Disclosure	Requires firms to use black text on white backgrounds in labeling and advertising.
21 CFR 1140.32	Recordkeeping	Firms advertising in ''adult'' magazines or publications may need survey evidence demonstrating that the publication meets the criteria for an ''adult'' publication.

For the disclosure and recordkeeping requirements under 1140.32, FDA has decided to use its discretionary enforcement and has placed placeholders of 1 burden hour for disclosure and 1 burden hour for reporting because FDA does not intend to enforce the requirements for this section for the next 3 years.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1140.30 (Scope of permissible forms of labeling and advertising)	300	1	300	1	300
Total					300

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of record-keepers	Number of records per record-keeper	Total annual records	Average burden per record-keeping	Total hours
1140.32 (Format and content requirements for labeling and advertising)	1	1	1	1	1
Total					1

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
1140.32	1	1	1	1	1

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden hour estimates for this collection of information were based on industry-prepared data and information regarding pharmaceutical advertising and cigarette and smokeless tobacco product advertising expenditures. The burden collection does not include reporting burdens associated with providing established names on labels and statements of intended use because section 102 of the Tobacco Control Act required that these provisions be struck from the reissued final rule (previously included in 897.24 and 897.32(c)).

Section 1140.30 (previously 897.30) requires manufacturers, distributors, and retailers to observe certain format and content requirements for labeling and advertising, and requires manufacturers, distributors, and retailers to notify FDA if they intend to use an advertising medium that is not listed in the regulations. The concept of permitted advertising in 1140.30 is sufficiently broad to encompass most forms of advertising. FDA estimates that approximately 300 respondents will submit an annual notice of alternative advertising, and the Agency has estimated it should take 1 hour to provide such notice.

For the recordkeeping and disclosure requirements, 1140.32 (previously 897.32) requires competent and reliable survey evidence to establish whether a newspaper, magazine, periodical, or other publication qualifies as an ''adult'' publication. Section 1140.32 also requires the use of a black text on a white background for labeling and advertising. The respondent and hourly burden for recordkeeping and disclosure under this section (2 burden hours total) reflect placeholders for the number of manufacturers who would keep records under this section.

During the next 3 years, FDA does not intend to enforce the recordkeeping and disclosure requirements of 1140.32 and has revised the burden to act as a placeholder in the event FDA exercises its authority to enforce the requirements of this section in the future.

FDA estimates that the total time required for this collection of information is 302 hours.

Dated: September 21, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–23833 Filed 9–27–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Gastrointestinal Drugs Advisory Committee; Notice of Postponement of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is postponing the Gastrointestinal Drugs Advisory Committee Meeting scheduled for October 15, 2012. This meeting was announced in the **Federal Register** of August 16, 2012 (77 FR 49446). The postponement is due to scheduling issues.

FOR FURTHER INFORMATION CONTACT: Cindy Hong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *GIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), or visit our Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: September 25, 2012.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2012–23885 Filed 9–27–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; CareerTrac

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Fogarty International Center (FIC), National Institute of General Medical Science (NIGMS), National Cancer Institute (NCI), and National Library of Medicine (NLM) of the National Institutes of Health (NIH), in conjunction with the National Institute of Environmental Health Sciences (NIEHS), including the Intramural Research and Training Award (IRTA) and Superfund Research Program (SRP) within NIEHS, has submitted to the Office of Management and Budget (OMB) for review and approval. This proposed information collection was previously published in the **Federal Register**, Vol. 77, No. 106, on June 1, 2012, pages 32648–32649 and allowed 60 days for public comment. One public comment was received from the Association for Research in Vision and Ophthalmology (ARVO). The

purpose of this notice is to allow an additional 30 days for public comment. NIH 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.

Proposed Collection: Title: CareerTrac. *Type of Information Collection Request:* REVISION (OMB NO.: 0925–0568). *Need and Use of Information Collection:* This data collection system is being developed to track, evaluate and report short and long-term outputs, outcomes, and impacts of international trainees involved in health research training programs—specifically tracking this for at least ten years following training by having Principal Investigators enter data after trainees have completed the program. The data collection system provides a streamlined, web-based application permitting Principal Investigators to record career achievement progress by trainee on a voluntary basis. FIC, NIEHS, NCI, NLM and NIGMS management will use this data to monitor, evaluate, and adjust grants to ensure desired outcomes are achieved, comply with OMB Part requirements, respond to congressional inquiries, and guide future strategic and management decisions regarding the grant program.

Frequency of Response: Annual and periodic. *Affected Public:* None. *Type of Respondents:* Principal Investigators and/or their administrators funded by FIC, NIEHS, NCI, NIGMS, and NLM. The annual reporting burden hours are as follows:

Type of respondents	Number of respondents	Response frequency	Average time per response (in hrs)	Total annual hour burden
Principal Investigators	385	30	30/60	5,775
Total	385	30	30/60	5,775

There are no capital, operating, or maintenance costs.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to (202) 395–6974, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Rachel Sturke, Evaluation Officer, Division of Science Policy, Planning, and Evaluation, FIC, NIH, 16 Center Drive, Bethesda, MD 20892, or call non-toll-free number (301) 480–6025 or email your request, including your address to: *rachel.sturke@nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: September 14, 2012.

Dexter Collins,

Executive Officer, FIC, National Institutes of Health.

[FR Doc. 2012–23970 Filed 9–27–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NIH Evidence-Based Methodology Workshop on Polycystic Ovary; Syndrome

Notice

Notice is hereby given of the National Institutes of Health (NIH) Evidence-based Methodology Workshop on Polycystic Ovary Syndrome, to be held December 3–5, 2012. The workshop's opening session will be on December 3, from 6:30 p.m. to 9:00 p.m. at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814. The workshop will continue December 4–5 at the NIH Natcher Conference Center, 45 Center Drive, Bethesda, Maryland 20892; beginning at 8:00 a.m. on December 4 and at 8:30 a.m. on December 5. The workshop will be open to the public.

Polycystic ovary syndrome (PCOS) is a common hormone disorder that affects approximately 5 million reproductive-aged women in the United States. Women with PCOS have difficulty becoming pregnant (i.e., are infertile) due to hormone imbalances that cause or result from altered development of ovarian follicles. One such imbalance is high blood levels of androgens, which can come from both the ovaries and adrenal gland. Other organ systems that are affected by PCOS include the pancreas, liver, muscle, blood vasculature, and fat.

In addition to fertility impairment, other common symptoms of PCOS include:

- Irregular or no menstrual periods (for women of reproductive age)
- Acne
- Weight gain
- Excess hair growth on the face and body
- Thinning scalp hair
- Ovarian cysts.

Women with PCOS are often resistant to the biological effects of insulin and, as a consequence, may have high insulin levels. As such, women with PCOS are at risk for type 2 diabetes, high cholesterol, and high blood pressure. Obesity also appears to worsen the condition. Costs to the U.S. health care system to identify and manage PCOS are approximately $4 billion annually; however, this estimate does not include treatment of the serious conditions associated with PCOS.

For most of the 20th century, PCOS was a poorly understood condition. In 1990, the NIH held a conference on PCOS to create both a working definition of the disorder and diagnostic criteria. The outcome of this conference, the *NIH Criteria,* served as a standard for researchers and clinicians for more than a decade. In 2003, a consensus

workshop in Rotterdam developed new diagnostic criteria, the *Rotterdam Criteria.*

The 2012 NIH Evidence-based Methodology Workshop on PCOS will seek to clarify:

- Benefits and drawbacks of using the *Rotterdam Criteria*
- The condition's causes, predictors, and long-term consequences
- Optimal prevention and treatment strategies.

The NIH workshop is sponsored by the Office of Disease Prevention and the *Eunice Kennedy Shriver* National Institute of Child Health and Human Development. A multidisciplinary steering committee developed the workshop agenda. The NIH Library created an extensive, descriptive bibliography on PCOS to facilitate workshop discussion. During the 2½-day workshop, invited experts will discuss the body of evidence and attendees will have opportunities to provide comments during open discussion periods. After weighing the evidence, an unbiased, independent panel will prepare a report that summarizes the workshop and identifies future research priorities.

Advance information about the workshop and workshop registration materials may be obtained by calling 888–644–2667, or by sending email to *prevention@mail.nih.gov*. Registration and workshop information are also available on the NIH Office of Disease Prevention Web site at *http://prevention.nih.gov*.

Please Note: As part of the measures to ensure the safety of NIH employees and property, all visitors must be prepared to show a photo ID upon request. Visitors may be required to pass through a metal detector and have bags, backpacks, or purses inspected or x-rayed as they enter the NIH campus. For more information about the security measures at NIH, please visit the Web site at *http://www.nih.gov/about/visitorsecurity.htm*.

Dated: September 24, 2012.

Francis S. Collins,

Director, National Institutes of Health.

[FR Doc. 2012–23965 Filed 9–27–12; 8:45 am]

BILLING CODE 4140–01–P

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

The Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Site Visits With Grantees Integrating HIV Primary Care, Substance Abuse, and Behavioral Health Services—NEW

The Substance Abuse and Mental Health Services Administration (SAMSHA) is requesting approval to conduct in-person Site Visit Interviews with Minority AIDS Initiative—Targeted Capacity Expansion (MAI–TCE) Grantees Integrating HIV Primary Care, Substance Abuse, and Behavioral Health Services. This is a new project request targeting the collection of programmatic level data (e.g., services provision, program administration, consumer involvement, evaluation planning, organizational capacity) through one-on-one and group interviews and site assessment surveys with grantee personnel.

The goals of the MAI–TCE project are to facilitate the development and expansion of culturally competent and effective integrated behavioral health and primary care, which include HIV services and medical treatment within 11 of the 12 Metropolitan Statistical Areas (MSAs) and Metropolitan Divisions (MDs) most heavily impacted by HIV/AIDS. The program also supports the integration of behavioral health services (i.e., prevention, treatment, and substance abuse) into the CDC's Enhanced Comprehensive HIV Prevention Plans (ECHPP). Interviews conducted with MAI–TCE grantees during site visits are an integral part of efforts to evaluate: (1) The effectiveness of program implementation across the grantee sites; (2) grantee efforts to integrate behavioral health, substance abuse and HIV care; (3) the variety of program models in use across the grantee sites; and, (4) grantee efforts to engage and successfully reach their target populations.

SAMHSA will conduct a total of two in-person site visits with each of the 11 MAI–TCE program grantees, with surveys being administered prior to each site visit.

SAMHSA will conduct interviews with grantee staff who will provide information on their program's integration of primary care and behavioral health services. While participating in the evaluation is a condition of the grantees' funding, participating in the interview and survey process is voluntary. Both instruments are designed to collect information about: Specific program components; HIV testing integration challenges, successes, and lessons learned; HIV care and evidence-based behavioral health services for their specific populations of focus; and engaging consumers in the Behavioral Health and Primary Care Network Committee and other aspects of the project, including how cultural competence is operationalized.

Below is the table of the estimated total burden hours:

EXHIBIT 1—ESTIMATE OF REPORTING BURDEN: ONE SITE VISIT ROUND

Data collection tool	Number of respondents	Responses per respondent	Hour per response	Total burden hours
Interview Guide	132	1	2.5	330
Assessment Form	55	1	.3	18.3
Total	*132	2	2.8	348.3

*Note: The 55 respondents identified for the self-assessment are included in the 132 overall participants listed for the site visit protocol.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1027, One Choke Cherry Road, Rockville, MD 20857 or email a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received within 60 days of this notice.

Summer King,

Statistician.

[FR Doc. 2012–23875 Filed 9–27–12; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2012–0064]

Homeland Security Advisory Council

AGENCY: The Office of Policy, DHS.

ACTION: Notice of open teleconference federal advisory committee meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC) will meet via teleconference for the purpose of reviewing and deliberating on recommendations by the HSAC's Cyber Skills Task Force.

DATES: The HSAC conference call will take place from 4 p.m. to 5 p.m. EDT on Monday, October 1, 2012. Please be advised that the meeting is scheduled for one hour and may end early if all business is completed before 5 p.m. EDT.

ADDRESSES: The HSAC meeting will be held via teleconference. Members of the public interested in participating in this teleconference meeting may do so by following the process outlined below (see ''Public Participation'').

Written comments must be submitted and received by September, 30, 2012. Comments must be identified by Docket No. DHS–2012–0064 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HSAC@dhs.gov.* Include docket number in the subject line of the message.
- *Fax:* (202) 282–9207.
- *Mail:* Homeland Security Advisory Council, Department of Homeland Security, Mailstop 0445, 245 Murray Lane SW., Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and DHS–2012–0064, the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read comments received by the DHS Homeland Security Advisory Council, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mike Miron at *hsac@dhs.gov* or 202–447–3135.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. The HSAC provides organizationally independent, strategic, timely, specific, and actionable advice to the Secretary and senior leadership on matters related to homeland security. The HSAC will meet to review and deliberate on the Cyber Skills Task Force report of findings and recommendations.

Public Participation: Members of the public will be in listen-only mode. The public may register to participate in this HSAC teleconference via the following procedures. Each individual must provide his or her full legal name and email address no later than 5 p.m. EDT on September 30, 2012, to a staff member of the HSAC via email at *HSAC@dhs.gov* or via phone at (202) 447–3135. HSAC conference call details and the Cyber Skills Task Force report will be provided to interested members of the public at the time they register.

The Federal Advisory Committee Act requires that notices of meetings of advisory committees be announced in the **Federal Register** 15 days prior to the meeting date. This notice of the teleconference meeting of the HSAC is published in the **Federal Register** with less than 15 days' due to the complexity of the issue, the task force was not able to complete its report within this aggressive time line in time for deliver to the HSAC at its September 24–25 meeting. Waiting for the full 15 day notice period to conduct the teleconference will delay the discussion of the report to a period of time that will prevent the Secretary from meeting with the HSAC to review the report due to her travel schedule. In order to not delay receipt of the recommendations from the HSAC this teleconference is being announced with less than 15 days' notice. Since this is a meeting by teleconference, members of the public do to not have to travel to attend, and the task force report is available to the public prior to the meeting for review and comment by members of the public in accordance with procedures provided above.

Information on Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities, or to request special assistance during the teleconference, contact Mike Miron (202) 447–3135.

Becca Sharp,

Executive Director, Homeland Security Advisory Council, DHS.

[FR Doc. 2012–23870 Filed 9–27–12; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5601–N–38]

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: 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 20, 2012.

Ann Marie Oliva,

Deputy Assistant Secretary (Acting) for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 09/28/2012

Unsuitable Properties

Building

California

Facility 20162
Naval Air Weapon Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77201230030
Status: Unutilized
Comments: Located w/in secured area where public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

West Virginia

Hockensmith Residence
Harpers Ferry Nat'l Park
Harpers Ferry WV 25425
Landholding Agency: Interior
Property Number: 61201230017
Status: Unutilized
Directions: Main house, garage/shed, med. barn, large apple barn
Comments: Documented deficiencies: vacant/abandon for 42 yrs.; properties suffer from severe roof decay; collapsed flooring; severe structural damage; infested w/wild life &over grown vegetation
Reasons: Extensive deterioration

[FR Doc. 2012–23567 Filed 9–27–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5630–N–04]

Rental Assistance Demonstration: Processing of Conversion Requests Submitted Under the Partial Rental Assistance Demonstration Notice

AGENCY: Office of the Assistant Secretary for Public and Indian Housing and Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: On March 8, 2012, at 77 FR 14029, HUD published in the **Federal Register** a notice announcing HUD's Rental Assistance Demonstration (RAD) program and the publication of PIH Notice 2012–18 on the RAD Web site, *www.hud.gov/rad.* RAD provides the opportunity to test the conversion of public housing and other HUD-assisted properties to long-term, project-based Section 8 rental assistance to achieve certain goals, including the preservation and improvement of these properties through access by public housing agencies (PHAs) and owners to private debt and equity to address immediate and long-term capital needs; the extent to which residents have increased housing choices after the conversion; and the overall impact of conversion on the subject properties. The March 8, 2012 PIH Notice 2012–18 announced partial implementation of the demonstration under the second component of RAD for properties assisted through the Rent Supplement (Rent Supp) and Rental Assistance Payment (RAP) Programs. This **Federal Register** notice published today provides additional instruction for RAD program participants that submitted conversion requests under the Partial Implementation Notice (PIH Notice 2012–18).

DATES: *Effective Dates:* This notice is effective September 28, 2012. The Rental Assistance Demonstration, Partial Implementation and Request for Comments notice, PIH–2012–18, was effective March 8, 2012. The conversion of Rent Supp and RAP assistance under Section III of the Partial Implementation Notice (PIH Notice 2012–18) was effective on March 8, 2012. HUD subsequently issued the Final Notice (PIH Notice 2012–32) on July 26, 2012, which offered revised instructions for conversion of Rent Supp and RAP assistance. Owners eligible to continue the application process under Section III of PIH Notice 2012–18 pursuant to this notice must meet all submission requirements of PIH Notice 2012–18 on or before November 13, 2012 to be eligible for conversion of Rent Supp and RAP assistance under PIH Notice 2012–18.

FOR FURTHER INFORMATION CONTACT: To assure a timely response, please email direct requests for further information to: *rad@hud.gov.* Written requests may also be directed to the following address: Office of Public and Indian Housing-RAD Program, Department of

Housing and Urban Development, 451 7th Street SW., Room 2000; Washington, DC 20410.

SUPPLEMENTARY INFORMATION:

I. Background

RAD, authorized by the Consolidated and Further Continuing Appropriations Act, 2012, (Pub. L. 112–55, signed November 18, 2011) (2012 Appropriations Act) allows for the conversion of assistance under the public housing, Rent Supp, RAP, and Moderate Rehabilitation (Mod Rehab) programs (collectively, ''covered programs'') to long-term, renewable assistance under Section 8 of the United States Housing Act of 1937. As provided in the **Federal Register** notice that HUD published on March 8, 2012, at 77 FR 14029, RAD has two separate components. This **Federal Register** notice applies only to the second component of RAD.

The second component of RAD, which is covered under Sections II and III of the Partial Implementation Notice (PIH Notice 2012–18), allows owners of projects funded under the Rent Supp, RAP and Mod Rehab programs with a contract expiration or termination occurring after October 1, 2006, and no later than September 30, 2013, to convert tenant protection vouchers (TPVs) to project-based vouchers (PBVs). There is no cap on the number of units that may be converted under this component of RAD and no requirement for competitive selection. While these conversions are not necessarily subject to current funding levels for each project or a unit cap similar to public housing conversions, the rents will be subject to rent reasonableness under the PBV program and are subject to the availability of overall appropriated amounts for TPVs.

II. Instructions for Processing of RAD Conversion Requests Submitted Under PIH Notice 2012–18, Rental Assistance Demonstration: Partial Implementation and Request for Comments

PIH Notice 2012–18 authorized owners of Rent Supp and RAP properties to submit requests for conversion of assistance under the terms and conditions enumerated in that Notice. The Partial Implementation Notice (PIH Notice 21012–18) stated that ''any Rent Supp or RAP projects that convert their assistance prior to the issuance of the Final Notice will be governed by the terms of this interim authority. Any subsequent conversions will be subject to any future instructions issued by HUD in the Final Notice.''

HUD received several written requests under the Partial Implementation Notice (PIH Notice 2012–18) to convert Rent Supp and RAP assistance under RAD prior to publication of the Final Notice (PIH Notice 2012–32) on July 26, 2012. These requests involved prospective conversions—requests to convert assistance in anticipation of a triggering event (a contract expiration or mortgage prepayment). Several conversions were still in progress at the time of publication of the Final Notice on July 26, 2012. Those owners that submitted requests to HUD Multifamily field offices to convert assistance, and for which conversion processing was underway following publication of the Partial Implementation Notice (PIH Notice 2012–18), may proceed to complete RAD conversions under the terms and requirements of the Partial Implementation Notice (PIH Notice 2012–18), provided that the Multifamily field office received a written request and/or supplemental materials from the owner or owner's representative to convert Rent Supp or RAP assistance to PBV assistance during the time period from March 8, 2012 (the date of publication of the Partial Implementation Notice (PIH Notice 2012–18)) through July 26, 2012 (the date of publication of the Final Notice (PIH Notice 2012–32)). The written request and/or supplemental materials submitted to the Multifamily field office during this time period must have included the following:

1. Information on the number of units proposed for the conversion and information on the triggering event (Rent Supp or RAP contract expiration or mortgage prepayment) anticipated prior to September 30, 2013; and

2. Evidence of owner actions completed, or in progress, to meet tenant notification and tenant comment requirements. Acceptable evidence includes one or more of the following: a draft tenant notification letter; written request to the Multifamily field office staff to schedule the required resident briefing; a copy of a dated tenant notification letter posted at the property, with a date during the period from March 8, 2012 through July 26, 2012; written confirmation that a resident briefing had been held during the period from March 8, 2012 through July 26, 2012; a copy of a resident sign-in sheet from the required RAD tenant briefing; a listing of tenant comments received during the RAD resident comment period; and/or a written description of how the owner or owner's representative responded to these comments; and

3. Information on the owner or property's compliance with business practices, including at least one of the following: REAC score; Management and Occupancy Review rating; and/or information on proposed management agent or proposed purchaser.

If the above conditions are met, the Department will continue to work with the owner to process the conversion request under the terms and conditions of the Partial Implementation Notice (PIH Notice 2012–18). Such requests will be subject to a 45-day grace period. Owners must meet all submission requirements of PIH Notice 2012–18 within 45 calendar days following publication of this **Federal Register** notice, which is the date provided for this purpose under the **DATES** heading at the beginning of this notice.

Any RAD request that does not meet all submission requirements detailed in PIH Notice 2012–18 within this 45-day period will be rejected in writing. The owner shall have the option to submit a new RAD conversion request under the terms and requirements of the Final Notice, PIH Notice 2012–32.

To the extent that any submission requirements or deadlines in PIH Notice 2012–18 or PIH Notice 2012–32 are not consistent with this notice, this notice governs.

Dated: September 24, 2012.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

Carol J. Galante,

Acting Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 2012–23910 Filed 9–27–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5652–N–01]

Statutorily Mandated Designation of Difficult Development Areas for 2013

AGENCY: Office of the Secretary, Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: This notice designates ''Difficult Development Areas'' (DDAs) for purposes of the Low-Income Housing Tax Credit (LIHTC) under Section 42 of the Internal Revenue Code of 1986 (IRC). The United States Department of Housing and Urban Development (HUD) makes DDA designations annually. In addition to announcing the 2013 DDA designations, this notice responds to public comment received in response to the proposed use of Small Area Fair Market Rents (FMRs) for designating DDAs as

published in the notice ''Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for 2012'', published in the **Federal Register** on October 27, 2011. After considering the public comments, HUD has decided to delay by one year the adoption of small area DDAs. The 2014 DDAs will be published in a separate notice at a later date after further consideration of the Small DDA concept.

Qualified Census Tracts (QCTs) for 2013 were previously designated in a notice published in the **Federal Register** on April 20, 2012.

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions, contact Michael K. Hollar, Senior Economist, Economic Development and Public Finance Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW., Room 8234, Washington, DC 20410–6000; telephone number 202–402–5878, or send an email to *Michael.K.Hollar@hud.gov*. For specific legal questions pertaining to Section 42, contact Branch 5, Office of the Associate Chief Counsel, Passthroughs and Special Industries, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224; telephone number 202–622–3040, fax number 202–622–4753. For questions about the ''HUB Zones'' program, contact Mariana Pardo, Assistant Administrator for Procurement Policy, Office of Government Contracting, Small Business Administration, 409 Third Street SW., Suite 8800, Washington, DC 20416; telephone number 202–205–8885, fax number 202–205–7167, or send an email to *hubzone@sba.gov*. A text telephone is available for persons with hearing or speech impairments at 202–708–8339. (These are not toll-free telephone numbers.) Additional copies of this notice are available through HUD User at 800–245–2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice and additional information about DDAs and QCTs, including the 2013 DDAs, are available electronically on the Internet at *http://www.huduser.org/datasets/qct.html*.

SUPPLEMENTARY INFORMATION:

This Notice

This notice designates DDAs for each of the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. The designations of DDAs in this notice, which are attached to this notice, are based on final Fiscal Year (FY) 2012 Fair Market Rents (FMRs), FY2012 income limits, and 2010 Census population counts.

This notice also responds to public comment HUD requested on the use of Small Area FMRs, estimated at the ZIP-code level and based on the relationship of ZIP-code rents to metropolitan area rents, as the housing cost component of the DDA formula rather than metropolitan-area FMRs (October 27, 2011, 76 FR 66741). HUD continues to believe that the small area concept best targets areas with high development costs, however, the Department has decided to delay the implementation for one year.

2010 Census, 2000 Census, and Metropolitan Area Definitions

Data from the 2010 Census on total population of metropolitan areas and nonmetropolitan areas are used in the designation of DDAs. The Office of Management and Budget (OMB) first published new metropolitan area definitions incorporating 2000 Census data in OMB Bulletin No. 03–04 on June 6, 2003, and updated them periodically through OMB Bulletin No. 10–02 on December 1, 2009. FY2012 FMRs and FY2012 income limits used to designate DDAs are based on these metropolitan statistical area (MSA) definitions, with modifications to account for substantial differences in rental housing markets (and, in some cases, median income levels) within MSAs.

Background

The U.S. Department of the Treasury (Treasury) and its Internal Revenue Service (IRS) are authorized to interpret and enforce the provisions of the IRC (26 U.S.C. 42), including the LIHTC found at Section 42. The Secretary of HUD is required to designate DDAs and QCTs by IRC Section 42(d)(5)(B). In order to assist in understanding HUD's mandated designation of DDAs and QCTs for use in administering IRC Section 42, a summary of the section is provided. The following summary does not purport to bind Treasury or the IRS in any way, nor does it purport to bind HUD, since HUD has authority to interpret or administer the IRC only when it receives explicit statutory delegation.

Summary of the Low-Income Housing Tax Credit

The LIHTC is a tax incentive intended to increase the availability of low-income housing. IRC Section 42 provides an income tax credit to owners of newly constructed or substantially rehabilitated low-income rental housing projects. The dollar amount of the LIHTC available for allocation by each state (credit ceiling) is limited by population. Each state is allowed a credit ceiling based on a statutory formula indicated at IRC Section 42(h)(3). States may carry forward unallocated credits derived from the credit ceiling for one year; however, to the extent such unallocated credits are not used by then, the credits go into a national pool to be redistributed to states as additional credit. State and local housing agencies allocate the state's credit ceiling among low-income housing buildings whose owners have applied for the credit. Besides IRC Section 42 credits derived from the credit ceiling, states may also provide IRC Section 42 credits to owners of buildings based on the percentage of certain building costs financed by tax-exempt bond proceeds. Credits provided under the tax-exempt bond ''volume cap'' do not reduce the credits available from the credit ceiling.

The credits allocated to a building are based on the cost of units placed in service as low-income units under particular minimum occupancy and maximum rent criteria. In general, a building must meet one of two thresholds to be eligible for the LIHTC; either: (1) 20 percent of the units must be rent-restricted and occupied by tenants with incomes no higher than 50 percent of the Area Median Gross Income (AMGI), or (2) 40 percent of the units must be rent-restricted and occupied by tenants with incomes no higher than 60 percent of AMGI. A unit is ''rent-restricted'' if the gross rent, including an allowance for tenant-paid utilities, does not exceed 30 percent of the imputed income limitation (i.e., 50 percent or 60 percent of AMGI) applicable to that unit. The rent and occupancy thresholds remain in effect for at least 15 years, and building owners are required to enter into agreements to maintain the low-income character of the building for at least an additional 15 years.

The LIHTC reduces income tax liability dollar-for-dollar. It is taken annually for a term of 10 years and is intended to yield a present value of either: (1) 70 percent of the ''qualified basis'' for new construction or substantial rehabilitation expenditures that are not federally subsidized (as defined in IRC Section 42(i)(2)), or (2) 30 percent of the qualified basis for the cost of acquiring certain existing buildings or projects that are federally subsidized. The actual credit rates are adjusted monthly for projects placed in service after 1987 under procedures specified in IRC Section 42. Individuals

can use the credits up to a deduction equivalent of $25,000 (the actual maximum amount of credit that an individual can claim depends on the individual's marginal tax rate). For buildings placed in service after December 31, 2007, individuals can use the credits against the alternative minimum tax. Corporations, other than S or personal service corporations, can use the credits against ordinary income tax, and, for buildings placed in service after December 31, 2007, against the alternative minimum tax. These corporations also can deduct losses from the project.

The qualified basis represents the product of the building's ''applicable fraction'' and its ''eligible basis.'' The applicable fraction is based on the number of low-income units in the building as a percentage of the total number of units, or based on the floor space of low-income units as a percentage of the total floor space of residential units in the building. The eligible basis is the adjusted basis attributable to acquisition, rehabilitation, or new construction costs (depending on the type of LIHTC involved). These costs include amounts chargeable to a capital account that are incurred prior to the end of the first taxable year in which the qualified low-income building is placed in service or, at the election of the taxpayer, the end of the succeeding taxable year. In the case of buildings located in designated DDAs or designated QCTs, eligible basis can be increased up to 130 percent from what it would otherwise be. This means that the available credits also can be increased by up to 30 percent. For example, if a 70 percent credit is available, it effectively could be increased to as much as 91 percent.

IRC Section 42 defines a DDA as an area designated by the Secretary of HUD that has high construction, land, and utility costs relative to the AMGI. All designated DDAs in metropolitan areas (taken together) may not contain more than 20 percent of the aggregate population of all metropolitan areas, and all designated areas not in metropolitan areas may not contain more than 20 percent of the aggregate population of all nonmetropolitan areas.

IRC Section 42(d)(5)(B)(v) allows states to award an increase in basis up to 30 percent to buildings located outside of federally designated DDAs and QCTs if the increase is necessary to make the building financially feasible. This state discretion applies only to buildings allocated credits under the state housing credit ceiling and is not permitted for buildings receiving credits in connection with tax-exempt bonds. Rules for such designations shall be set forth in the LIHTC-allocating agencies' qualified allocation plans (QAPs).

Response to Public Comment on Designating Metropolitan DDAs Using Small Area FMRs

On October 27, 2011 (76 FR 66741), HUD published a notice announcing the 2012 Difficult Development Area (DDA) designations and sought public comments on a major policy change in the method of designating metropolitan DDAs starting with the 2013 designations. The methodology proposed in that notice uses Small Area Fair Market Rents (SAFMRs) defined at the ZIP Code level within metropolitan areas rather than existing Fair Market Rents (FMRs) established for HUD metropolitan FMR areas (HFMAs). Under the methodology described in that notice, zip code areas rather than HFMAs would be ranked according to a ratio comparing ''construction, land, and utility costs relative to area median gross income.''

The public comment period on this notice closed on December 27, 2011. HUD received 6 public comments in response to the October 27, 2011 notice during the official public comment period defined in the notice; however, one commenter submitted 2 separate comments identical in substance. Overall, one commenter supported the proposal while the remaining expressed opposition. The commenter supported the proposal because the small area DDA concept would reach more than double the number of metropolitan areas and more than triple the number of states. The commenter also stated that use of SAFMRs to set DDAs encourages balance between low-and high-poverty neighborhoods under the LIHTC basis boost.

The commenters in opposition expressed several reasons. First, two commenters stated that HUD has not furnished any data to substantiate this proposal. HUD acknowledges that the evaluative list of metropolitan zip codes that would be designated Small Area DDAs using this methodology and based on the data available to HUD at the time of publication was released near the end of the comment period. However, the list continues to be available at *http://www.huduser.org/portal/datasets/qct.html*. The commenters also stated, ''It is inappropriate and premature to use SAFMRs for anything other than the current demonstration [of their use in the Housing Choice Voucher program].'' HUD notes, however, that whether SAFMRs are expanded for use in the Housing Choice Voucher program is irrelevant to the decision of using the areas as the unit of geography for DDA designation.

One commenter stated that HUD's proposal imposes burdens on cities with high housing costs, specifically, New York City. HUD acknowledges that DDA designations in cities with high housing costs, which were traditionally designated as DDAs in their entirety year after year, would be more limited since less than 100 percent of the metropolitan area would be eligible for the basis boost. However, many other metropolitan areas, some of which ranked just outside of the population-capped designation list, have high-cost areas which burden their cities' development and are also in need of federal assistance.

Finally, one commenter stated, ''Along with the data problems of using ZIP-Code gross rent as an indicator, it is simply a false measure for high costs in a densely built, vertical city like New York.'' HUD acknowledges the shortcomings of using gross rent as an indicator. However, the Department believes that FMRs are the best indicator of construction, utility and land costs that is available consistently and uniformly for all areas across the country. House Report No. 101–247, September 20, 1989 [To accompany H.R. 3299, the Omnibus Budget Reconciliation Act of 1989] states that the Secretary of HUD may use market rents as a proxy for construction, land and utility costs. Thus, HUD's methodology follows Congressional intent. The commenter recommended that, ''HUD permit an opt-out policy for high-cost cities with a high ratio of low-income households to vacant, affordable rental housing.'' The LIHTC statute states that the term ''difficult development area'' is ''an area which has a high construction, land, and utility costs relative to area median gross income.'' It does not state that the number of low-income households or the availability of affordable housing is to be used as criteria for DDA designations.

After consideration of these comments, and others submitted informally after the end of official public comment period, HUD has decided to delay the implementation of the small area DDAs for one year. Updates on the implementation of the small area concept, including any proposed changes in the calculation methodology and an updated list of anticipated areas designated, will be provided on *http://www.huduser.org/*. The Department expects to publish the final list of 2014 small area DDAs in the first half of 2013.

Explanation of HUD Designation Methodology

A. Difficult Development Areas

In developing the list of DDAs, HUD compared housing costs with incomes. HUD used 2010 Census population for metropolitan and nonmetropolitan areas, and the MSA definitions, as published in OMB Bulletin No. 10–02 on December 1, 2009, with modifications, as described below. In keeping with past practice of basing the coming year's DDA designations on data from the preceding year, the basis for these comparisons is the FY2012 HUD income limits for very low-income households (very low-income limits, or VLILs), which are based on 50 percent of AMGI, and metropolitan FMRs based on the Final FY2012 FMRs used for the Housing Choice Voucher (HCV) program.

In formulating the FY2012 VLILs, HUD modified the current OMB definitions of MSAs to account for substantial differences in rents among areas within each new MSA that were in different FMR areas under definitions used in prior years. HUD formed these ''HUD Metro FMR Areas'' (HMFAs) in cases where one or more of the parts of newly defined MSAs that previously were in separate FMR areas had 2000 Census based 40th-percentile recent-mover rents that differed, by 5 percent or more, from the same statistic calculated at the MSA level. In addition, a few HMFAs were formed on the basis of very large differences in AMGIs among the MSA parts. All HMFAs are contained entirely within MSAs. All nonmetropolitan counties are outside of MSAs and are not broken up by HUD for purposes of setting FMRs and VLILs. (Complete details on HUD's process for determining FY2012 FMR areas and FMRs are available at *http://www.huduser.org/portal/datasets/fmr/fmrs/docsys.html&data=fmr12*. Complete details on HUD's process for determining FY2012 income limits are available at *http://www.huduser.org/portal/datasets/il/il12/index.html*.)

HUD's unit of analysis for designating metropolitan DDAs consists of: entire MSAs, in cases where these were not broken up into HMFAs for purposes of computing FMRs and VLILs; and HMFAs within the MSAs that were broken up for such purposes. Hereafter in this notice, the unit of analysis for designating metropolitan DDAs will be called the HMFA, and the unit of analysis for nonmetropolitan DDAs will be the nonmetropolitan county or county equivalent area. The procedure used in making the DDA calculations follows:

1. For each metropolitan HMFA and each nonmetropolitan county, HUD calculated a ratio. HUD used the final FY2012 two-bedroom FMR and the FY2012 four-person VLIL for this calculation.

a. The numerator of the ratio, representing the development cost of housing, was the area's final FY2012 FMR. In general, the FMR is based on the 40th-percentile gross rent paid by recent movers to live in a two-bedroom apartment. In metropolitan areas granted a FMR based on the 50th-percentile rent for purposes of improving the administration of HUD's HCV program (see 76 FR 52058), HUD used the 40th-percentile rent to ensure nationwide consistency of comparisons.

b. The denominator of the ratio, representing the maximum income of eligible tenants, was the monthly LIHTC income-based rent limit, which was calculated as 1/12 of 30 percent of 120 percent of the area's VLIL (where the VLIL was rounded to the nearest $50 and not allowed to exceed 80 percent of the AMGI in areas where the VLIL is adjusted upward from its 50 percent-of-AMGI base).

2. The ratios of the FMR to the LIHTC income-based rent limit were arrayed in descending order, separately, for HMFAs and for nonmetropolitan counties.

3. The DDAs are those with the highest ratios cumulative to 20 percent of the 2010 population of all metropolitan areas and all nonmetropolitan areas.

B. Application of Population Caps to DDA Determinations

In identifying DDAs, HUD applied caps, or limitations, as noted above. The cumulative population of metropolitan DDAs cannot exceed 20 percent of the cumulative population of all metropolitan areas, and the cumulative population of nonmetropolitan DDAs cannot exceed 20 percent of the cumulative population of all nonmetropolitan areas.

In applying these caps, HUD established procedures to deal with how to treat small overruns of the caps. The remainder of this section explains those procedures. In general, HUD stops selecting areas when it is impossible to choose another area without exceeding the applicable cap. The only exceptions to this policy are when the next eligible excluded area contains either a large absolute population or a large percentage of the total population, or the next excluded area's ranking ratio, as described above, was identical (to four decimal places) to the last area selected, and its inclusion resulted in only a minor overrun of the cap. Thus, for both the designated metropolitan and nonmetropolitan DDAs, there may be minimal overruns of the cap. HUD believes the designation of additional areas in the above examples of minimal overruns is consistent with the intent of the IRC. As long as the apparent excess is small due to measurement errors, some latitude is justifiable, because it is impossible to determine whether the 20 percent cap has been exceeded. Despite the care and effort involved in a Decennial Census, the Census Bureau and all users of the data recognize that the population counts for a given area and for the entire country are not precise. Therefore, the extent of the measurement error is unknown. There can be errors in both the numerator and denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20 percent limit.

C. Exceptions to OMB Definitions of MSAs and Other Geographic Matters

As stated in OMB Bulletin 10–02, defining metropolitan areas:

> ''OMB establishes and maintains the definitions of Metropolitan * * * Statistical Areas, * * * solely for statistical purposes. * * * OMB does not take into account or attempt to anticipate any non-statistical uses that may be made of the definitions[.] In cases where * * * an agency elects to use the Metropolitan * * * Area definitions in nonstatistical programs, it is the sponsoring agency's responsibility to ensure that the definitions are appropriate for such use. An agency using the statistical definitions in a nonstatistical program may modify the definitions, but only for the purposes of that program. In such cases, any modifications should be clearly identified as deviations from the OMB statistical area definitions in order to avoid confusion with OMB's official definitions of Metropolitan * * * Statistical Areas.''

Following OMB guidance, the estimation procedure for the FY2012 FMRs and income limits incorporates the current OMB definitions of metropolitan areas based on the Core-Based Statistical Area (CBSA) standards, as implemented with 2000 Census data, but makes adjustments to the definitions, in order to separate subparts of these areas in cases where FMRs (and in a few cases, VLILs) would otherwise change significantly if the new area definitions were used without modification. In CBSAs where subareas are established, it is HUD's view that the geographic extent of the housing markets are not yet the same as the

geographic extent of the CBSAs, but may approach becoming so as the social and economic integration of the CBSA component areas increases.

The geographic baseline for the FMR and income limit estimation procedure is the CBSA Metropolitan Areas (referred to as Metropolitan Statistical Areas or MSAs) and CBSA Non-Metropolitan Counties (nonmetropolitan counties include the county components of Micropolitan CBSAs where the counties are generally assigned separate FMRs). The HUD-modified CBSA definitions allow for subarea FMRs within MSAs based on the boundaries of ''Old FMR Areas'' (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs. Collectively, they include the June 30, 1999, OMB definitions of MSAs and Primary MSAs (old definition MSAs/PMSAs), metropolitan counties deleted from old definition MSAs/PMSAs by HUD for FMR-setting purposes, and counties and county parts outside of old definition MSAs/PMSAs referred to as nonmetropolitan counties). Subareas of MSAs are assigned their own FMRs and Income Limits when the subarea 2000 Census Base FMR differs significantly from the MSA 2000 Census Base FMR (or, in some cases, where the 2000 Census base AMGI differs significantly from the MSA 2000 Census Base AMGI). MSA subareas, and the remaining portions of MSAs after subareas have been determined, are referred to as ''HUD Metro FMR Areas (HMFAs),'' to distinguish such areas from OMB's official definition of MSAs.

In the New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), HMFAs are defined according to county subdivisions or minor civil divisions (MCDs), rather than county boundaries. However, since no part of an HMFA is outside an OMB-defined, county-based MSA, all New England nonmetropolitan counties are kept intact for purposes of designating Nonmetropolitan DDAs.

For the convenience of readers of this notice, the geographical definitions of designated Metropolitan DDAs are included in the list of DDAs.

Future Designations

DDAs are designated annually as updated income and FMR data are made public.

Effective Date

The 2013 lists of DDAs are effective:

(1) For allocations of credit after December 31, 2012; or

(2) for purposes of IRC Section 42(h)(4), if the bonds are issued and the building is placed in service after December 31, 2012.

If an area is not on a subsequent list of DDAs, the 2013 lists are effective for the area if:

(1) The allocation of credit to an applicant is made no later than the end of the 365-day period after the applicant submits a complete application to the LIHTC-allocating agency, and the submission is made before the effective date of the subsequent lists; or

(2) for purposes of IRC Section 42(h)(4), if:

(a) The bonds are issued or the building is placed in service no later than the end of the 365-day period after the applicant submits a complete application to the bond-issuing agency, and

(b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete by the credit-allocating or bond-issuing agency. A ''complete application'' means that no more than *de minimis* clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

In the case of a ''multiphase project,'' the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the project received its first allocation of LIHTC. For purposes of IRC Section 42(h)(4), the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the first of the following occurred: (a) The building(s) in the first phase were placed in service, or (b) the bonds were issued.

For purposes of this notice, a ''multiphase project'' is defined as a set of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria:

(1) The multiphase composition of the project (i.e., total number of buildings and phases in project, with a description of how many buildings are to be built in each phase and when each phase is to be completed, and any other information required by the agency) is made known by the applicant in the first application of credit for any building in the project, and that applicant identifies the buildings in the project for which credit is (or will be) sought;

(2) The aggregate amount of LIHTC applied for on behalf of, or that would eventually be allocated to, the buildings on the site exceeds the one-year limitation on credits per applicant, as defined in the Qualified Allocation Plan (QAP) of the LIHTC-allocating agency, or the annual per-capita credit authority of the LIHTC allocating agency, and is the reason the applicant must request multiple allocations over 2 or more years; and

(3) All applications for LIHTC for buildings on the site are made in immediately consecutive years.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or the Secretary's designee, has legal authority to designate DDAs and QCTs, by publishing lists of geographic entities as defined by, in the case of DDAs, the Census Bureau, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of such lists. The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with the IRC and associated regulations, including **Federal Register** notices published by HUD for purposes of designating DDAs and QCTs. Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

The 2013 designations of ''Qualified Census Tracts'' under IRC Section 42 published April 20, 2012 (77 FR 23735) remain in effect. The above language regarding 2013 and subsequent designations of DDAs also applies to the designations of QCTs published April 20, 2012 and to subsequent designations of QCTs.

Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose DDA status. The examples covering DDAs are equally applicable to QCT designations.

(Case A) Project A is located in a 2013 DDA that is NOT a designated DDA in 2014. A complete application for tax credits for Project A is filed with the allocating agency on November 15, 2013. Credits are allocated to Project A on October 30, 2014. Project A is

eligible for the increase in basis accorded a project in a 2013 DDA because the application was filed before January 1, 2014 (the assumed effective date for the 2014 DDA lists), and because tax credits were allocated no later than the end of the 365-day period after the filing of the complete application for an allocation of tax credits.

(Case B) Project B is located in a 2013 DDA that is NOT a designated DDA in 2014 or 2015. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2013. Credits are allocated to Project B on March 30, 2015. Project B is not eligible for the increase in basis accorded a project in a 2013 DDA because, although the application for an allocation of tax credits was filed before January 1, 2014 (the assumed effective date of the 2014 DDA lists), the tax credits were allocated later than the end of the 365-day period after the filing of the complete application.

(Case C) Project C is located in a 2013 DDA that was not a DDA in 2012. Project C was placed in service on November 15, 2012. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2013. The bonds that will support the permanent financing of Project C are issued on September 30, 2013. Project C is not eligible for the increase in basis otherwise accorded a project in a 2013 DDA, because the project was placed in service before January 1, 2013.

(Case D) Project D is located in an area that is a DDA in 2013, but is not a DDA in 2014. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2013. Bonds are issued for Project D on April 30, 2014, but Project D is not placed in service until January 30, 2015. Project D is eligible for the increase in basis available to projects located in 2013 DDAs because: (1) One of the two events necessary for triggering the effective date for buildings described in Section 42(h)(4)(B) of the IRC (the two events being bonds issued and buildings placed in service) took place on April 30, 2014, within the 365-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the location of Project D was in a DDA, and (3) both the issuance of the bonds and placement in service of Project D occurred after the application was submitted.

(Case E) Project E is a multiphase project located in a 2013 DDA that is not a designated DDA in 2014. The first phase of Project E received an allocation of credits in 2013, pursuant to an application filed March 15, 2013, which describes the multiphase composition of the project. An application for tax credits for the second phase Project E is filed with the allocating agency by the same entity on March 15, 2014. The second phase of Project E is located on a contiguous site. Credits are allocated to the second phase of Project E on October 30, 2014. The aggregate amount of credits allocated to the two phases of Project E exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP and is the reason that applications were made in multiple phases. The second phase of Project E is, therefore, eligible for the increase in basis accorded a project in a 2013 DDA, because it meets all of the conditions to be a part of a multiphase project.

(Case F) Project F is a multiphase project located in a 2013 DDA that is not a designated DDA in 2014. The first phase of Project F received an allocation of credits in 2013, pursuant to an application filed March 15, 2013, which does not describe the multiphase composition of the project. An application for tax credits for the second phase of Project F is filed with the allocating agency by the same entity on March 15, 2015. Credits are allocated to the second phase of Project F on October 30, 2015. The aggregate amount of credits allocated to the two phases of Project F exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency's QAP. The second phase of Project F is, therefore, not eligible for the increase in basis accorded a project in a 2013 DDA, since it does not meet all of the conditions for a multiphase project, as defined in this notice. The original application for credits for the first phase did not describe the multiphase composition of the project. Also, the application for credits for the second phase of Project F was not made in the year immediately following the first phase application year.

Findings and Certifications

Environmental Impact

This notice involves the establishment of fiscal requirements or procedures that are related to rate and cost determinations and do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(6) of HUD's regulations, this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any policy document that has federalism implications if the document imposes substantial direct compliance costs on state and local governments and is not required by statute, or the document preempts state law, unless the agency meets the consultation and funding requirements of Section 6 of the executive order. This notice merely designates DDAs as required under Section 42 of the IRC, as amended, for the use by political subdivisions of the states in allocating the LIHTC. This notice also details the technical methodology used in making such designations. As a result, this notice is not subject to review under the order.

2013 IRS SECTION 42(d)(5)(B) METROPOLITAN DIFFICULT DEVELOPMENT AREAS

(OMB Metropolitan Area Definitions, December 1, 2009 [MSA] and derived FY2012 HUD Metro FMR Area Definitions [HMFA])

State	Metropolitan Area	Metropolitan Area Components			
Arizona	Yuma, AZ MSA	Yuma County			
California	Los Angeles-Long Beach, CA HMFA	Los Angeles County			
	Orange County, CA HMFA	Orange County			
	Oxnard-Thousand Oaks-Ventura, CA MSA	Ventura County			
	Riverside-San Bernardino-Ontario, CA MSA	Riverside County	San Bernardino County		
	Salinas, CA MSA	Monterey County			
	San Diego-Carlsbad-San Marcos, CA MSA	San Diego County			
	San Francisco, CA HMFA	Marin County	San Francisco County	San Mateo County	
	Santa Barbara-Santa Maria-Goleta, CA MSA	Santa Barbara County			
	Santa Cruz-Watsonville, CA MSA	Santa Cruz County			
Florida	Cape Coral-Fort Myers, FL MSA	Lee County			
	Fort Lauderdale, FL HMFA	Broward County			
	Miami-Miami Beach-Kendall, FL HMFA	Miami-Dade County			
	Orlando-Kissimmee-Sanford, FL MSA	Lake County	Orange County	Osceola County	Seminole County
	Port St. Lucie, FL MSA	Martin County	St. Lucie County		
	Punta Gorda, FL MSA	Charlotte County			
	Sebastian-Vero Beach, FL MSA	Indian River County			
	Tampa-St. Petersburg-Clearwater, FL MSA	Hernando County	Hillsborough County	Pasco County	Pinellas County
Hawaii	Honolulu, HI MSA	Honolulu County			
New Jersey	Atlantic City-Hammonton, NJ MSA	Atlantic County			
	Jersey City, NJ HMFA	Hudson County			
	Vineland-Millville-Bridgeton, NJ MSA	Cumberland County			
New York	Nassau-Suffolk, NY HMFA	Nassau County	Suffolk County		
	New York, NY HMFA	Bronx County	Kings County	New York County	Putnam County
		Queens County	Richmond County	Rockland County	Westchester County
Puerto Rico	Aguadilla-Isabela-San Sebastián, PR MSA	Aguada Municipio	Aguadilla Municipio	Añasco Municipio	Isabela Municipio
		Lares Municipio	Moca Municipio	Rincón Municipio	San Sebastián Municipio
	Arecibo, PR HMFA	Arecibo Municipio	Camuy Municipio	Hatillo Municipio	
	Barranquitas-Aibonito-Quebradillas, PR HMFA	Aibonito Municipio	Barranquitas Municipio	Ciales Municipio	Maunabo Municipio
		Orocovis Municipio	Quebradillas Municipio		
	Caguas, PR HMFA	Caguas Municipio	Cayey Municipio	Cidra Municipio	Gurabo Municipio
		San Lorenzo Municipio			
	Fajardo, PR MSA	Ceiba Municipio	Fajardo Municipio	Luquillo Municipio	
	Guayama, PR MSA	Arroyo Municipio	Guayama Municipio	Patillas Municipio	
	Mayagüez, PR MSA	Hormigueros Municipio	Mayagüez Municipio		
	Ponce, PR MSA	Juana Díaz Municipio	Ponce Municipio	Villalba Municipio	
	San Germán-Cabo Rojo, PR MSA	Cabo Rojo Municipio	Lajas Municipio	Sabana Grande Municipio	San Germán Municipio
	San Juan-Guaynabo, PR HMFA	Aguas Buenas Municipio	Barceloneta Municipio	Bayamón Municipio	Canóvanas Municipio
		Carolina Municipio	Cataño Municipio	Comerío Municipio	Corozal Municipio
		Dorado Municipio	Florida Municipio	Guaynabo Municipio	Humacao Municipio
		Juncos Municipio	Las Piedras Municipio	Loíza Municipio	Manatí Municipio
		Morovis Municipio	Naguabo Municipio	Naranjito Municipio	Río Grande Municipio
		San Juan Municipio	Toa Alta Municipio	Toa Baja Municipio	Trujillo Alto Municipio
		Vega Alta Municipio	Vega Baja Municipio	Yabucoa Municipio	
	Yauco, PR MSA	Guánica Municipio	Guayanilla Municipio	Peñuelas Municipio	Yauco Municipio

2013 IRS SECTION 42(d)(5)(B) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS (OMB Metropolitan Area Definitions, December 1, 2009)

State	Nonmetropolitan Counties or County Equivalents			
Alabama	Choctaw County	Conecuh County		
Alaska	Aleutians West Census Area	Bethel Census Area	Dillingham Census Area	Hoonah-Angoon Census Area
	Kodiak Island Borough	Nome Census Area	North Slope Borough	Northwest Arctic Borough
	Petersburg Census Area	Sitka City and Borough	Skagway Municipality	
Arizona	Apache County	Cochise County	Gila County	Greenlee County
	La Paz County	Navajo County	Santa Cruz County	
Arkansas	Baxter County	Montgomery County	St. Francis County	
California	Amador County	Colusa County	Del Norte County	Glenn County
	Humboldt County	Lake County	Lassen County	Mariposa County
	Mendocino County	Mono County	Nevada County	Plumas County
	Siskiyou County	Tehama County	Tuolumne County	
Colorado	Archuleta County	Eagle County	Garfield County	Gunnison County
	Lake County	Mineral County	Ouray County	Routt County
	San Juan County	Summit County		
Florida	Bradford County	Calhoun County	Citrus County	Columbia County
	DeSoto County	Dixie County	Franklin County	Glades County
	Gulf County	Hamilton County	Hardee County	Hendry County
	Highlands County	Holmes County	Lafayette County	Levy County
	Madison County	Monroe County	Okeechobee County	Putnam County
	Sumter County	Suwannee County	Walton County	Washington County
Georgia	Baldwin County	Clay County	Gilmer County	Hancock County
	Lumpkin County	Polk County	Sumter County	Troup County
	White County			
Hawaii	Hawaii County	Kalawao County	Kauai County	Maui County
Illinois	McDonough County			
Indiana	Jackson County	Scott County		
Kentucky	Jackson County	Leslie County	Robertson County	
Louisiana	Tangipahoa Parish	Vernon Parish		
Maine	Knox County	Lincoln County		
Maryland	Worcester County			
Massachusetts	Dukes County	Nantucket County		
Michigan	Kalkaska County	Montmorency County		

2013 IRS SECTION 42(d)(5)(B) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS (OMB Metropolitan Area Definitions, December 1, 2009)

State	Nonmetropolitan Counties or County Equivalents			
Mississippi	Adams County	Amite County	Attala County	Benton County
	Bolivar County	Calhoun County	Carroll County	Choctaw County
	Claiborne County	Clarke County	Clay County	Coahoma County
	Covington County	Franklin County	Holmes County	Humphreys County
	Issaquena County	Jasper County	Jefferson County	Jefferson Davis County
	Jones County	Leake County	Leflore County	Marion County
	Montgomery County	Neshoba County	Noxubee County	Panola County
	Pike County	Prentiss County	Quitman County	Scott County
	Sharkey County	Sunflower County	Tallahatchie County	Tippah County
	Tishomingo County	Walthall County	Washington County	Wayne County
	Wilkinson County	Yalobusha County	Yazoo County	
Missouri	Madison County	Putnam County	Randolph County	Stone County
	Taney County			
Nebraska	Keith County	Logan County		
Nevada	Lincoln County			
New Hampshire	Belknap County	Carroll County	Cheshire County	Grafton County
	Merrimack County			
New Mexico	Rio Arriba County	Taos County		
New York	Cattaraugus County	Chautauqua County	Chenango County	Clinton County
	Cortland County	Essex County	Franklin County	Fulton County
	Genesee County	Greene County	Jefferson County	Montgomery County
	Otsego County	St. Lawrence County	Seneca County	Steuben County
	Sullivan County			
North Carolina	Avery County	Camden County	Chowan County	Craven County
	Dare County	Hyde County	Lenoir County	Macon County
	Pamlico County	Pasquotank County	Scotland County	Swain County
	Vance County	Watauga County	Wilson County	
Ohio	Fayette County			
Oregon	Clatsop County	Curry County	Gilliam County	Josephine County
South Carolina	Beaufort County	Jasper County		

2013 IRS SECTION 42(d)(5)(B) NONMETROPOLITAN DIFFICULT DEVELOPMENT AREAS (OMB Metropolitan Area Definitions, December 1, 2009)

State	Nonmetropolitan Counties or County Equivalents			
Texas	Anderson County	Angelina County	Bailey County	Bee County
	Borden County	Brewster County	Brown County	Childress County
	Colorado County	Concho County	Cottle County	Crane County
	Dallam County	Deaf Smith County	Donley County	Erath County
	Freestone County	Gillespie County	Henderson County	Hill County
	Hockley County	Hopkins County	Houston County	Howard County
	Jack County	Jasper County	Jeff Davis County	Jim Wells County
	Kenedy County	Kent County	Kerr County	Kimble County
	King County	Kleberg County	Lamar County	Limestone County
	Live Oak County	Llano County	McMullen County	Marion County
	Martin County	Matagorda County	Montague County	Moore County
	Nacogdoches County	Navarro County	Oldham County	Palo Pinto County
	Polk County	Rains County	Reagan County	Refugio County
	San Saba County	Stephens County	Throckmorton County	Titus County
	Tyler County	Uvalde County	Van Zandt County	Walker County
	Washington County	Wilbarger County	Willacy County	Winkler County
	Yoakum County	Young County		
Utah	Rich County	Wayne County		
Vermont	Addison County	Bennington County	Lamoille County	Orange County
	Rutland County	Washington County	Windham County	Windsor County
Virginia	Essex County	Lancaster County	Northampton County	Nottoway County
	Westmoreland County			
Washington	Clallam County	Island County	Jefferson County	Kittitas County
	Lewis County	Mason County	San Juan County	
American Samoa	Eastern District	Manu'a District	Swains Island	Western District
Guam	Guam			
Northern Mariana Islands	Northern Islands Municipality	Rota Municipality	Saipan Municipality	Tinian Municipality
Puerto Rico	Adjuntas Municipio	Coamo Municipio	Culebra Municipio	Jayuya Municipio
	Las Marias Municipio	Maricao Municipio	Salinas Municipio	Santa Isabel Municipio
	Utuado Municipio	Vieques Municipio		
Virgin Islands	St. Croix	St. John	St. Thomas	

Dated: September 24, 2012.

Erika C. Poethig,

Acting Assistant Secretary for Policy Development and Research.

[FR Doc. 2012–23900 Filed 9–27–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. ONRR–2012–0003]

15-Day Extension of Call for Nominations for the U.S. Extractive Industries Transparency Initiative Advisory Committee

AGENCY: Office of Natural Resources Revenue, U.S. Department of the Interior.

ACTION: Notice.

SUMMARY: The United States Department of the Interior (DOI) published a request for nominees and comments on July 27, 2012. Subsequently, DOI published a 30-day extension of this nomination period. This **Federal Register** Notice extends the nomination and comment period end date by an additional 15 days.

DATES: Nominations will be accepted through October 11, 2012.

ADDRESSES: You may submit nominations to the Committee by any of the following methods.

- Mail or hand-carry nominations to Ms. Shirley Conway; Department of the Interior; Office of Natural Resources Revenue; 1849 C Street NW—MS 4211; Washington, DC 20240.
- Email nominations to *Shirley.Conway@onrr.gov* or *EITI@ios.doi.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Conway, Office of Natural Resources Revenue; telephone (202) 513–0598; fax (202) 513–0682; email *Shirley.Conway@onrr.gov*. Mailing address: Department of the Interior; Office of Natural Resources Revenue; 1849 C Street NW.—MS 4211; Washington, DC 20240.

SUPPLEMENTARY INFORMATION: On July 27, 2012, the Department published in the **Federal Register** a notice of establishment of the United States Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group (MSG). This notice also included a request for nominees and comments under a standard 30-day period. In response to feedback and public requests, the Department extended this period for an additional 30 days to September 26, 2012. To maximize the opportunity for nominee submissions, the Department is extending this nomination period for an additional 15 days. The new nomination and comment period ends October 11, 2012. If you have already submitted your nomination materials, you are not required to resubmit.

Dated: September 25, 2012.

Paul A. Mussenden,

Deputy Assistant Secretary for Natural Resources Revenue Management.

[FR Doc. 2012–23940 Filed 9–26–12; 11:15 am]

BILLING CODE 4310–T2–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–R–2012–N095; 1265–0000–10137–S3]

Bear Lake National Wildlife Refuge, Bear Lake County, ID and Oxford Slough Waterfowl Production Area, Franklin and Bannock Counties, ID; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for the Bear Lake National Wildlife Refuge (NWR, Refuge), 7 miles south of Montpelier, Idaho; the Refuge-managed Thomas Fork Unit (Unit) in Montpelier; and the Oxford Slough Waterfowl Production Area (WPA) in Oxford, Idaho, for public review and comment. The Draft CCP/EA describes our proposal for managing the Refuge for the next 15 years.

DATES: To ensure consideration, we need to receive your written comments by October 29, 2012.

ADDRESSES: You may submit comments, requests for more information, or requests for copies by any of the following methods. You may request a hard copy or a CD–ROM of the documents.

Email: FW1PlanningComments@fws.gov. Include ''Bear Lake NWR CCP'' in the subject line.

Fax: Attn: Annette de Knijf, Refuge Manager, 208–847–1757.

U.S. Mail: Annette de Knijf, Refuge Manager, Bear Lake NWR, Box 9, Montpelier, ID 83254.

Web site: http://www.fws.gov/bearlake/refuge_planning.html; select ''Contact Us.''

In-Person Drop-off, Viewing or Pickup: You may drop off comments during regular business hours at Refuge Headquarters at 322 North 4th St. (Oregon Trail Center), Montpelier, ID.

FOR FURTHER INFORMATION CONTACT: Annette de Knijf, Refuge Manager, 208–847–1757.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process at Bear Lake NWR and Oxford Slough WPA. We started this process through a notice in the **Federal Register** (75 FR 35829; June 23, 2010).

Bear Lake National Wildlife Refuge

Bear Lake NWR was established in 1968 and is located in Bear Lake County, near the community of Montpelier, in southeast Idaho. The Refuge lies in Bear Lake Valley at approximately 5,925 feet in elevation in the historic location of Dingle Swamp. The Thomas Fork Unit is a 1,015-acre tract of land managed by the Refuge and situated at an elevation of 6,060 feet, approximately 20 miles east of Montpelier, Idaho, along U.S. Hwy. 30, near Border, Wyoming. The Unit's eastern boundary is the Wyoming State line. It contains upland and wet meadows used by sandhill cranes, and stream habitat important to the conservation of Bonneville cutthroat trout.

The Refuge is composed of a 16,000-acre emergent marsh, 1,200 acres of uplands, 550 acres of wet meadows, and 5 miles of riparian streams. Approximately 100 species of migratory birds nest at Bear Lake NWR, including large concentrations of colonial waterbirds, and many other species of wildlife utilize the Refuge during various periods of the year. In the early 1900s, the Telluride Canal Company substantially modified the natural hydrology of the former Dingle Swamp by diverting Bear River to flow into Bear Lake for irrigation storage. The indirect effects were numerous and significantly altered the hydrology and ecological processes of the Bear Lake Watershed.

Oxford Slough Waterfowl Production Area

Oxford Slough is the only waterfowl production area in the Service's Pacific Northwest region. It is located 10 miles north of Preston, Idaho, abutting the small town of Oxford in the Cache Valley. Oxford Slough is the drainage for Oxford and Deep Creeks, as well as other streams and creeks in the surrounding mountain ranges. Oxford Slough WPA provides valuable foraging habitat for species such as cranes, geese,

Franklin's gulls, and white-faced ibis, and nesting habitat for many shorebird species.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, such as the National Environmental Policy Act, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify compatible wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

Public Outreach

We began public outreach in June 2010 by publishing a Notice of Intent in the **Federal Register** announcing our intent to prepare a CCP/EA and inviting public comments; in addition, we distributed Planning Update 1 to our mailing list and public outlets. On July 1, 2010, we held a public scoping meeting in Montpelier, Idaho, to meet with the public and obtain comments. The meeting was announced through local media outlets, on the Refuge's Web site, and in Planning Update 1. The initial public scoping period ended on July 23, 2010, and all comments were considered and evaluated. In November 2010, we distributed Planning Update 2, which included a summary of the comments we received, a planning schedule, and a description of the CCP's scope.

CCP Alternatives We Are Considering

During the public scoping process, we, along with other governmental agencies, Tribes, and the public, raised several issues which our Draft CCP/EA addresses. To address these issues, we developed and evaluated the following alternatives, summarized below:

Alternative 1 (No-Action)

This alternative represents current management.

Wildlife and Habitat: Under Alternative 1, the current emphasis on consistent availability of quality wetlands and croplands would continue. High-quality marsh habitat would continue to be provided for waterfowl and colonial waterbirds. Management would primarily occur on Refuge lands, but the Refuge would continue to seek cooperative agreements and partnerships to improve habitats and promote the application of best management practices for farming, haying, pesticide application, and water management.

The Refuge's meadows and uplands would be cooperatively hayed and farmed to provide forage and short-grass habitat for migratory birds such as the sandhill crane and Canada goose. Farming would occur on approximately 214 acres annually at Bear Lake, Thomas Fork, and Oxford Slough WPA. Approximately 3,500 acres of wet meadow, upland meadow, and shallow emergent habitat (including about 90 percent of meadow habitat at Bear Lake NWR) would be hayed annually to provide green browse for migratory birds and other wildlife.

Public Use: Bear Lake NWR and Oxford Slough WPA would remain open to public use. The Thomas Fork Unit would remain closed to all public use. 7,450 acres (40 percent) of Bear Lake NWR would be open for waterfowl hunting during the State season. Two accessible hunting blinds would continue to be available at Bear Lake NWR from October to January. To facilitate waterfowl hunting, motorized and non-motorized boats would still be allowed September 20 to January 15 in the Salt Meadow, the Rainbow Sub-Impoundment, and the Rainbow Units, as well as in the Merkley Lake Unit, and the Mud Lake Unit as far south as the buoys. The Refuge would remain open for small game and upland bird hunting (gray partridge, grouse, ring-necked pheasant, and cottontails). On Bear Lake NWR, the Outlet Canal north of the former Paris Dike and Paris Dike south to its former location, and the area north of the Lifton Pumping Station would remain open to pole-and-line fishing for carp, perch, and trout, and bow fishing for carp. Oxford Slough WPA would remain open to hunting and trapping in accordance with State regulations. There are no fishing opportunities at the WPA.

Alternative 2

Wildlife and Habitat: This alternative would decrease emphasis on waterfowl production, and increase emphasis on maximizing all waterbird productivity, through intensively manipulating seasonal water levels to mimic the varied hydrology of the historic Dingle Swamp. The Refuge would still provide sizeable emergent marsh habitats for waterfowl and colonial birds through the summer and fall, but there would be a substantial increase in temporarily flooded (spring and fall) wetlands. All grain farming (214 acres) and haying (3,533 acres) would be discontinued in the first year (2013) of CCP implementation. Former cropland and hayed areas would be restored to native wet meadow or grassland communities and flooded in spring and fall to provide seasonal and temporary wetlands for waterbirds. The Refuge would study the feasibility of reducing sediment loads in the Mud Lake Complex and make recommendations by 2020 to reduce the sedimentation rate of Bear River water diversions and to better exclude carp from Refuge wetlands. Upland and riparian management activities would increase considerably from Alternative 1.

Public Use: On Bear Lake NWR, increased emphasis would be placed on nonconsumptive, compatible wildlife-dependent recreation compared to Alternative 1, while making modest improvements to hunting and fishing opportunities. Bear Lake NWR hunting areas would alternate every five years from the east side (current hunt area, 7,450 acres) to the west side of the Outlet Canal (the Bloomington and Bunn Lake units, currently closed to hunting, 5,800 acres). An additional accessible hunting blind (3 total) and increased Youth Hunt opportunities would be provided. Upland hunting would continue as in Alternative 1. Fishing opportunities would be increased by allowing boat access to the Mud Lake Unit from September 1 until freeze-up. Improved signage and small piers or fishing platforms would be constructed along the Outlet Canal north of the Paris Dike. As in Alternative 1, the Thomas Fork Unit would remain closed to all public access, and Oxford Slough WPA would remain open to hunting and trapping.

Within 5 years of CCP completion, plans for a combined Refuge office and visitor contact station on or near the Refuge would be completed, and funding would be sought to construct these facilities. Up to eight vehicle turnouts with interpretive panels would be constructed along Merkley Lake

Road, overlooking the Mud Lake Unit. A boardwalk and observation platform would be constructed on the southeast border of the Refuge along North Beach Road. A step-down plan for these facilities would be completed within 2 years of CCP completion. A new staff position would be dedicated to public outreach, and developing and delivering on-site interpretive and environmental education programs to local schools and community groups.

Alternative 3 (Preferred Alternative)

Wildlife and Habitat: Alternative 3, the Service's Preferred Alternative, would emphasize partially restoring long-term habitat function, providing an acceptable range of natural habitat variability, increasing habitat resilience in the face of external stress, and increasing the long-term vigor of wildlife populations. While the Refuge would continue to provide breeding and fall migration habitat for waterfowl, the emphasis would be on providing a range of habitats, not only for waterfowl, but other migratory waterbirds. Management actions and water-level manipulations would simulate natural ''drought,'' ''normal,'' or ''flood'' scenarios, and provide a variety of permanent, semi-permanent, seasonal, and temporary wetland habitats. The acreage of each habitat would vary annually within each unit, but the total Refuge acreage of each habitat would remain the same from year to year. Compared to Alternative 1, there would be a moderate increase in spring and fall seasonal and moist soil wetland habitats. Approximately 154 acres of small grain and legume crops would continue to be cultivated for waterfowl and other key wildlife species. Haying would be reduced to 1,492 acres (44 percent of current hayed acres), and 2,041 acres of previously hayed habitats would be restored or rehabilitated to native wet meadow or upland grass habitats by 2027. The Refuge would phase the reduction in haying over three 5-year cycles: 2013–2017; 2018–2022; and 2023–2027. An approximate 60:40 ratio of hayed-to-unhayed meadow would be managed for goose brooding and foraging areas. As in Alternative 2, the Refuge would study the feasibility of reducing sediment loads in the Mud Lake Complex and make recommendations by 2020 to reduce the sedimentation rate of Bear River water diversions and better exclude carp from Refuge wetlands. As in Alternative 2, upland and riparian management activity would increase considerably from Alternative 1.

Hunting and Fishing: The waterfowl and upland hunting program at Bear Lake NWR would continue to be managed as described in Alternative 1. Compatible fishing opportunities would be expanded through construction of improved signage and small piers or fishing platforms along the Outlet Canal north of the Paris Dike. Fishing would also be allowed from the banks along Merkley Lake Road, consistent with State regulations. As in Alternatives 1 and 2, the Thomas Fork Unit would remain closed to all public access, but compatible hunting and trapping would remain open at Oxford Slough WPA.

Opportunities for observation and education would improve as additional facilities are developed, and a more diverse array of wetland habitats allows a wider variety of waterbirds and other species to flourish. Two turn-out parking areas (one with an observation platform and spotting scope) would be constructed along Merkley Lake Road, above the Mud Lake Unit. As in Alternative 2, a boardwalk and viewing platform would be constructed on the southeast border of the Refuge along North Beach Road; plans for a combined Refuge office and visitor contact station on or near the Refuge would be completed within 5 years of CCP completion, and funding would be sought to construct these facilities; a new staff position would be dedicated to public outreach, and developing and delivering on-site interpretive and environmental education programs to local schools and community groups.

Public Availability of Documents

In addition to the information in **ADDRESSES**, you can view copies of the Draft CCP/EA on the Internet at *http://www.fws.gov/bearlake/refuge_planning.html,* and printed copies will be available for review at the following libraries: Bear Lake County Library, 138 North 6th Street, Montpelier, ID 83254; Larsen-Sant Public Library, 109 South 1st East, Preston, ID 83263.

Next Steps

After this comment period ends, we will analyze the comments and address them in a final CCP and decision document.

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 identifying information from the public, we cannot guarantee that we will be able to do so.

Dated: May 3, 2012.

Jason Holm,

Acting Regional Director, Pacific Region, Portland, Oregon.

[FR Doc. 2012–23676 Filed 9–27–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes an extension of Gaming between the Rosebud Sioux Tribe and the State of South Dakota.

DATES: *Effective Date:* September 28, 2012.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This amendment allows for the extension of the current Tribal-State Compact until February 20, 2013.

Dated: September 20, 2012.

Donald E. Laverdure,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 2012–23978 Filed 9–27–12; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Deemed Approved Amended Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the Deemed Approved Amendment to the Tribal-State Compact between the State of Oregon and the Cow Creek Band of Umpqua Indians.

DATES: *Effective Date:* September 28, 2012.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal—State compacts for the purpose of engaging in Class III gaming activities on Indian lands. On July 12, 2012, the State of Oregon and the Cow Creek Band of Umpqua Tribe of Indians submitted Amendment I to the Class III compact approved on February 8, 2007. Amendment I re-configures the Board of Trustees of the Cow Creek Umpqua Indian Foundation adding three additional seats. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, is publishing notice that Amendment I between the State of Oregon and the Cow Creek Band of Umpqua Tribe of Indians is now in effect. Amendment I is considered to have been approved but only to the extent that Amendment I is consistent with the provisions of the Indian Gaming Regulatory Act.

Dated: September 20, 2012.

Donald E. Laverdure,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 2012–23975 Filed 9–27–12; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO600000.12X.L18200000.XH0000]

Proposed Information Collection; Request for Comments

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day Notice and Request for Comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to approve a new control number for applications for membership in federal advisory committees.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before October 29, 2012.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–XXXX), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *oira_docket@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate ''Attn: 1004–XXXX'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Allison Sandoval, at 202–208–4294. Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, to leave a message for Ms. Sandoval. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide 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. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on December 28, 2011 (76 FR 81523), and the comment period ended February 27, 2012. The BLM received no comments. The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–XXXX in your correspondence. 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.

Title: Bureau of Land Management Resource Advisory Council Application (43 CFR Subpart 1784).

Form: Bureau of Land Management Resource Advisory Council Application.

OMB Control Number: 1004–XXXX.

Abstract: The BLM seeks to collect information to determine education, training, and experience related to possible service on advisory committees established under the authority of Section 309 of the Federal Land Policy and Management Act (43 U.S.C. 1739) and the Federal Advisory Committee Act, 5 U.S.C. App. 2. This information is necessary to ensure that each advisory committee is structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter.

Frequency of Collection: Once.

Obligation to Respond: Required to obtain or retain benefits.

Estimated Number and Description of Respondents: 200 applicants annually.

Estimated Reporting and Recordkeeping ''Hour'' Burden: 800 hours annually.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: None.

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2012–23908 Filed 9–27–12; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11195; 2200–1100–665]

Notice of Intent To Repatriate Cultural Items: San Francisco State University NAGPRA Program, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Francisco State University NAGPRA Program, in consultation with the appropriate Indian tribe, has determined that the cultural items meet the definition of unassociated funerary objects, sacred objects, and objects of cultural patrimony and repatriation to the Indian tribe stated below may occur if no additional claimants come forward. Representatives of any Indian tribe that believes itself to be culturally affiliated with the cultural items may contact the San Francisco State University NAGPRA Program.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the cultural items should contact the San Francisco State University NAGPRA Program at the address below by October 29, 2012.

ADDRESSES: Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the San Francisco State University NAGPRA Program that meet the definition of unassociated funerary objects, sacred objects, and objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Based on the request for repatriation submitted by the Federated Indians of Graton Rancheria, each of the objects below meets the definition of either unassociated funerary objects, sacred objects, or objects of cultural patrimony under 25 U.S.C. 3001 and 43 CFR 10.2 (d)(2)(ii), (d)(3), or (d)(4). Through the summary, consultation, and notification procedures in 43 CFR 10.14, the cultural affiliation of the cultural items below with the Federated Indians of Graton Rancheria was established.

Between 1974 and 1975, 1 cultural item was removed from site CA–MRN–14 in Marin County, CA, by San Francisco State University during an archaeological field class. The 1 unassociated funerary object is a soil matrix associated with human remains from Burial 2; the human remains are not present at San Francisco State University. Radiocarbon dates and artifact typology indicated the site was occupied from circa A.D. 50 to the Euro-American contact period and contains Berkeley and Augustine Pattern components. There is evidence the site was re-occupied during the post-mission period, circa A.D. 1834.

From 1980 to 1985, 284 cultural items were removed from site CA–MRN–17, on De Silva Island, in Marin County, CA, by San Francisco State University staff under the direction of Gary Pahl. Materials from the excavations were jointly curated by San Francisco State University and Sonoma State University Anthropological Studies Center until 1998, when all excavated materials from site CA–MRN–17 were transferred to San Francisco State University. The 56 sacred objects are 3 charmstones, 37 clamshell beads, 13 lots of olivella shell beads, 1 steatite stone bead, 1 magnesite stone bead, and 1 cupule rock. The 228 objects of cultural patrimony are 41 obsidian tools, 8 chert tools, 84 ground stone tools, 90 bone tools, 1 ear spool, and 4 earplugs. Radiometric dating indicates the site was occupied from 3480±145 B.C. to A.D. 65±115.

At an unknown date, 1 cultural item was removed from site CA–MRN–74, at San Anselmo, in Marin County, CA. At an unknown date, the object was donated to the San Francisco State University, Department of Anthropology, by an unknown person. The 1 object of cultural patrimony is a single pestle. The age of site CA–MRN–74 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria, California.

In 1989, 4 cultural items were removed from site CA–MRN–127, near the Marin Civic Center, in Marin County, CA, by Holman and Associates during excavations for a county park improvement project. The 4 objects of cultural patrimony are 2 obsidian tools, 1 chert tool, and l pestle. A radiocarbon date of A.D.1580±50, obsidian hydration readings, and artifact typology date the site from circa A.D. 500 to the Euro-American contact period and indicate Augustine Pattern components.

Between 1969 and 1971, 181 cultural items were removed from site CA–MRN–138, near Miller Creek, in Marin County, CA, by San Francisco State University staff under the direction of Charles Slaymaker and Michael Moratto. The 34 sacred objects are 8 clamshell beads, 16 olivella beads, 1 abalone bead, 6 abalone pendants, 1 mica pendant, 1 medicine pestle fragment, and 1 quartz crystal. The 147 objects of cultural patrimony are 12 ground stone tools, 13 chert tools, 40 obsidian tools, 77 bone tools, 1 shell tool, 1 lithic pendant, 2 steatite ear spools, and 1 wooden spoon fragment. Radiometric dates obtained from the site ranged from 700±95 B.C. to A.D. 230±95.

In 1963, 29 cultural items were removed from site CA–MRN–158, on the west bank of the Pacheco-Miller Creek, in Marin County, CA, by San Francisco State University staff under the direction of A.E. Treganza. The 4 sacred objects are 2 stone pestles to grind medicine or paint used in ceremonies, 1 round ceremonial stone tool, and 1 charmstone. The 25 objects of cultural patrimony are 6 obsidian tools, 1 chert tool, 12 ground stone tools, and 6 bone tools. The artifact assemblage indicates Berkeley and Augustine Pattern components dating from circa 1500 B.C. to the Euro-American contact period.

In 1997, 54 cultural items were removed from site CA–MRN–159, located along Ignacio Creek on Cielo Lane in Marin County, CA, by Origer and Associates during construction activities at site. Human remains from this site were left in situ or re-interred by the Federated Indians of Graton Rancheria, California. The 42 unassociated funerary objects are 9 obsidian tools, 31 chert tools, and 2 bone tools. The 12 objects of cultural patrimony are 6 obsidian tools, 4 chert tools, and 2 mortar fragments. Obsidian hydration dating indicates the site was occupied circa A.D. 1325 to A.D. 1800 with Augustine Pattern components.

In 1968, 73 cultural items were removed from site CA–MRN–168 (Pacific Telephone site), in Marin County, CA, by San Francisco State University staff under the direction of Charles Slaymaker. The 1 unassociated funerary object is an obsidian tool, which was associated with Burial A; human remains from Burial A are not present at San Francisco State University. The 20 sacred objects are 2

stone tools, 1 bone needle, 11 olivella shell beads, 3 charmstones, 2 abalone shell pendants (with 1 or 3 holes), and 1 mica ceremonial ornament. The 52 objects of cultural patrimony are 1 chert tool, 2 obsidian tools, 13 ground stone tools, 32 bone tools, 2 abalone pendants (with 2 holes), and 2 baked clay pieces with basket impressions. Site CA–MRN–168 dates to circa 500 B.C.–A.D. 1000 and contains Berkeley and Augustine Pattern components.

Between 1970 and 1972, 1,118 cultural items were removed from site CA–MRN–170 (Ignacio site), in Marin County, CA, by San Francisco State University staff under the direction of Charles Slaymaker and Michael Moratto. The 91 unassociated funerary objects are 90 olivella beads and 1 clamshell bead associated with Burials 5 and 6; human remains from Burials 5 and 6 are not present at San Francisco State University. The 34 sacred objects are 3 stone beads, 10 shell beads, 2 individual and 7 fragments of Abalone pendants (with 1 or 3 holes), 2 ear plugs, 2 knobbed and incised stones, 2 stone pipe bowls, 1 worked mica piece, 1 pine nut bead, 1 paint mortar fragment, and 3 charmstones. The 993 objects of cultural patrimony are 608 bone tools, 34 chert tools, 164 obsidian tools, 99 ground stone tools, 80 shell beads, 7 bone whistles, and 1 earplug. Radiometric dating and artifact typology indicate site occupation from circa 500 B.C.-A.D. 1500 with Berkeley and Augustine Pattern components.

In 1986, 17 cultural items were removed from site CA–MRN–174 on Deer Island, in Marin County, CA, by Holman and Associates during test excavations conducted for a proposed flood control project. The 17 sacred objects are 3 obsidian flakes, 1 chert core, 2 chert flakes, 2 lithic flakes, 2 quartz flakes, 2 chert tools, 1 bone awl, 1 burnt bone, 2 pieces of carved ground schist, and 1 clamshell disc bead. The age of site CA–MRN–174 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria. The Federated Indians of Graton Rancheria considers all of Deer Island to be a sacred site because numerous ceremonial sites with petroglyphs are located on the island.

In 1957, and between 1971 and 1977, 23 cultural items were removed from site CA–MRN–193 (Olompali site), in Marin County, CA, by San Francisco State University staff. The 23 objects of cultural patrimony are 10 obsidian tools, 9 ground stone tools, 1 chert tool, and 3 bone tools. Radiometric dating and artifact typology indicate that site occupation dates from circa A.D. 1500 to the Euro-American contact period.

In 1955, 15 cultural items were removed from site CA–MRN–254 at Dominican College, San Rafael, in Marin County, CA, during San Francisco State University field classes directed by A. E. Treganza. The 6 sacred objects are 1 round cobble, 3 charmstones, 1 steatite pendant, and 1 whalebone wedge. The 9 objects of cultural patrimony are 2 bone tools, 1 stone pestle, 5 obsidian tools, and 1 chalcedony flake. Radiocarbon dates obtained from the site ranged from A.D. 520±150 to 1830±90. Shell bead typological dating and obsidian hydration readings indicate the site was occupied from circa 500 B.C. to the Euro-American contact period with Berkeley and Augustine Pattern components.

In 1967, 2 cultural items were removed from site CA–MRN–365 in Novato, in Marin County, CA, by students from San Francisco State University and the Novato High School Archaeology Club. The 2 objects of cultural patrimony are 1 pestle fragment and 1 mortar. Artifact typology indicates the site dated circa 1000 B.C. to A.D. 1500 with Berkeley and Augustine Pattern components.

In 1967, 35 cultural items were removed from site CA–MRN–372 in Bolinas, in Marin County, CA, by A.E. Treganza of San Francisco State University. The 5 sacred objects are 1 charmstone, 2 abalone shell pendants (with 1 or 3 holes), 1 pestle, and 1 lot of fossil clamshells. The 30 objects of cultural patrimony are 11 obsidian tools, 2 chert tools, 11 ground stone tools, 4 bone tools, and 2 abalone shell adornments with 2 holes. The age of site CA–MRN–372 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

In 1965, 20 cultural items were removed from site CA–MRN–383 in Bolinas, in Marin County, CA, by D. A. Fredrickson working with A. E. Treganza of San Francisco State University. The 20 objects of cultural patrimony are 9 ground stone tools, 4 obsidian tools, 1 bone tool, 5 olivella shell beads, and 1 historic abalone shell button. The age of site CA–MRN–383 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

In 1966, 1 cultural item was removed from site CA–MRN–384 in Novato, in Marin County, CA, by San Francisco State University staff. The 1 object of cultural patrimony is a pestle. The age of site CA–MRN–384 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

Between 1961 and 1968, 424 cultural items were removed from site CA–MRN–396 at Preston Point, in Marin County, CA, by W. Beason, Sacramento State University; Ward Upson, Santa Rosa Junior College, Santa Rosa, CA; and Mrs. Agnes Gerkin of Sacramento, CA. The 9 sacred objects are 6 charmstones, 2 abalone pendants, and 1 olivella cup shaped shell bead. The 415 objects of cultural patrimony are 2 chert tools, 79 obsidian tools, 35 ground stone tools, 10 bone tools, 1 agate tool, and 288 olivella beads. Artifact typology indicates the site dated from circa A.D. 50 to the Euro-American contact period with Augustine Pattern components.

In 1971, 4,736 cultural items were removed from site CA–MRN–402 in Nicasio, in Marin County, CA, by San Francisco State University during an archaeological field class under the direction of Charles Slaymaker and Winfield Henn. The 18 unassociated funerary objects are 1 chert drill and 2 quartz crystals (Burial UNK.10); 1 obsidian tool and 1 quartz crystal (Burial UNK.11); and 6 obsidian tools, 4 chert tools, 1 mortar fragment, 1 bone tool, and 1 stone pendant (Burial UNK.12). The human remain associated with these burials are not present at San Francisco State University. The 45 sacred objects are 18 clamshell beads, 6 hairpin fragments, 1 charmstone fragment, 1 steatite earplug, 2 gambling bones, 1 paint mortar, 13 quartz crystals, 1 stone pendant, and 2 incised bone fragments. The 4,673 objects of cultural patrimony are 2,169 glass fragments, 6 lots of glass fragments, 119 ceramic fragments, 1,304 square-cut nails, 7 lots of square-cut nails, 187 metal objects, 51 clothing fasteners, 41 bone tool fragments, 72 obsidian tools, 17 chert tools, 636 trade beads, 2 lots of trade beads, 56 ground stone fragments, 1 bowl mortar, 1 worked bone fragment, 1 incised bone, 1 clam shell disk bead, 1 quartz crystal, and 1 stone pipe fragment. The site is in the post-Mission period village of Echa-tamal. Ethnographic accounts and artifact typology indicated the site was occupied by Native American people from circa A.D. 1100 to 1884. Site CA–MRN–402 contains Augustine Pattern components along with ethnohistoric and historic era materials. All the historic period artifacts are directly associated and coeval with the occupation of the site by Native American people until 1884.

In 1992, 9 cultural items were removed from site CA–MRN–611, East Marin Island, in Marin County, CA, during an archaeological field class

under the direction of Ed Luby. The 4 sacred objects are charmstones. The 5 objects of cultural patrimony are 1 obsidian tool, 2 bone tools, 1 ground stone fragment, and 1 bone adornment. Radiometric dates, obsidian hydration readings, and artifact typology indicate site occupation from circa A.D. 200 to A.D. 1510 with Berkeley and Augustine Pattern components.

In 1955, one cultural item was removed from the ''Convent Site'' in Marin County, CA, according to San Francisco State University records. The ''Convent Site'' is another name for site CA–MRN–254 located at Dominican College, San Rafael, in Marin County, CA. Other cultural items from site CA–MRN–254 are listed separately in this notice. The 1 object of cultural patrimony is a ''show mortar.'' Radiocarbon dates obtained from site CA–MRN–254 ranged from A.D. 520±150 to 1830±90. Shell bead typological dating and obsidian hydration readings indicate the site was occupied from circa 500 B.C. to the Euro-American contact period with Berkeley and Augustine Pattern components.

At an unknown date, 8 cultural items were removed from site CA–MRN–UNK (Nicasio Creek), in Marin County, CA. The only information concerning site CA–MRN–UNK (Nicasio Creek) collections are various catalogue entries in the Treganza Anthropology Museum catalogue labeled ''Nicasio Creek,'' ''Nicasio Site,'' and ''Nacasio.'' The entries were all found on a catalogue sheet dated Fall 1963, and the collector was L.L. Valdivia, a collaborator of A. E. Treganza of San Francisco State University. The exact provenance for the artifacts from site CA–MRN–UNK (Nicasio Creek) is unknown. There are at least 11 Native American sites located along Nicasio Creek and in the vicinity of the town of Nicasio, including site CA–MRN–402, listed separately in this notice. The 2 unassociated funerary objects are 2 purposely broken or ''killed'' mortars. According to ethnographic accounts and consultation, the Coast Miwok ritually broke mortars by putting a hole in the base after the death of the owner. The 6 objects of cultural patrimony are 5 mortars and 1 pestle. The age of the site is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

At an unknown date, 1 cultural item was removed from an unrecorded archaeological site in San Anselmo, in Marin County, CA. The item was donated to the San Francisco State University Department of Anthropology by an unknown person at an unknown date. The 1 object of cultural patrimony is a mortar. The age of site CA–MRN–UNK (San Anselmo) is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

In 1973, 4 cultural items were removed from site CA–SON–24 (Melita site), east of Santa Rosa, in Sonoma County, CA. The items were donated to the San Francisco State University Department of Anthropology by an unknown person at an unknown date. The 4 objects of cultural patrimony are obsidian tools. The age of site CA–SON–24 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

In 1977, 6 cultural items were removed from site CA–SON–58 (Jesse Peters site), Kenwood, in Sonoma County, CA. The cultural items were donated to the San Francisco State University Department of Anthropology by an unknown person at an unknown date. The 1 unassociated funerary object is a burned mortar fragment. According to ethnographic accounts and consultation, the Coast Miwok ritually burned mortars and other important cultural items after the death of the owner. The 5 objects of cultural patrimony are 1 mortar fragment, 3 obsidian tools, and 1 worked stone. The age of site CA–SON–58 is unknown but the site is located within the historically documented territory of the Federated Indians of Graton Rancheria.

In 1997, 19 cultural items were removed from site CA–SON–227, at Sears Point Raceway, in Sonoma County, CA, by Origer and Associates during test excavations conducted for proposed raceway improvement projects. The 1 sacred object is a Limpet shell bead. The 18 objects of cultural patrimony are 9 obsidian tools, 1 pestle fragment, 4 mussel shell spoon fragments, and 4 bone awl fragments. Obsidian hydrations readings and artifact typology indicates the site was occupied circa A.D. 1000–A.D 1800 with Augustine Period components.

In 1997, 30 cultural items were removed from site CA–SON–2226, at Sears Point Raceway, in Sonoma County, CA, by Origer and Associates during test excavations conducted for proposed raceway improvement projects. The 5 sacred objects are 2 schist charmstones, 1 schist hammer stone, 1 arkose hand stone, and 1 basalt hand stone. The 25 objects of cultural patrimony are 19 obsidian tools, 1 chert tool, 1 sandstone pestle, 1 basalt mortar fragment, 1 basalt hand stone fragment, and 2 basalt flaked stone tools. Based on obsidian hydrations readings and artifact typology, the site was occupied during three time periods: 1150 B.C.–150 B.C., A.D. 500–A.D. 900, and A.D. 1475–A.D. 1800 with Berkeley and Augustine Pattern Components.

Determinations Made by the San Francisco State University NAGPRA Program

Officials of the San Francisco State University NAGPRA Program, have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 156 unassociated funerary objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(3)(C), the 240 sacred objects described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the 6,700 objects of cultural patrimony described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects, sacred objects, and objects of cultural patrimony and the Federated Indians of Graton Rancheria.

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects, sacred objects, or objects of cultural patrimony should contact Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075 before October 29, 2012. Repatriation of the unassociated funerary objects, sacred objects, and objects of cultural patrimony to the Federated Indians of Graton Rancheria may proceed after that date if no additional claimants come forward.

The San Francisco State University NAGPRA Program, San Francisco, CA, is responsible for notifying Federated Indians of Graton Rancheria, California and the Dry Creek Rancheria Band of

Pomo Indians, California that this notice has been published.

Dated: August 30, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23920 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11214; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of Defense, Army Garrison, Redstone Arsenal, Huntsville, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Garrison, Redstone Arsenal, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact the Redstone Arsenal. Disposition of the human remains and associated funerary objects to the Indian tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact the Redstone Arsenal at the address below by October 29, 2012.

ADDRESSES: Mr. Ben Hoksbergen, 4488 Martin Road, Room A–328, U.S. Army Garrison, Redstone Arsenal, Huntsville, AL 35898, telephone (256) 955–6971.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 23 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Army Garrison, Redstone Arsenal (Redstone Arsenal). The human remains and associated funerary objects were removed from three sites in Madison County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by Redstone Arsenal and the U. S. Army Engineer District, St. Louis, Mandatory Center of Expertise for Curation and Management of Archaeological Collections in consultation with representatives of the Absentee Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town, Oklahoma; Mississippi Band of Choctaw Indians, Mississippi; Muskogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Tribe of Oklahoma; Shawnee Tribe, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

In March 1978, human remains representing, at minimum, nine individuals were discovered eroding out of a clay floor of a cave at site 1MA165, on Redstone Arsenal, in Madison County, AL. The University of Alabama, Office of Archaeological Research conducted a surface collection of the exposed bone found in the cave. This investigation was undertaken as part of a Phase I cultural reconnaissance project of selected areas of Redstone Arsenal. The partial and fragmentary skeletal remains are those of adult individuals, likely both male and female, recovered during the University of Alabama, Office of Archaeological Research's survey. No known individuals were identified. No associated funerary objects are present.

According to Lawrence S. Alexander's technical report *Phase I Cultural Reconnaissance of Selected Areas of Redstone Arsenal, Madison County, Alabama (1979),* which is on file at Redstone Arsenal, these human remains were exposed by the action of flowing water from a drip pool which cut a drainage channel through the talus slope at the foot of the cave. Alexander believed that this site represents a Copena ossuary cave dating to A.D. 100–500. The human remains were deposited into a 45-foot shaft where they were subsequently redeposited by water action onto the talus slope at the foot of the cave.

In January of 1980, human remains representing, at minimum, one individual were removed by New World Research, Inc. during a reconnaissance level cultural resource survey to conduct testing and evaluation of a proposed alternate corridor for a DDT contamination study on Redstone Arsenal, in Madison County, AL. During testing at the extensive village site 1MA210, 18 fragmentary pieces of human bone representing one adult of indeterminate sex were recovered from a shovel test. No known individuals were identified. The 37 associated funerary objects are 28 flakes, 1 projectile point, 7 stone debris fragments, and 1 gastropod shell.

During the spring of 1987, human remains representing, at minimum, one individual were removed by OMS, Inc. during an archeological investigation on Redstone Arsenal, at the village site 1MA126, in Madison County, AL. The partial and fragmentary remains of one adult male were removed from a burial pit. About half of the burial had been disturbed by earlier mechanical excavation. The remainder was found in the profile of the north side of the trench. The individual had been interred in a sitting position within a cylindrical pit lined with pieces of limestone. No known individuals were identified. The 16 associated funerary objects are 6 chert flakes; 1 chert blank; 2 preforms; 1 rodent tooth; 1 beaver tooth; 1 deer antler tine; 1 drilled deer antler piece; 2 Wade points; and 1 hammerstone. The presence of diagnostic Wade Projectile points suggests a date for the burial sometime during the Late Archaic (4000–1000 BP) to Gulf Formational (2500–100 BP) periods.

At the time of the excavation and removal of these human remains and associated funerary objects, the land from which the remains and objects were removed was not the tribal land of any Indian tribe. In 2010 and 2011, the Redstone Arsenal consulted with all the Indian tribes who are recognized as aboriginal to the area from which these Native American human remains and associated funerary objects were removed. These tribes are the Cherokee Nation of Oklahoma, the Eastern Band of Cherokee Indians of North Carolina, and the United Keetoowah Band of Cherokee Indians in Oklahoma. None of these tribes agreed to accept control of the human remains and associated funerary objects. In June of 2012, the Redstone Arsenal agreed to transfer control of the human remains and

associated funerary objects to the Chickasaw Nation of Oklahoma.

Determinations Made by the U.S. Army Garrison, Redstone Arsenal

Officials of the U.S. Army Garrison, Redstone Arsenal, have determined that:

- Based on non-destructive physical analysis of the human remains and the cultural context of the sites, the human remains were determined to be Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to the final judgment of the Indian Claims Commission, the human remains were removed from the aboriginal land of the Cherokee Nation, which includes the present-day tribes of the Cherokee Nation of Oklahoma, the Eastern Band of Cherokee Indians of North Carolina, and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of 11 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 53 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 43 CFR 10.11(c)(2)(i), the disposition of the human remains and associated funerary objects is to the Chickasaw Nation of Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Mr. Ben Hoksbergen, 4488 Martin Road, Room A–328, U.S. Army Garrison, Redstone Arsenal, Huntsville, AL 35898, telephone (256) 955–6971, before October 29, 2012. Disposition of the human remains and associated funerary objects to the Chickasaw Nation of Oklahoma may proceed after that date if no additional claimants or requestors come forward.

Redstone Arsenal is responsible for notifying the Absentee Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town, Oklahoma; Mississippi Band of Choctaw Indians, Mississippi; Muskogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Tribe of Oklahoma; Shawnee Tribe, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and the United Keetoowah Band of Cherokee Indians in Oklahoma, that this notice has been published.

Dated: September 5, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2012–23922 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

[NPS–WASO–NAGPRA–11201; 2200–1100–665]

Notice of Inventory Completion: California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The California Department of Parks and Recreation has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the California Department of Parks and Recreation. Repatriation of the human remains to the Indian tribes stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the California Department of Parks and Recreation at the address below by October 29, 2012.

ADDRESSES: Patrick C. Riordan, NAGPRA Coordinator, California Department of Parks and Recreation, 1416 9th Street Room 902, Sacramento, CA 95814, telephone (916) 375–5916.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the California Department of Parks and Recreation. The human remains are believed to have been removed from the massacre site at Wounded Knee in Shannon County, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d) (3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the California Department of Parks and Recreation professional staff in consultation with representatives of the Cheyenne River Sioux Tribes of the Cheyenne River Reservation of South Dakota; Oglala Sioux Tribe of the Pine Ridge Reservation of South Dakota; and the Standing Rock Sioux Tribe of North and South Dakota (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In December of 1890, human remains representing, at minimum, two individuals were removed by an unknown person from the massacre site at Wounded Knee in Shannon County, SD. The human remains consist of two hanks of hair. At an unknown date, the remains were acquired by the California Department of Parks and Recreation, and these remains were included in a 1968 inventory for the Estudillo House at Old Town San Diego State Historic Park, along with other objects from Oxnard, CA. In 1988, the collection was transferred to the California Department of Parks and Recreation Statewide Museum Resources Center in West Sacramento and was housed with other human remains in the Department's NAGPRA Collections storage area. No known individuals were identified. The two associated funerary objects are bandanas wrapped around each of the two clusters of hair.

The Wounded Knee Massacre was the last major armed conflict between Indians and whites in the United States. The confrontation occurred on December 29, 1890, after the U.S. Army moved a group of approximately 340 Indians under the leadership of Sitanka (Big Foot) from their camp on the Cheyenne River at the Cheyenne River Agency to Wounded Knee Creek, approximately 20 miles from Pine Ridge Agency. Besides members of Sitanka's band from the Cheyenne River Agency,

members of Sitting Bull's band from the Standing Rock Agency, and possibly a few Oglala from the Pine Ridge Agency, were present. Fighting began when the soldiers attempted to disarm the surrounded Sioux. Reportedly, one of the Sioux fired a shot and the soldiers began firing, indiscriminately killing women and children along with Sioux warriors. Estimates of the number of Sioux killed were as high as 300. About 39 U.S. soldiers were killed.

The human remains and associated funerary objects date from the Wounded Knee Massacre, on December 29, 1890. The geographical location is consistent with the occupation of the site by the historical bands of Sioux Indians. The associated funerary objects are consistent with the period when this region would have been occupied by the historical bands of Sioux Indians. Based upon the extant information about the acquisition of this collection by the California Department of Parks and Recreation and the historical events leading to the massacre at Wounded Knee, the California Department of Parks and Recreation Committee on Repatriation determined that there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and The Tribes.

Determinations Made by the California Department of Parks and Recreation

Officials of the California Department of Parks and Recreation have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two funerary objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Patrick C. Riordan, NAGPRA Coordinator, California Department of Parks and Recreation, 1416 9th Street, Room 902, Sacramento, CA 95814, telephone (916) 375–5916 before October 29, 2012. Repatriation of the human remains and associated funerary objects to The Tribes may proceed after that date if no additional claimants come forward.

The California Department of Parks and Recreation is responsible for notifying The Tribes that this notice has been published.

Dated: August 31, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23921 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11194; 2200–1100–665]

Notice of Inventory Completion: San Francisco State University, NAGPRA Program, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Francisco State University NAGPRA Program has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribe, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and a present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the San Francisco State University NAGPRA Program. Repatriation of the human remains and associated funerary objects to the Indian tribe stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the San Francisco State University NAGPRA Program at the address below by October 29, 2012.

ADDRESSES: Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the San Francisco State University NAGPRA Program. The human remains were removed from Marin and Sonoma counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the San Francisco State University NAGPRA Program professional staff in consultation with representatives of the Federated Indians of Graton Rancheria, California.

History and Description of the Remains

In 1989, human remains representing, at minimum, one individual were removed from site CA–MRN–127 in Marin County, CA, by Holman and Associates during construction at the Marin County Civic Center. San Francisco State University received the collection in 2010. No known individuals were identified. The 56 associated funerary objects are 23 pieces of obsidian debitage, 2 obsidian projectile points, 4 individual pieces and 6 lots of chert debitage, 4 pieces of quartz, 11 bone tools, 1 pestle, 1 olivella bead, 1 trade bead, 1 lot of soil from the burial matrix, and 2 manuports. A radiocarbon date of A.D. 1600±50, obsidian hydration readings, and artifact typology indicate site CA–MRN–127 contains Augustine Pattern components.

In 1967, human remains representing, at minimum, three individuals were removed from site CA–MRN–365 in Marin County, CA, by San Francisco State University during an archaeological field class under the direction of Thomas F. King. No known individuals were identified. No associated funerary objects are present. Based on artifact typology, the site dates to circa 1000 B.C.–A.D 1500 and contains Berkeley to Augustine Pattern components.

In 1971, human remains representing, at minimum, ten individuals were removed from site CA–MRN–402 in Marin County, CA, by San Francisco State University during an archaeological field class under the direction of Charles Slaymaker and Winfield Henn. No known individuals

were identified. The 20 associated funerary objects are 1 obsidian tool, 7 chert tools, 6 bone tools, 3 quartz crystals, and 3 lots of chert and obsidian debitage. Ethnographic accounts and artifact typology indicated the site dates to circa A.D. 1100–1884 and contains Augustine Pattern components along with ethnohistoric and historic era materials.

In 1997, human remains representing, at minimum, one individual were removed from site CA–SON–227 in Sonoma County, CA, by Origer and Associates in conjunction with proposed construction at Sear Point Raceway. San Francisco State University received the collection in 2010. No known individuals were identified. The 15 associated funerary objects are 11 obsidian tools and debitage and 4 chert tools and debitage. Obsidian hydration readings and artifact typology indicate that site dates anywhere from circa A.D. 1000 to the time of European contact and contains Augustine Pattern components.

Archeological evidence indicates that the Penutian-speaking proto-Miwok people were settled in Marin and southern Sonoma counties, CA, circa 2000 B.C.–A.D. 1500. Ancestral Coast Miwok have been identified on the basis of similarities between the archeological record and historic material culture as early as 500 B.C. Ethnographic records show that the Coast Miwok occupied all of Marin County at the time of European contact. The ethnographic and archeological evidence, along with consultation with representatives of the Federated Indians of Graton Rancheria, California, indicates that all Native American sites in Marin County, CA, and site CA–SON–227 in Sonoma County, CA are culturally affiliated with descendants of the Coast Miwok. Descendants of the Coast Miwok are members of the Federated Indians of Graton Rancheria, California.

Determinations Made by the San Francisco State University

Officials of the San Francisco State University NAGPRA Program have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 91 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Federated Indians of Graton Rancheria, California.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075 before October 29, 2012. Repatriation of the human remains to Federated Indians of Graton Rancheria, California, may proceed after that date if no additional claimants come forward.

The San Francisco State University NAGPRA Program is responsible for notifying the Federated Indians of Graton Rancheria, California and the Dry Creek Rancheria Band of Pomo Indians, California that this notice has been published.

Dated: August 30, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23918 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11060; 2200–1100–665]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and a present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the Burke Museum. Repatriation of the human remains to the Indian tribe stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the Burke Museum at the address below by October 29, 2012.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 35101, Seattle, WA 98195, telephone (206) 685–3849.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the Burke Museum. The human remains were removed from San Juan County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Burke Museum professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and the Swinomish Indians of the Swinomish Reservation, Washington.

History and Description of the Remains

In 1951, human remains representing, at minimum, one individual were removed from a shell midden (site 45–SJ–239) on the northern end of Eastsound on Orcas Island, in San Juan County, WA. The human remains were removed by Keith Thompson of the University of Washington while conducting a geological survey of the area and were transferred to the Burke Museum sometime prior to 1970. The human remains were found in collections at the Burke Museum in 1995 (Burke Accn. #1995–79). No known individuals were identified. No funerary objects are present.

In 1957, human remains representing, at minimum, one individual were removed from a shell midden (site 45–SJ–240) on the northern end of Eastsound on Orcas Island, in San Juan County, WA. The human remains were removed by Thomas Greaves and donated to the Burke Museum in 1962 (Burke Accn. #1963–23). No known

individuals were identified. No funerary objects are present. The human remains from site 45–SJ–240 are consistent with Native American morphology as evidenced through cranial deformation and bossing of the cranium, as well as the presence of wormian bones.

In 1951, human remains representing, at minimum, one individual were removed from a shell midden (site 45–SJ–231) on the southwest shore of Eastsound on Orcas Island, in San Juan County, WA. The human remains were removed by Keith Thompson of the University of Washington while conducting a geological survey of the area and were transferred to the Burke Museum sometime prior to 1970. The human remains were found in collections at the Burke Museum in 1995 (Burke Accn. #1995–79). No known individuals were identified. No funerary objects are present.

The three Orcas Island sites listed above are documented shell midden archaeological sites and are considered part of the Gulf of Georgia Culture Area. Material culture observed at the sites, projectile points, antler wedges, barbed harpoons, awls, hammers, and net weights, is consistent with Native American Coast Salish material culture. Oral history indicates that Orcas Island was occupied by the Lummi and Swallah people. The Lummi people seasonally occupied Crescent Beach and White Beach on Orcas Island for clamming until 1938 and 1942 respectively (Site Survey Form). Eastsound on Orcas Island was one of the primary areas occupied by the Swallah, who later joined the Lummi (Ruby and Brown 1986: 229; Suttles 1990:456).

In 1951, human remains representing, at minimum, eleven individuals were removed from Armadale Valley on San Juan Island in San Juan County, WA. The human remains were removed by a University of Washington field party led by Warren Caldwell. The human remains may have been transferred to the Burke Museum by the University of Washington Anthropology Department in 1991 and were accessioned by the Burke Museum in 1995 (Burke Accn. #1995–66). No known individuals were identified. No funerary objects are present. The human remains from Armadale Valley were found in cairn burials.

In 1951, human remains representing, at minimum, one individual were removed from the ''International Camp'' (site 45–SJ–28) at Westcott Bay on San Juan Island, in San Juan County, WA. The human remains were removed by Keith Thompson of the University of Washington while conducting a geological survey of the area and were transferred to the Burke Museum sometime prior to 1970. The human remains were found in collections at the Burke Museum in 1995 (Burke Accn. #1995–79). No known individuals were identified. The associated funerary objects are one lot of deer bones.

In 1926, human remains representing, at minimum, one individual were removed from Mitchell Bay on San Juan Island, in San Juan County, WA. The human remains were collected by J.E. Kolhs and given to A.G. Colley while on a University of Washington Museum expedition in the San Juan Islands. The human remains were transferred to the Burke Museum and accessioned in 1926 (Burke Accn. #2123). No known individuals were identified. No funerary objects are present.

The three San Juan Island sites listed above are on the northwestern portion of San Juan Island, which is considered part of the Gulf of Georgia Culture Area. The human remains from these three sites are consistent with Native American morphology as evidenced through cranial flattening. Historical and anthropological sources (Amoss 1978; Spier 1936; Suttles 1951; and Termain 1975) indicate that the northwestern portion of San Juan Island is at the intersection of the traditional territory of the Saanich, Songish, and the Lummi. Amoss stated that these sites fall within the traditional territory of the Songish. Suttles documented Saanich, Songish, and the Lummi traditional territory in the Wesctott Bay and Mitchell Bay area, while Spier indicated that the Swallah occupied the area. The Swallah later joined the Lummi (Ruby and Brown 1986: 229; Suttles 1990:456). Tremaine documents the Wesctott Bay and Mitchell Bay area as Lummi territory. Furthermore, Lummi oral tradition discusses the first man, *swete'n,* coming down to northern San Juan Island (Suttles 1951:33). The Songish and Saanich are Canadian First Nations groups and do not have standing under NAGPRA.

In 1961, human remains representing, at minimum, two individuals were removed from Butner Bay on Shaw Island, in San Juan County, WA. The human remains were donated to the Burke Museum in 1961 by Mrs. Ahlene Crawford, a University of Washington undergraduate student in the Anthropology Department (Burke Accn. #1963–19). No known individuals were identified. The one funerary object is a deer scapula. The human remains are consistent with Native American morphology as evidenced through intentional cranial deformation, as well as the presence of wormian bones. Shaw Island is located in the center of the San Juan Island archipelago, which is considered part of the Gulf of Georgia Culture Area.

In 1951, human remains representing, at minimum, one individual were removed from near North Bay on San Juan Island, in San Juan County, WA. The human remains were removed by Keith Thompson of the University of Washington while conducting a geological survey of the area and were transferred to the Burke Museum sometime prior to 1970. The human remains were found in collections at the Burke Museum in 1995 (Burke Accn. #1995–79). No known individuals were identified. No funerary objects are present. North Bay is on the southeastern portion of San Juan Island, which is considered part of the Gulf of Georgia Culture Area.

In 1949, human remains representing, at minimum, one individual were removed from Argyle Lagoon on San Juan Island, in San Juan County, WA. The human remains were removed by Mr. Carroll Borroughs and transferred to the Burke Museum in 1951 (Burke Accn. #3649). The human remains were found in collections at the Burke Museum in 2000. No known individuals were identified. The one funerary object is a seed. Argyle Lagoon is on the southeastern portion of San Juan Island, which is considered part of the Gulf of Georgia Culture Area.

All of the human remains in this notice have been determined to be Native American based on a variety of sources including archaeological and biological evidence. Burial of human remains in or in close proximity to a shell midden is consistent with Coast Salish Native American burial practices in the San Juan Island area.

All of the sites described in this notice are considered to be part of the Gulf of Georgia Culture Area. Linguistically Native American speakers of the Northern Straits Salish dialects claim cultural heritage to the San Juan Islands. Historical and anthropological sources (Stein 2000:6; Suttles 1990:456) indicate that the Songees, Saanich, Lummi, and Samish all had winter villages in the southern Gulf and San Juan islands. Historical and anthropological sources (Amoss 1978, Stern 1934, Suttles 1951, and Termaine 1975) state that Orcas Island, Shaw Island, and the eastern portion of San Juan Island are within the traditional territory of the Lummi. The Lummi were signatories to the Point Elliot Treaty in 1855. The Indian Claims Commission ruled that Orcas and Shaw Islands were within the aboriginal territory of the Lummi. Today, the

Lummi are represented by the Lummi Tribe of the Lummi Reservation, Washington.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Based on anthropological and biological evidence, the human remains have been determined to be Native American.
- Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of 20 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the three objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Lummi Tribe of the Lummi Reservation, Washington.

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Peter Lape, Burke Museum, University of Washington, Box 35101, Seattle, WA 98195, telephone (206) 685–3849, before October 29, 2012. Repatriation of the human remains and associated funerary objects to the Lummi Tribe of the Lummi Reservation, Washington, may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and the Swinomish Indians of the Swinomish Reservation, Washington, that this notice has been published.

Dated: August 22, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23915 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11158; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Wupatki National Monument, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Wupatki National Monument, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact Wupatki National Monument. Disposition of the human remains and associated funerary objects to the tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact Wupatki National Monument at the address below by October 29, 2012.

ADDRESSES: Diane Chung, Superintendent, Wupatki National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, National Park Service, Wupatki National Monument, Flagstaff, AZ and in the physical custody of the Museum of Northern Arizona, Flagstaff, AZ. The human remains and associated funerary objects were removed from within the boundaries of Wupatki National Monument in Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, Wupatki National Monument.

Consultation

A detailed assessment of the human remains was made by Wupatki National Monument professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico, was contacted, but did not have an internal process to address the issue of repatriation. Hereafter, all tribes listed above are referred to as ''The Tribes.''

History and Description of the Remains

In 1932, human remains representing a minimum of one individual were removed from NA2103 in Coconino County, AZ during an authorized surface collection by the Museum of Northern Arizona. The site is a masonry room built within a basalt rock enclosure and is dated to A.D. 1050–1300 based on sherds and lithics collected from the surface. No known individuals were identified. No associated funerary objects are present.

In 1948, human remains representing a minimum of three individuals were removed from NA618 in Coconino County, AZ in an authorized excavation

by the Museum of Northern Arizona. The site is a pueblo dated to A.D. 900–1300 based on architecture and ceramics. No known individuals were identified. The four associated funerary objects are Tusayan Black-on-White Kayenta variety sherds.

In the 1950s, human remains representing a minimum of 12 individuals were removed from NA638 in Coconino County, AZ, by National Park Service personnel. The site can no longer be located, but is described as a two- to three-room stone house. No known individuals were identified. No associated funerary objects are present.

In 1973, human remains representing a minimum of one individual were removed from NA12512 in Coconino County, AZ in an authorized emergency excavation by the Museum of Northern Arizona. The site dates to A.D. 1130–1250 based on ceramics. No known individuals were identified. The 159 associated funerary objects are 140 sherds, 14 flakes, 2 unworked animal bones, 1 bag of animal bones, 1 piece of hematite, and 1 worked animal bone.

Wupatki National Monument has determined that there is not sufficient evidence to support a cultural affiliation determination for the human remains described above.

Determinations Made by Wupatki National Monument

Officials of Wupatki National Monument have determined that:

- Based on osteological analysis, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.
- Other credible lines of evidence, including consultation with tribal representatives, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Zuni Tribe of the Zuni Reservation, New Mexico.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 163 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The National Park Service intends to convey the associated funerary object to the tribes pursuant to 16 U.S.C. 18f–2.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Diane Chung, Superintendent, Wupatki National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227, before October 29, 2012. Disposition of the human remains to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional requestors come forward.

Wupatki National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2012–23914 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11157; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Wupatki National Monument, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Wupatki National Monument, has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between

the remains and any present-day tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact Wupatki National Monument. Disposition of the human remains and associated funerary objects to the tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact Wupatki National Monument at the address below by October 29, 2012.

ADDRESSES: Diane Chung, Superintendent, Wupatki National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of Wupatki National Monument, Flagstaff, AZ. The human remains and associated funerary objects were removed from within the boundaries of Wupatki National Monument in Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, Wupatki National Monument.

Consultation

A detailed assessment of the human remains was made by Wupatki National Monument professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico, was contacted, but did not have an internal process to address the issue of repatriation. Hereafter, all tribes listed above are referred to as ''The Tribes.''

History and Description of the Remains

In 1956, human remains representing a minimum of one individual were removed from NA404 in Coconino County, AZ, during a stabilization inventory conducted prior to the construction of the Sunset Crater-Wupatki loop road. No known individuals were identified. No associated funerary objects are present.

In 1963, human remains representing a minimum of one individual were removed from NA2222 in Coconino County, AZ, by a National Park Service archeologist in an authorized emergency excavation. The site is a 30-room pueblo dated to A.D. 700–1200. No known individuals were identified. The 11 associated funerary objects are 2 Sunset Red bowls, 1 Dogozshi Black-on-White jar, 1 redware sherd, 2 Medicine Black-on-Red sherds, 4 turquoise beads, and 1 fragment of juniper bark matting.

In 1982, human remains representing a minimum of one individual were removed from NA2222 in Coconino County, AZ, by a National Park Service archeologist in an authorized emergency excavation. No known individuals were identified. The 11 associated funerary objects are sherds.

In 1989, human remains representing a minimum of two individuals were removed from NA1755 in Coconino County, AZ, during an authorized field school led by Northern Arizona University. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing a minimum of one individual were removed from an unknown location within the boundaries of Wupatki National Monument, Coconino County, AZ. No known individuals were identified. The four associated funerary objects are three black on white sherds and one unworked stone.

Wupatki National Monument has determined that there is not sufficient evidence to support a cultural affiliation determination for the human remains described above.

Determinations Made by Wupatki National Monument

Officials of Wupatki National Monument have determined that:

- Based on osteological analysis, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.
- Other credible lines of evidence, including consultation with tribal

representatives, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Zuni Tribe of the Zuni Reservation, New Mexico.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of six individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 26 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The National Park Service intends to convey the associated funerary object to the tribes pursuant to 16 U.S.C. 18f–2.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Diane Chung, Superintendent, Wupatki National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227, before October 29, 2012. Disposition of the human remains to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional requestors come forward.

Wupatki National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2012–23906 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

[NPS–WASO–NAGPRA–11156; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Wupatki National Monument, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Wupatki National Monument has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact Wupatki National Monument. Repatriation of the human remains and associated funerary objects to the Indian tribes stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact Wupatki National Monument at the address below by October 29, 2012.

ADDRESSES: Diane Chung, Superintendent, Wupatki National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession or control of Wupatki National Monument, Flagstaff, AZ. The human remains and associated funerary objects were removed from three sites within the boundaries of Wupatki National Monument in Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Wupatki National Monument.

Consultation

A detailed assessment of the human remains was made by Wupatki National Monument professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico, was contacted, but did not have an internal process to address the issue of repatriation. Hereafter, all tribes listed above are referred to as ''The Tribes.''

History and Description of the Remains

Between 1933 and 1983, during excavations, stabilizations, and surface recoveries by the Museum of Northern Arizona and the National Park Service, human remains representing a minimum of 233 individuals were removed from Wupatki Pueblo, within Wupatki National Monument in Coconino County, AZ. Some of the human remains and associated funerary objects are in the physical custody of the Museum of Northern Arizona in Flagstaff, AZ. No known individuals were identified. The 481 associated funerary objects are 1 concretion, 10 pendants, 12 bracelets, 1 necklace, 1 mat, 1 scraper, 107 sherds, 1 bag of sherds, 2 ceramic artifacts, 103 beads, 35 bowls, 12 jars, 4 pitchers, 31 animal bones, 1 worked bone, 1 worked stone, 1 bag of limonite, 1 piece of azurite, 137 bird bones, 3 shells, 1 shell tinkler, 3 awls, 1 basket fragment, 2 mosaics, 2 pieces of cloth, 1 projectile point, 1 flake, 1 effigy bowl, 1 seed bowl, 1 ladle, 1 stone, and 1 shell dish.

All of the human remains have been analyzed by physical anthropologists who have determined them to be Native American. All burials were excavated from within the rooms or the midden immediately adjacent to and contemporaneous with the site. Some individuals were found in extended, supine positions, sometimes covered with matting and clay and in sandstone-lined cists, while others were found flexed at the knees on their sides or back. One cremation in a ceramic pot was also found. On the basis of architecture and ceramics, Wupatki Pueblo is dated to A.D. 900–1300.

Evidence demonstrating continuity between the people of Wupatki from A.D. 900–1300 and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, includes similarities in material culture, architecture, mortuary practices, settlement patterns, and agricultural methods. Both Hopi and Zuni oral histories indicate connections to the people of Wupatki Pueblo, and both tribes trace clans there.

In 1934, human remains representing a minimum of four individuals were removed from Nalakihu Pueblo, within Wupatki National Monument in Coconino County, AZ, during a Civil Works Administration excavation conducted by the Museum of Northern Arizona. The human remains and associated funerary objects are in the physical custody of the Museum of Northern Arizona in Flagstaff, AZ. No known individuals were identified. The 39 associated funerary objects are 8 animal bones, 1 bowl, 1 jar, 1 bird bone, 1 shell bracelet, 9 shell beads, 1 corn stalk with blue paint, 1 painted wooden staff, 1 pot lid, and 15 pieces of turquoise.

All of the human remains have been analyzed by physical anthropologists who have determined them to be Native American. All burials were excavated from burial pits within the midden immediately adjacent to and contemporaneous with the site. Some individuals were found in extended, supine positions, while others were found in flexed, supine positions. On the basis of architecture and ceramics, Nalakihu Pueblo is dated to A.D. 1150–1300.

Evidence demonstrating continuity between the people of Nalakihu from A.D. 1150–1300 and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, includes similarities in material culture, architecture, mortuary practices, settlement patterns, and agricultural methods. Both Hopi and Zuni oral histories indicate connections to the people of Nalakihu Pueblo.

In 1948, human remains representing a minimum of five individuals were removed from House of Tragedy, within Wupatki National Monument in Coconino County, AZ, during an excavation conducted by the Museum of Northern Arizona. The human remains and associated funerary objects are in the physical custody of the Museum of Northern Arizona in Flagstaff, AZ. No known individuals were identified. The one associated funerary object is a basalt knife.

All of the human remains have been analyzed by physical anthropologists who have determined them to be Native American. All burials were excavated from a room, kiva, or pit within and contemporaneous with the site. On the basis of architecture and ceramics, House of Tragedy is dated to A.D. 1150–1300.

Evidence demonstrating continuity between the people at House of Tragedy during A.D. 1150–1300 and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, includes similarities in material culture, architecture, settlement patterns, and agricultural methods. For example, one type of object discovered at House of Tragedy can also be found on contemporary Hopi and Zuni altars.

Determinations Made by Wupatki National Monument

Officials of Wupatki National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 242 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 521 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Diane Chung, Superintendent, Wupatki National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227, before October 29, 2012. Repatriation of the human remains and associated funerary objects to the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional claimants come forward.

Wupatki National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA.

[FR Doc. 2012–23904 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11155; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Walnut Canyon National Monument, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Walnut Canyon National Monument, has completed an inventory of human remains in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact Walnut Canyon

National Monument. Disposition of the human remains to the tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact Walnut Canyon National Monument at the address below by October 29, 2012.

ADDRESSES: Diane Chung, Superintendent, Walnut Canyon National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of Walnut Canyon National Monument, Flagstaff, AZ and in the physical custody of the Museum of Northern Arizona (MNA), Flagstaff, AZ. The human remains were removed from within the boundaries of Walnut Canyon National Monument in Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, Walnut Canyon National Monument.

Consultation

A detailed assessment of the human remains was made by Walnut Canyon National Monument professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico, was contacted, but did not have an internal process to address the issue of repatriation. Hereafter, all tribes listed above are referred to as ''The Tribes.''

History and Description of the Remains

In 1932, human remains representing a minimum of one individual were removed from NA739 in Coconino County, AZ, by MNA personnel. The site is a nine-room contiguous cliff dwelling. Based on the ceramic assemblage recovered from the site, NA739 is dated to A.D. 1150–1250. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing a minimum of one individual were removed from an unknown location within the boundaries of Walnut Canyon National Monument in Coconino County, AZ. No known individuals were identified. No associated funerary objects are present.

Walnut Canyon National Monument has determined that there is not sufficient evidence to support a cultural affiliation determination for the human remains described above.

Determinations Made by Walnut Canyon National Monument

Officials of Walnut Canyon National Monument have determined that:

- Based on osteological analysis, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.
- Other credible lines of evidence, including consultation with tribal representatives, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Zuni Tribe of the Zuni Reservation, New Mexico.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Diane Chung, Superintendent, Walnut Canyon National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone: (928) 526–1157 ext. 227 before October 29, 2012. Disposition of the human remains to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional requestors come forward.

Walnut Canyon National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2012–23903 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11154; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Walnut Canyon National Monument, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Walnut Canyon National Monument, has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact Walnut Canyon National Monument. Disposition of the human remains to the tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact Walnut Canyon National Monument at the address below by October 29, 2012.

ADDRESSES: Diane Chung, Superintendent, Walnut Canyon National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of Walnut Canyon National Monument, Flagstaff, AZ. The human remains were removed from within the boundaries of Walnut Canyon National Monument in Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the Superintendent, Walnut Canyon National Monument.

Consultation

A detailed assessment of the human remains was made by Walnut Canyon National Monument professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico, was contacted, but did not have an internal process to address the issue of repatriation. Hereafter, all tribes listed above are referred to as ''The Tribes.''

History and Description of the Remains

Between 1940 and 1948, human remains representing a minimum of ten individuals were removed from NA739 in Coconino County, AZ, by National Park Service personnel. The site is a nine-room contiguous cliff dwelling. Based on the ceramic assemblage recovered from the site, NA739 is dated to A.D. 1150–1250. No known individuals were identified. No associated funerary objects are present.

In 1940, human remains representing a minimum of three individuals were removed from NA311 in Coconino County, AZ, by National Park Service personnel. The site is a five-room contiguous cliff dwelling dated to A.D. 1150–1250. No known individuals were identified. No associated funerary objects are present.

In 1941, human remains representing a minimum of one individual were removed from an unknown location within the boundaries of Walnut Canyon National Monument in Coconino County, AZ. No known individuals were identified. No associated funerary objects are present.

Between 1942 and 1943, human remains representing a minimum of one individual were removed from an unknown location within the boundaries of Walnut Canyon National Monument in Coconino County, AZ, and donated to the Burke Museum, Seattle, WA. The collection was returned to Walnut Canyon National Monument in 2000. No known individuals were identified. No associated funerary objects are present.

Between 1965 and 1967, human remains representing a minimum of one individual were removed from an unknown location within the boundaries of Walnut Canyon National Monument in Coconino County, AZ. No

known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing a minimum of three individuals were removed from an unknown location within the boundaries of Walnut Canyon National Monument in Coconino County, AZ. The human remains were donated to Walnut Canyon National Monument in 1960. No known individuals were identified. No associated funerary objects are present.

At unknown dates, human remains representing a minimum of five individuals were removed from unknown locations within the boundaries of Walnut Canyon National Monument in Coconino County, AZ. No known individuals were identified. No associated funerary objects are present.

Walnut Canyon National Monument has determined that there is not sufficient evidence to support a cultural affiliation determination for the human remains described above.

Determinations Made by Walnut Canyon National Monument

Officials of Walnut Canyon National Monument have determined that:

- Based on osteological analysis, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.
- Other credible lines of evidence, including consultation with tribal representatives, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Zuni Tribe of the Zuni Reservation, New Mexico.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 24 individuals of Native American ancestry.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Diane Chung, Superintendent, Walnut Canyon National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227, before October 29, 2012. Disposition of the human remains to the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional requestors come forward.

Walnut Canyon National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2012–23941 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11153; 2200–1100–665]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Walnut Canyon National Monument, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Walnut Canyon National Monument has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact Walnut Canyon National Monument. Repatriation of the human remains and associated funerary objects to the Indian tribes stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact Walnut Canyon National Monument at the address below by October 29, 2012.

ADDRESSES: Diane Chung, Superintendent, Walnut Canyon

National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004, telephone (928) 526–1157 ext. 227.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of Walnut Canyon National Monument. The human remains and associated funerary objects were removed from a site within the boundaries of Walnut Canyon National Monument in Coconino County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Walnut Canyon National Monument.

Consultation

A detailed assessment of the human remains was made by Walnut Canyon National Monument professional staff in consultation with representatives of the Fort McDowell Yavapai Nation, Arizona; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Kewa Pueblo, New Mexico (formerly the Pueblo of Santo Domingo); Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; San Juan Southern Paiute Tribe of Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. The Pueblo of San Felipe, New Mexico, was contacted, but did not have an internal process to address the issue of repatriation. Hereafter, all tribes listed above are referred to as ''The Tribes.''

History and Description of the Remains

Between 1966 and 1968, human remains representing a minimum of 34 individuals were removed from the Anniversary Site, within Walnut Canyon National Monument in Coconino County, AZ, during a legally authorized National Park Service and Northern Arizona University excavation. No known individuals were identified. The 443 associated funerary objects are 351 beads, 10 bowls, 4 jars, 6 ladles, 7 un-worked animal bones, 4 bags of un-worked animal bones, 6 bone artifacts, 5 rubbing/polishing stones, 4 flake tools, 4 bags of ceramic sherds, 2 ceramic sherds, 3 projectile points, 3 pendants, 2 ground stone artifacts, 2 nodules, 2 scrapers, 2 bifaces, 2 un-worked stones, 2 boxes of soil, 6 boxes of wood fragments, 1 anvil, 1 ceramic artifact, 1 worked ceramic sherd, 2 manos, 1 metate, 1 arrow shaft straightener, 1 awl, 1 figurine, 1 bag of charcoal, 1 drill, 1 chopper, 1 painted wood staff, 1 unworked shell, 1 worked stone, and 1 box of pigment.

All of the human remains have been analyzed by physical anthropologists who have determined them to be Native American. All burials were excavated from the midden immediately adjacent to and contemporaneous with the site. Individuals were found lying in extended, supine positions, with the exception of one individual who was found loosely flexed at the knees. On the basis of architecture and ceramics, the site is dated to A.D. 1100–1200.

Evidence demonstrating continuity between the people of Walnut Canyon in the 1100s and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, includes similarities in material culture, architecture, mortuary practices, settlement patterns, and agricultural methods. Both Hopi and Zuni oral histories indicate connections to the people of the Anniversary Site specifically and of Walnut Canyon generally. In addition, the Hopi trace four clans and the Zuni trace several medicine societies to prehistoric Walnut Canyon.

Determinations Made by Walnut Canyon National Monument

Officials of Walnut Canyon National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 34 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 443 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Diane Chung, Superintendent, Walnut Canyon National Monument, 6400 N. Hwy 89, Flagstaff, AZ 86004; telephone (928) 526–1157 ext. 227, before October 29, 2012. Repatriation of the human remains and associated funerary objects to the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico, may proceed after that date if no additional claimants come forward.

Walnut Canyon National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2012.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2012–23930 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11172; 2200–1100–665]

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Department of Anthropology, San Francisco State University, San Francisco, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of San Francisco State University, San Francisco, CA. The

human remains were removed from Tuolumne County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (65 FR 80957, December 22, 2000). These changes resulted from ongoing collections work.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph four, sentence five is corrected by substituting the following sentence:

The 2 associated funerary objects are a projectile point and a piece of flaked stone.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph five is corrected by substituting the following paragraph:

In 1970–71, human remains representing a minimum of 37 individuals were recovered from site CA–TUO–300, a site located near LaGrange, CA, during archaeological excavations conducted by San Francisco State University. The site area is now inundated by the new Don Pedro Reservoir. No known individuals were identified. The 49 associated funerary objects are 1 chert point and 48 pieces of flaked stone debitage.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph six, sentence three is corrected by substituting the following sentence:

The 60 associated funerary objects are Olivella beads, bone tool fragments, flaked stone debitage, ground stone, and faunal materials, including modified and unmodified animal bones and teeth and modified bird bone.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph eight is corrected by substituting the following paragraph:

Based on the above-mentioned information, officials of the Department of Anthropology, San Francisco State University have determined that, pursuant to 25 U.S.C. 3001(9), the human remains listed above represent the physical remains of 55 individuals of Native American ancestry. Officials of the Department of Anthropology have also determined that, pursuant to 25 U.S.C. 3001(3)(A), the 111 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Department of Anthropology, San Francisco State University have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Tuolummne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Ave., San Francisco 94132, telephone (415) 338–3075, before October 29, 2012. Repatriation of the human remains and associated funerary objects to the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California and the Central Sierra Me-Wuk Cultural and Historic Preservation Committee may proceed after that date if no additional claimants come forward.

The San Francisco State University NAGPRA Program is responsible for notifying the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California and the Central Sierra Me-Wuk Cultural and Historic Preservation Committee that this notice has been published.

Dated: August 28, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23929 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11224; 2200–1100–665]

Notice of Inventory Completion: Stanford University Archaeology Center, Stanford, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Stanford University Archaeology Center has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the Stanford University Archaeology Center. Repatriation of the human remains to the Indian tribes stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the Stanford University Archaeology Center at the address below by October 29, 2012.

ADDRESSES: Laura Jones, Director, Heritage Services and University Archaeologist, Archaeology Center, 488 Escondido Mall, Stanford, CA 94305, telephone (650) 723–9664.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Stanford University Archaeology Center. The human remains were removed from Tulare County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Stanford University Archaeology Center professional staff in consultation with representatives of the Big Sandy Rancheria of Mono Indians of California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Northfork Rancheria of Mono Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and the Tuolumne Band of Me-Wuk Indians of the Tuolomne Rancheria of California (hereafter referred to as ''The Tribes''). Letters of inquiry were sent to The Tribes, and two tribes responded: the Tule River Indian Tribe of the Tule River Reservation, California, and the

Santa Rosa Indian community of the Santa Rosa Rancheria, California.

History and Description of the Remains

Sometime prior to 1905, human remains representing, at minimum, one individual were removed from ''Skull Island,'' in the vicinity of the town of Alpaugh, in Tulare County, CA. Stanford University's cofounder, Mrs. Jane Stanford, donated the human remains, consisting of a human cranium, to the Stanford Museum before her death in 1905. No known individuals were identified. The two associated funerary objects are a stone pestle and a stone pendant.

In 1959, human remains representing, at minimum, two individuals were removed from site CA–TUL–090, in the vicinity of the towns of Pixley and Earlimart, in Tulare County, CA, during an excavation led by Stanford University faculty member Bert Gerow during legally authorized archaeological investigations. The site was on the property of Theodore and Charles Off, who gave permission for its excavation to the University of California at Los Angeles (UCLA) and Stanford University. The human remains include a partial skeleton and approximately 500 fragments of human bone. No known individuals were identified. The 55 associated funerary objects are 11 stone artifacts and 44 fragments of shell collected in association with the human remains. UCLA has established that the site was occupied during the Middle Period (3,500–1,500 B.P.) by ancestors of the modern Yokut tribes.

The Santa Rosa Indian Community of the Santa Rosa Rancheria, California, has provided additional information regarding these human remains and associated funerary objects to establish cultural affiliation to the Yokut tribes. Based on the site location and in accordance with the information received in the consultation process, the human remains and associated funerary objects are culturally affiliated with the Yokut communities represented by the present-day tribes of the Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; and the Tule River Indian Tribe of the Tule River Reservation, California.

Determinations Made by the Stanford University Archaeology Center

Officials of the Stanford University Archaeology Center have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 57 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; and the Tule River Indian Tribe of the Tule River Reservation, California.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Laura Jones, Director, Heritage Services and University Archaeologist, Archaeology Center, 488 Escondido Mall, Stanford, CA 94305, telephone (650) 723–9664 before October 29, 2012. Repatriation of the human remains and associated funerary objects to the Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; and the Tule River Indian Tribe of the Tule River Reservation, California, may proceed after that date if no additional claimants come forward.

The Stanford University Archaeology Center is responsible for notifying the Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; and the Tule River Indian Tribe of the Tule River Reservation, California, that this notice has been published.

Dated: September 5, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23927 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11223; 2200–1100–665]

Notice of Inventory Completion: Stanford University Archaeology Center, Stanford, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Stanford University Archaeology Center has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribe, and has determined that there is a cultural affiliation between the human remains and a present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact the Stanford University Archaeology Center. Repatriation of the human remains to the Indian tribe stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the Stanford University Archaeology Center at the address below by October 29, 2012.

ADDRESSES: Laura Jones, Director, Heritage Services and University Archaeologist, Archaeology Center, 488 Escondido Mall, Stanford, CA 94305, telephone (650) 723–9664.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Stanford University Archaeology Center. The human remains were removed from Marin County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Stanford University Archaeology Center professional staff in consultation with

representatives of the Federated Indians of Graton Rancheria, California.

History and Description of the Remains

At an unknown date around 1935, human remains representing, at minimum, eight individuals were removed from a prehistoric archaeological site located in the Inverness Triangle area of Marin County, CA, by Lt. Commander Bryant and his son Clayton Bryant. The collection was transferred to Stanford University by the Bryants without additional documentation. No known individuals were identified. The 248 associated funerary objects are 18 flaked stone artifacts, 4 shell fragments, 84 modified bird bones, 140 unmodified bird bones, and 2 bone tools. Based on the location of removal and in accordance with the information received in the consultation process, the human remains and associated funerary objects are culturally affiliated with the Coast Miwok community, represented in the present-day by the Federated Indians of Graton Rancheria, California

Determinations Made by the Stanford University Archaeology Center

Officials of the Stanford University Archaeology Center have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 248 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Federated Indians of Graton Rancheria, California.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains should contact Laura Jones, Director, Heritage Services and University Archaeologist, Archaeology Center, 488 Escondido Mall, Stanford, CA 94305, telephone (650) 723–9664 before October 29, 2012. Repatriation of the human remains and associated funerary objects to the Federated Indians of Graton Rancheria, California, may proceed after that date if no additional claimants come forward.

The Stanford University Archaeology Center is responsible for notifying the Federated Indians of Graton Rancheria, California, that this notice has been published.

Dated: September 5, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2012–23924 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKR–ANIA–11187; 9924–PYS]

National Park Service Alaska Region's Subsistence Resource Commission Program; Open Public Meeting/ Teleconference

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Aniakchak National Monument Subsistence Resource Commission (SRC) will meet to develop and continue work on National Park Service (NPS) subsistence program recommendations and other related subsistence management issues. The NPS SRC program is authorized under Title VIII, Section 808 of the Alaska National Interest Lands Conservation Act, Public Law 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

Public Availability of Comments: The meeting/teleconference is open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. The meeting will be recorded and summary minutes will be available upon request from the park superintendent for public inspection approximately six weeks after each meeting. Before including your address, telephone 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.

Aniakchak National Monument SRC Meeting Date and Location: The Aniakchak National Monument SRC meeting/teleconference will be held on Monday, October 1, 2012, from 1:30 p.m. to 4 p.m. or until business is completed at the NPS Aniakchak National Monument and Preserve Office in King Salmon, AK, at (907) 246–3305. Contact Mary McBurney, Subsistence Program Manager, at (907) 235–7891 or Clarence Summers, Subsistence Manager, at (907) 644–3603, at least 72 hours prior to the meeting to receive teleconference call-in numbers and information. Should a quorum not be available on October 1, 2012, the alternate meeting date is Tuesday, October 2, 2012, from 1:30 p.m. to 4 p.m.

For Further Information on SRC Meeting Contact: Mary McBurney, Subsistence Manager, at (907) 235–7891 or Clarence Summers, Subsistence Manager, NPS Alaska Regional Office, at (907) 644–3603. If you are interested in applying for SRC membership, contact the Superintendent at (907) 246–3305 or visit the Aniakchak National Monument Web site at: *http://www.nps.gov/ania/contacts.htm.*

Proposed SRC Meeting Agenda

The proposed meeting agenda for each meeting includes the following:

1. Call to order—Confirm Quorum.
2. Welcome and Introductions.
3. Administrative Announcements.
4. Approval of Agenda and Minutes.
5. SRC Member Reports on Subsistence Issues/Activities.
6. Public and Other Agency Comments.
7. Old Business.
8. NPS Staff Reports.
9. New Business.
10. Public and other Agency Comments.
11. Select Time and Location for Next Meeting.
12. Adjourn Meeting.

SRC meeting dates and locations may need to be changed based on inclement weather or exceptional circumstances.

Debora Cooper,

Associate Regional Director, Resources and Subsistence, Alaska Region.

[FR Doc. 2012–23880 Filed 9–27–12; 8:45 am]

BILLING CODE 4312–HE–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Agency Information Collection Activities Under OMB Review; Renewal of a Currently Approved Collection

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Bureau of Reclamation has forwarded the following Information

Collection Request to the Office of Management and Budget (OMB) for review and approval: Recreation Use Data Reports, OMB Control Number: 1006–0002. As part of its continuing effort to reduce paperwork and respondent burdens, Reclamation invites other Federal agencies, State, local, or tribal governments that manage recreation sites at Reclamation projects; concessionaires, and not-for-profit organizations who operate concessions on Reclamation lands; and the public, to comment on this information collection.

DATES: OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comments must be received on or before October 29, 2012.

ADDRESSES: Please send your comments to the Desk Officer for the Department of the Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile to (202) 395–5806, or email to *OIRA_DOCKET@omb.eop.gov.* A copy of your comments should also be directed to the Bureau of Reclamation, Attention: Jerome Jackson (84–53000), P.O. Box 25007, Denver, CO 80225–0007, or directed via email to *jljackson@usbr.gov.* Please reference OMB Control Number 1006–0002 in your comments.

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the proposed forms, contact Jerome Jackson at the above address, or at (303) 445–2712. You may also view the Information Collection Request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Reclamation collects agency-wide recreation and concession information to fulfill congressional reporting requirements pursuant to current public laws, including the Land and Water Conservation Fund Act (Pub. L. 88–578), the Federal Water Project Recreation Act (Pub. L. 89–72), and the Federal Lands Recreation Enhancement Act (Pub. L. 108–477). In addition, collected information will permit relevant program assessments of resources managed by Reclamation, its recreation managing partners, and/or concessionaires for the purpose of contributing to the implementation of Reclamation's mission. More specifically, the collected information enables Reclamation to (1) evaluate the effectiveness of program management based on existing recreation and concessionaire resources and facilities, and (2) validate the efficiency of resources for public use within partner managed recreation resources, located on Reclamation project lands in the 17 Western States.

II. Data

OMB Control Number: 1006–0002.
Title: Recreation Use Data Reports.
Frequency: Annually.
Respondents: State, local, or tribal governments; agencies who manage Reclamation's recreation resources and facilities; and commercial concessions, and nonprofit organizations located on Reclamation lands with associated recreation services.
Estimated Total Number of Respondents: 270.
Estimated Number of Responses per Respondent: 1.
Estimated Total Number of Annual Responses: 270.
Estimated Total Annual Burden on Respondents: 136 hours.

Form No.	Burden estimate per form (in minutes)	Annual number of respondents	Annual burden on respondents (in hours)
7–2534 (Part I, Managing Partners and Direct Managed Recreation Areas)	30	155	78
7–2535 (Part II, Concessionaires)	30	115	58
Total Burden Hours			136

III. Request for Comments

We invite your comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) The accuracy of our burden estimate for the proposed collection of information;

(c) Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

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. Reclamation will display a valid OMB control number on Forms 7–2534 and 7–2535, OMB Control Number: 1006–0002.

A **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published in the **Federal Register** (74 FR 24735, April 25, 2012). No public comments were received.

IV. Public Disclosure 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.

Dated: September 21, 2012.

Roseann Gonzales,

Director, Policy and Administration, Denver Office.

[FR Doc. 2012–23923 Filed 9–27–12; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Agency Information Collection Activities Under OMB Review; Renewal of a Currently Approved Information Collection

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of renewal and request for comments.

SUMMARY: The Bureau of Reclamation has forwarded the following Information Collection Request to the Office of Management and Budget (OMB) for review and approval: Diversions, Return

Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin (OMB Control Number 1006–0015).

DATES: OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comments must be received on or before *October 29, 2012.*

ADDRESSES: Send written comments to the Desk Officer for the Department of the Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile to (202) 395–5806, or email to *OIRA_DOCKET@omb.eop.gov.* A copy of your comments should also be directed to the Bureau of Reclamation, Attention: Maria Germain (LC–4410), P.O. Box 61470, Boulder City, NV 89006, or to *mgermain@usbr.gov.* Please reference OMB Control No. 1006–0015 in your comments.

FOR FURTHER INFORMATION CONTACT: Margot Selig, Supervisory Contract and Repayment Specialist, Water Administration Group, Boulder Canyon Operations Office, Bureau of Reclamation, 702–293–8192. You may also view the Information Collection Request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Reclamation delivers Colorado River water to water users for diversion and beneficial consumptive use in the States of Arizona, California, and Nevada. The Consolidated Decree of the United States Supreme Court in the case of *Arizona* v. *California, et al.,* entered March 27, 2006, (547 U.S. 150 (2006)) requires the Secretary of the Interior to prepare and maintain complete, detailed, and accurate records of diversions of water, return flow, and consumptive use and make these records available at least annually. This information is needed to ensure that a State or a water user within a State does not exceed its authorized use of Colorado River water. Water users are obligated by provisions in their water delivery contracts to provide Reclamation information on diversions and return flows. Reclamation determines the consumptive use by subtracting return flow from diversions or by other engineering means. Without the information collected, Reclamation could not comply with the order of the United States Supreme Court to prepare and maintain detailed and accurate records of diversions, return flow, and consumptive use. This information collection is required to obtain a benefit. Reclamation collects this information using Reclamation forms LC–72, LC–72A, LC–72B, or electronic versions of these forms.

The required 60-day comment period for this information collection was initiated by a notice that published in the **Federal Register** on April 25, 2012 (77 FR 24736). No public comments were received.

II. Data

OMB Control Number: 1006–0015.

Title: Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin.

Description of respondents: The respondents will include the Lower Basin States (Arizona, California, and Nevada), local and tribal entities, water districts, and individuals that use Colorado River water.

Frequency: Monthly and annually.

Estimated total number of respondents: 61.

Estimated number of responses per respondent: once per year or 12 times per year.

Estimated total number of annual responses: 292.

Estimated total annual burden hours: 49 hours.

Form Numbers: LC–72, LC–72A, and LC–72B.

Estimated burden for each form: 10 minutes.

III. Request for Comments

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) The accuracy of our burden estimate for the proposed collection of information;

(c) Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) 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.

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. Reclamation will display a valid OMB control number on the forms.

IV. Public Disclosure

Before including your address, telephone 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.

Dated: September 25, 2012.

Grayford F. Payne,

Deputy Commissioner—Policy, Administration and Budget, Bureau of Reclamation.

[FR Doc. 2012–23973 Filed 9–27–12; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0100]

Agency Information Collection Activities: Extension Requested; Comments Requested, Monitoring Information Collections

ACTION: 60-day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until November 27, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension requested; comments requested.

(2) *Title of the Form/Collection:* Monitoring Information Collections.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: COPS Office hiring grantees that are selected for in-depth monitoring of their grant implementation and equipment grantees that report using COPS funds to implement a criminal intelligence system will be required to respond. The Monitoring Information Collections include two types of information collections: the Monitoring Request for Documentation and the 28 CFR Part 23 Monitoring Kit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:*

It is estimated that 150 respondents annually will complete the Monitoring Request for Documentation at 3 hours per respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 450 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Washington, DC 20530.

Dated: September 24, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–23844 Filed 9–27–12; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0098]

Agency Information Collection Activities: Revision of a Previously Approved Collection, With Change; Comments Requested COPS Application Package

ACTION: 60-day notice of information collection under review.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The revision of a previously approved information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until November 27, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:
—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the 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.

Overview of This Information Collection

(1) *Type of information collection:* Revision of a previously approved collection, with change; comments requested.

(2) *Title of the form/collection:* COPS Application Package.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Law enforcement agencies and other public and private entities that apply for COPS Office grants or cooperative agreements will be asked complete the COPS Application Package. The COPS Application Package includes all of the necessary forms and instructions that an applicant needs to review and complete to apply for COPS grant funding. The package is used as a standard template for all COPS programs.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 3000 respondents annually will complete the form within 11 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 33,000 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated:September 24, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–23851 Filed 9–27–12; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Notice 1140–0092]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Voluntary Magazine Questionnaire for Agencies/ Entities Who Store Explosives

ACTION: 30-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register,** Volume 77, Number 142, page 43366 on July 24, 2012, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 29, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the eight digit OMB number or the title of the collection.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the 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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Voluntary Magazine Questionnaire for Agencies/Entities Who Store Explosive Materials.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: None.

Need for Collection

The information from the questionnaires will be used to identify the number and locations of public explosives storage facilities including those facilities used by State and local law enforcement. The information will also help ATF account for all explosive materials during emergency situations, such as hurricanes, forest fires or other disasters.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,000 respondents will complete the questionnaire within approximately 30 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 500 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, Room 2E–508, 145 N Street NE., Washington, DC 20530.

Dated: September 24, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–23846 Filed 9–27–12; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB No. 1121–0184]

Agency Information Collection Activities; Extension of a Currently Approved Collection; Comments Requested: School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS)

ACTION: 30-day notice of information collection under review.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics wukk be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 142, page 43365 on July 24, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 29, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* School Crime Supplement (SCS) to the National Crime Victimization Survey.

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection:* SCS–1. Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract. Primary:* The survey will be administered to persons ages 12 to 18 in NCVS sampled households in the United States. The School Crime Supplement (SCS) to the National Crime Victimization Survey collects, analyzes, publishes, and disseminates statistics on the students' victimization, perceptions of school environment, and safety at school.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Approximately 10,006 persons ages 12 to 18 will complete an SCS interview. We estimate the average length of the SCS interview for these individuals will be 0.177 hours (10.6 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden is approximately 1,773 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, 601 D Street NW., Washington, DC 20530.

Dated: September 24, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–23845 Filed 9–27–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ) Docket No. 1606]

NIJ Evaluation of Through-Wall Sensor Devices

AGENCY: National Institute of Justice, DOJ.

ACTION: Notice of NIJ evaluation of through-wall sensor devices.

SUMMARY: The National Institute of Justice (NIJ) is soliciting interest in supplying through-wall sensor devices for participation in an evaluation by the NIJ Sensor, Surveillance, and Biometric Technologies Center of Excellence (SSBT CoE). The evaluation is focused on field operation in civilian law enforcement scenarios. Supplied through-wall sensor devices must be fully certified by the Federal Communications Commission for domestic civilian law enforcement operation. Manufacturers interested in participating in this evaluation will be asked to execute a Letter of Understanding. Participating manufacturers will receive a copy of the SSBT CoE Through-Wall Sensor Test & Evaluation Plan. Interested parties are invited to contact NIJ for information regarding participation, Letters of Understanding, and shipping. Letters of Understanding may be obtained from and should be submitted to Mark Greene, National Institute of Justice, Office of Science and Technology, 810 7th Street NW., Washington, DC 20531, emailed to *mark.greene2@usdoj.gov*, or faxed to (202) 307–9907.

DATES: Manufacturers who wish to participate in the program must submit a request and an executed Letter of Understanding by 5 p.m. Eastern Time on October 29, 2012. Supplied devices are to be loaned to the SSBT CoE for a period of time no less than 60 days and must be received by the SSBT CoE by November 13, 2012.

FOR FURTHER INFORMATION CONTACT: Mark Greene, by telephone at (202) 307–3384 [Note: this is not a toll-free telephone number], or by email at *mark.greene2@usdoj.gov.*

John H. Laub,

Director, National Institute of Justice.

[FR Doc. 2012–23873 Filed 9–27–12; 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; Respirable Coal Mine Dust Sampling

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Respirable Coal Mine Dust Sampling,'' 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 29, 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–MSHA, 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: 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: Federal Mine Safety and Health Act of 1977 (Mine Act) section 103(h), 30 U.S.C. 813(h), authorizes the MSHA to collect information necessary to carry out its duty to protect the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary to develop, promulgate, and revise as may be appropriate improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. The implementing standards in 30 CFR parts 70, 71, and 90 require each coal mine operator to protect miners from exposure to excessive dust levels. The respirable coal mine dust sampling standards provide that each coal mine operator sample designated occupations or work locations of the mine on a bimonthly basis and submit these samples to the MSHA for analysis to determine whether the mine is complying with the applicable dust standards.

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 1219–0011. 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 27, 2012.

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 1219–0011. 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–MSHA.

Title of Collection: Respirable Coal Mine Dust Sampling.

OMB Control Number: 1219–0011.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 800.

Total Estimated Number of Responses: 63,193.

Total Estimated Annual Burden Hours: 8,571.

Total Estimated Annual Other Costs Burden: $44,065.

Dated: September 24, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–23997 Filed 9–27–12; 8:45 a.m.]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities, Comment Request; Solicitation of Nominations for the Iqbal Masih Award for the Elimination of Child Labor

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning the proposed extension of Office of Management and Budget (OMB) approval for the Solicitation of Nominations for the Iqbal Masih Award for the Elimination of Child Labor information collection request (ICR), as part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.).

DATES: Submit written comments on or before November 27, 2012.

ADDRESSES: 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* to request additional information, including requesting a copy of this ICR. Submit comments regarding this ICR, including suggestions for reducing the burden, by sending an email to *DOL_PRA_PUBLIC@dol.gov*. Comments may also be sent to Michel Smyth, Departmental Clearance Officer, U.S. Department of Labor, Office of the Chief Information Officer, 200 Constitution Avenue NW., Room N–1301, Washington, DC 20210.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL Iqbal Masih Award for the Elimination of Child Labor, presented by the Secretary of Labor, is intended to recognize exceptional efforts to reduce the worst forms of child labor. The Award was created in response to a Senate Committee mandate directing the Secretary of Labor to establish an annual non-monetary award recognizing extraordinary efforts by an individual, company, organization, or national government to reduce the worst forms of child labor. The DOL is proposing to extend this ICR to allow the public to nominate and provide critical information on proposed candidates for this award who have demonstrated extraordinary efforts to combat the worst forms of child labor.

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 1290–0007. The current approval is scheduled to expire on December 31, 2012; however, the DOL intends to seek continued approval for this collection of information for an additional three years.

The DOL, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before they are submitted to the OMB. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed. Interested parties are encouraged to provide comments to the individual listed in the **ADDRESSES** section above. Comments must be written to receive consideration, and they will be summarized and may be included in the request for OMB approval of the final ICR. The comments will become a matter of public record. To help ensure appropriate consideration, comments should mention OMB Control Number 1290–0007.

The DOL 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-Office of the Secretary.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Solicitation of Nominations for the Iqbal Masih Award for the Elimination of Child Labor.

OMB Control Number: 1290–0007.

Affected Public: Private Sector—businesses or other for profits and not-for-profit institutions.

Estimated Number of Respondents: 50.

Frequency: Once.

Total Estimated Annual Responses: 50.

Estimated Average Time per Response: 10 hours.

Estimated Total Annual Burden Hours: 500 hours.

Total Estimated Annual Other Cost Burden: $0.

Dated: September 24, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–23998 Filed 9–27–12; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection; Unemployment Insurance (UI) Title XII Advances and Voluntary Repayment Process; Extension Without Revisions

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, ETA is soliciting comments concerning the collection process for data on UI Title XII advances and voluntary repayments, which expires 11/30/2012.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 27, 2012.

ADDRESSES: Submit written comments to Scott Gibbons, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW. Washington, DC 20210. Telephone number: 202–693–3008 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Email: *gibbons.scott@dol.gov.* A copy of the proposed information collection request (ICR) can be obtained by contacting Mr. Gibbons.

SUPPLEMENTARY INFORMATION:

I. Background

Title XII Section 1201 of the Social Security Act (SSA) provides for advances to states from the Federal Unemployment Account (FUA). The law further sets out specific requirements to be met by a state requesting an advance:

- The Governor, or designee, must apply for the advance;
- The application must cover a three month period and the Secretary of Labor (Secretary) must be furnished with estimates of the amounts needed in each month of the three month period;
- The application must be made on such forms and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the state unemployment compensation law as the Secretary deems necessary or relevant to the performance of his or her duties under this title;
- The amount required by any state for the payment of compensation in any month shall be determined with due allowance for contingencies and taking into account all other amounts that will be available in the state's unemployment fund for the payment of compensation in such month; and
- The term ''compensation'' means cash benefits payable to individuals with respect to their unemployment exclusive of expenses of administration.

Section 1202(a) of the SSA provides that the Governor of any state may at any time request that funds be transferred from the account of such state to the FUA in repayment of part or all of the balance of advances made to such state under section 1201. These applications and repayments may be requested by an individual designated for that authority in writing by the Governor.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension without changes.

Title: Unemployment Insurance (UI) Title XII Advances and Voluntary Repayment Process.

OMB Number: 1205–0199.

Affected Public: State Workforce Agencies.

Form(s): Not Applicable.

Total Annual Respondents: Up to 53.

Annual Frequency: As needed, based on a state's discretion.

Total Annual Responses: DOL currently estimates that 24 states will borrow during fiscal year 2013, and 22 states could continue to be borrowing during calendar year 2014 and beyond. Although it's impossible to know the exact number of responses, the maximum would be four requests for advances and four requests for voluntary repayments per state each year. This will result in a maximum possible number of responses of 544 over the three year window or an average of 181.33 responses per year.

Average Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 181.33 hours.

Total Annual Burden Cost for Respondents: There is no burden cost.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they will also become a matter of public record.

Dated: Signed in Washington, DC, this 21st day of September, 2012.

Jane Oates,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2012–23848 Filed 9–27–12; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Electronic Filing of H–2A and H–2B Labor Certification Applications Through the iCERT Visa Portal System

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) is announcing the implementation of electronic filing for the submission of nonimmigrant temporary labor certification applications under the H–2A and H–2B visa programs through the Department of Labor's (Department) iCERT Visa Portal System (iCERT System) at *http://icert.doleta.gov.* This new electronic filing capacity will enhance the accessibility and quality of labor certification services, reduce the data collection and reporting burden on small employers, facilitate more streamlined business processes, and establish greater transparency in the Department's decisions. Employers or their authorized representatives will be able to submit H–2B applications electronically beginning on October 15, 2012, and H–2A applications beginning on December 10, 2012. In order to make this transition as smooth as possible, the Department will hold four webinar training sessions (two for filing in the H–2B program and two for filing in the H–2A program) to orient program users to electronic filing through the iCERT System. These sessions will be announced on the OFLC's Web site (*http://www.foreignlaborcert.doleta.gov/*) once dates are finalized. Employers or their authorized representatives choosing not to use this new filing option must continue to file their H–2A and H–2B applications with the Department using the traditional paper-based filing method.

DATES: This Notice is effective September 28, 2012.

FOR FURTHER INFORMATION CONTACT: For further information please contact William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Employment and Training Administration, 200 Constitution Avenue NW., Room C–4312, Washington, DC 20210; Telephone: (202) 693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Immigration and Nationality Act (INA) and Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS) regulations assign specific responsibilities to the U.S. Secretary of Labor for the administration of certain employment-based immigration programs that require a labor certification. 8 U.S.C. 1184(c)(1), 1188(a)(1); 8 CFR 214.2(h)(5), (6). These responsibilities include determining whether there are able, willing, and qualified U.S. workers for a position for which certification is requested, and whether there would be any adverse impact on similarly employed U.S. workers should a labor certification be granted. Accordingly, statutory and regulatory provisions require employers seeking a labor certification for either permanent or temporary nonimmigrant labor to apply to the Secretary of Labor. The Secretary has delegated the responsibilities for the administration of these programs to the Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC).

The H–2A and H–2B nonimmigrant worker labor certification programs administered by the OFLC enable United States (U.S.) employers to employ foreign workers on a temporary basis only where the Secretary of Labor has certified that there are not sufficient U.S. workers who are able, willing, and qualified to perform the services or labor, and the employment of the foreign workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. 20 CFR part 655, Subpart B (H–2A workers); 20 CFR part 655, Subpart A (H–2B workers). Under current practice, employers or their authorized representatives (attorneys or agents) submit H–2A and H–2B temporary labor certification applications (i.e., the ETA Form 9142—*Application for Temporary Employment Certification,* appendices, and supporting documentation) in paper form bearing original signatures directly to the OFLC Chicago National Processing Center (NPC). The Chicago NPC performs a manual review of each application for compliance with the criteria for certification; provides written notification to the employer, normally through means that assure next-day delivery (e.g., U.S. mail or private mail courier and electronic mail when available), of any deficiencies or additional information needed; issues a written determination either granting or denying the temporary labor certification application; and retains a copy of the paper-filed application for record retention purposes.

As a component of the Department's E-Government initiative and in accordance with 20 CFR 655.20(b) and 655.130(c), ETA is publishing this Notice to inform the public, including the regulated community, of its intention to implement electronic filing of temporary labor certification applications under the H–2A and H–2B visa programs through the iCERT System located at *http://icert.doleta.gov.* Using this system, agricultural associations, employers and/or their authorized representatives will be able to establish Web-based accounts; create associate user accounts and manage security privileges; file the ETA Form 9142 online and upload scanned documentation supporting the application; track the status of all applications filed and processed by the Chicago NPC; and receive email notifications and other official correspondence during key points of the application adjudication process. The implementation of this new electronic filing capacity will enhance the accessibility and quality of labor certification services, reduce the data collection and reporting burden on small employers, facilitate more streamlined business processes, and establish a greater level of transparency in the Department's decision making.[1]

iCERT System Availability and Program Components

The OFLC has experienced an increased demand for its labor certification program processing services, especially its electronic application filing; case processing and tracking; and document management services. On April 15, 2009, the OFLC implemented a one-stop Web-based

[1] Sunstein, Cass R. ''Memorandum for the Heads of Executive Departments and Agencies: Reducing Reporting and Paperwork Burdens.'' Office of Information and Regulatory Affairs (June 22, 2012).

platform, called the iCERT System, that was designed to improve access to program services and establish a more integrated customer account platform for the filing and tracking of applications across the employment-based labor certification programs it administers and supports Office of Management and Budget's guidance to reduce reporting and paperwork burdens on the public.[2] Currently, the iCERT System annually supports the receipt and processing of more than 450,000 employer-filed H–1B, H–1B1, and E–3 *Labor Condition Applications for Nonimmigrant Workers* (ETA Form 9035E) and *Applications for Prevailing Wage Determination* (ETA Form 9141).

The H–2A and H–2B electronic filing systems are now fully integrated with the iCERT System platform, and will provide employers or their authorized representatives with the following major features:

• *Customer Account Management.* An agricultural association, employer, or authorized representative will be able to create an iCERT account by providing basic company and point-of-contact information, including a valid email address, to serve as a unique username, and a password. This information will establish a customer profile that can be edited at any time, and will serve as authentication and security control for accessing the iCERT account. However, once the iCERT account is registered, the Federal Employer Identification Number (FEIN) provided during the registration process cannot be modified. Associate accounts can also be created by the iCERT account holder allowing other authorized staff or representatives to prepare and submit applications, or withdraw a pending application before it is assigned to a Chicago NPC analyst. Customers with existing iCERT accounts, such as those who already use the iCERT System to file H–2B prevailing wage requests, will be able to modify their existing account profiles to include electronic filing privileges for the H–2A and/or H–2B programs.

• *Application Preparation and Submission.* An approved iCERT account holder will be able to utilize its profile information to quickly pre-populate certain sections of the ETA Form 9142 during application preparation to reduce data entry burden. All information populated on the ETA Form 9142 will be editable. Agricultural associations will have the capability of preparing H–2A applications as either sole employers or agents with one of their members, or as joint employers (i.e., master application) with one or more of their members. The iCERT System also contains a ''reuse'' case function that allows an authorized user to copy and reuse one or more sections of a previously filed H–2A or H–2B application. Because the vast majority of H–2A and H–2B employers have recurring seasonal workforce needs, the reuse case function will further reduce administrative time and burden for preparing applications.

• *Automated Data Quality Checks.* The iCERT System will strengthen data quality by providing real-time data formatting checks and form validations to notify customers that there may be mandatory, incorrect, or missing entries on the ETA Form 9142 that, when not completed properly, will result in application processing delays. Customers will receive immediate notifications during the application preparation stage and again, in summary form, at the final pre-submission stage of application preparation. At any point during the application preparation stage, the iCERT account holder will be able to preview a copy of the ETA Form 9142 to verify data entries for accuracy and completeness prior to submission. This is a practice the OFLC strongly encourages, especially with new filing systems.

• *Document Management Services.* At the end of the application preparation stage, the iCERT account holder will be able to upload other documentation (e.g., the *Agricultural and Food Processing Clearance Order,* ETA 790, recruitment report, and statement of temporary need) supporting the ETA Form 9142, and associate each item with a document type for more efficient storage and retrieval by the Chicago NPC staff. Once the H–2A or H–2B application is submitted for processing, the iCERT account holder will no longer be able to retrieve the documents, but will be able to view the list of documents submitted with the ETA Form 9142. To maximize electronic security, the iCERT System will only accept electronic documents in Microsoft Word, Adobe PDF, or text file formats.

• *Customer Email Notifications and Correspondence.* Once the H–2A or H–2B application is submitted for processing, the iCERT System will immediately display a confirmation message containing a permanent case number, receipt date, and other key information for the iCERT account holder to print and retain as evidence that the Department received the application for processing. Additionally, the iCERT System will send a confirmation message via email to the employer's designated point of contact and, if applicable, to the employer's authorized representative. Because the Chicago NPC will use email as the primary method of communication with customers during the application review process, iCERT account holders must ensure that all email addresses entered on the ETA Form 9142 are valid and that their Internet service providers will not block email messages sent from the Department. Where valid email addresses are not provided, the Chicago NPC will communicate with the employer and, if applicable, the employer's agent or attorney, through mailed correspondence. This manual process may impact processing times.

• *Case Status Checks.* Customers will be able to check the status of pending applications, as well as those in which a final determination has issued, at any time by accessing their iCERT accounts or using the ''iCERT Case Status Check'' function on the public iCERT Home Page.

Beginning on October 15, 2012, employers or their authorized representatives who choose to electronically file temporary labor certification applications under the H–2B program may do so through the iCERT System. Employers or their authorized representatives who choose to electronically file temporary labor certification applications under the H–2A program may do so through the iCERT System on or after December 10, 2012. Employers or their authorized representatives electing not to use this new electronic filing capability must file their H–2A and H–2B applications with the Department using the traditional paper-based filing method. Data from paper applications will be entered into the iCERT System's internal case management system by the NPC and processed in a similar manner as those filed electronically.

In preparation for the release of these electronic filing systems, employers or their authorized representatives who do not currently possess an iCERT account are encouraged to visit the system at *http://icert.doleta.gov* and begin the process of establishing an iCERT

[2] The implementation of the OFLC iCERT System platform is consistent with guidance promulgated by the Department's Chief Information Officer and E-Government initiative to maximize Federal investment in Information Technology (IT) using a multi-year, modular approach to IT systems development for the purposes of increasing usability and decreasing life cycle costs. See Kundra, Vivek, Office of Management and Budget, 25 Point Implementation Plan to Reform Federal IT Management (Dec. 9, 2010), available at *http://www.cio.gov/documents/25-point-implementation-plan-to-reform-federal%20it.pdf* and Office of Management and Budget, Contracting Guidance to Support Modular Development (Jun. 14, 2012) available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/guidance/modular-approaches-for-information-technology.pdf.*

account with associate or sub-account users, as applicable. Note, however, that the new iCERT account for agricultural associations will not be available until implementation of the H–2A electronic filing system on December 10, 2012.

H–2A and H–2B Process Changes

There are important process changes concerning the documentation that must be submitted with the ETA Form 9142, as well as changes to the receipt of official labor certification determinations from the Department. The regulatory requirements regarding when to file an H–2A or H–2B application (e.g., after pre-filing recruitment steps are completed in the H–2B program) remain unchanged and are not affected by an employer or its authorized representative's decision to file electronically instead of by U.S. mail. In circumstances where duplicate applications are filed, such as where one application is filed electronically and that same application is filed by U.S. mail, the Chicago NPC will accept for processing the first application received and return the non-processed second application to the employer or the employer's authorized representative.

• *Electronic Filing.* The H–2A and H–2B regulations require that the ETA Form 9142 filed with the Chicago NPC must bear the original signature of the employer and the employer's authorized attorney or agent, if the employer is represented by an attorney or agent. 20 CFR 655.20(b), 655.130(d). Under the H–2A program, an association filing a master application as a joint employer may sign on behalf of its employer members. When filing an H–2A or H–2B application electronically, the iCERT account holder must upload a signed and dated copy of either the Appendix A.2 (for the H–2A program) or Appendix B.1 (for the H–2B program) and retain the original in its file. For job contractors filing under the H–2B program as joint employers with their employer-clients, a separate attachment containing the employer-client's business and contact information (i.e., Sections C and D of the ETA Form 9142) and a signed and dated Appendix B.1 are still required and must be uploaded prior to electronically filing the application. An ETA Form 9142, bearing original signatures, will no longer be required by the Chicago NPC at the time of filing, as the appropriate signed appendix will be uploaded directly into the iCERT System. Moreover, where an application is granted temporary labor certification, the employer and, if applicable, its attorney or agent, will be required to sign and date the appropriate appendix on the ETA Form 9142 issued from the Chicago NPC upon receipt. The employer's signature and, if applicable, that of its attorney or agent, on the Appendix A.2 or B.1, as appropriate, will satisfy the original signature requirement.

• *Supporting Documentation.* In addition to the ETA Form 9142 and applicable appendix, the H–2A and H–2B regulations require employers to submit all required supporting documentation at the time of filing. When filing an H–2A or H–2B application electronically, the iCERT account holder must, prior to submission of the application, upload scanned copies of all required supporting documentation that would normally be sent to the Chicago NPC by U.S. mail because the system will not permit document upload once the application has been submitted. For example, employers filing H–2B applications must also upload a copy of the recruitment report signed and dated by the employer. In addition, where the occupation is covered by special procedures, employers filing electronically must upload other required supporting documentation (e.g., FLC Certification of Registration, work itineraries). Under the H–2A program, employers must also upload a copy of the agricultural job order (ETA Form 790) submitted to the State Workforce Agency. If an agricultural employer has an authorized agent, the iCERT account holder must upload a copy of the agent agreement or other document demonstrating the agent's authority to represent the employer in the H–2A process, as required by H–2A regulations at 20 CFR 655.133. Similarly, agents who are subject to the Migrant and Seasonal Agricultural Worker Protection Act must upload copies of their FLC Certificate of Registration. Employers continuing to file by U.S. mail must also continue to submit all required documentation. To avoid any processing delays, the iCERT account holder is strongly encouraged to preview and check the ETA Form 9142 and all uploaded documents for completeness and accuracy before submitting the application. Any documentation required to be submitted after the application's submission, such as an H–2A recruitment report documenting positive recruitment efforts, must be filed by mail, email or fax, even if the application itself was submitted electronically.

• *Surety Bonds for H–2A Labor Contractors (H–2ALCs).* The H–2A regulations at 20 CFR 655.132(b)(3) require an H–2ALC to submit with its application the original surety bond serving as proof of its ability to discharge financial obligations under the H–2A program. Although the iCERT account holder may upload a scanned copy of the surety bond at the time of filing the H–2A application electronically, the Chicago NPC must receive the original surety bond associated with the H–2A application before granting certification. The regulatory requirement that the H–2ALC submit the original surety bond by U.S. mail remains unchanged, and the Chicago NPC will provide written notice reminding employers of this regulatory requirement upon acceptance of the ETA Form 9142 under 20 CFR 655.143.

• *Approved Temporary Labor Certifications*—Where the Chicago NPC Certifying Officer (CO) makes a determination to grant a temporary labor certification, the H–2A and H–2B regulations specify that the CO will send the certified ETA Form 9142 and a Final Determination letter to the employer or, if appropriate, to the employer's agent or attorney. For all H–2B applications filed on or after October 15, 2012, and for all H–2A applications filed on or after December 10, 2012, where the Chicago NPC CO has made a determination to grant a temporary labor certification, the employer will receive an original certified ETA Form 9142 and the appropriate Appendix issued on newly designed special security paper. A certified ETA Form 9142 is valid when it contains a completed Section K bearing the electronic signature of the OFLC Administrator, and a completed ''For Department of Labor Use Only'' footer on each page identifying the iCERT case number, determination status, and the validity period. Upon receipt of the original certified ETA Form 9142, the employer and, if applicable, the employer's agent or attorney, must promptly sign and date the appendix containing the requisite program assurances and obligations. Employers must submit original certifications received from the Department directly to the USCIS. However, employers whose applications are filed prior to the implementation of electronic filing (before October 15, 2012 for H–2B applications and before December 10, 2012 for H–2A applications) and whose applications are granted temporary labor certification will receive certifications in the currently established manner, even in those cases in which the grant of certification post-dates the implementation of electronic filing.

Training Webinars for Program Users

To assist agricultural associations, employers, authorized agents or

attorneys, and the interested public in understanding how to use the iCERT System and file H–2A and H–2B applications electronically, the Department will hold four webinar training sessions in the coming months. In advance of the Department's implementation of the iCERT H–2B electronic filing module on October 15, 2012, the first two webinar sessions are tentatively scheduled for the week of October 1, 2012 to provide a technical demonstration on how to create or modify an iCERT account and file H–2B applications electronically. Similarly, in advance of the Department's implementation of the iCERT H–2A electronic filing module on December 10, 2012, the final two webinar sessions are tentatively scheduled for the week of November 26, 2012 to provide a technical demonstration on how employers, including agricultural associations, can create or modify their accounts and file H–2A applications electronically. Once the exact dates and times for the webinars are available, the Department will post public announcements, including details on how to register for each webinar, on the OFLC Web site at *http://www.foreignlaborcert.doleta.gov.* Additional implementation resources (e.g., iCERT user manuals) designed to assist customers in establishing or modifying their iCERT accounts and how to file H–2A and H–2B applications electronically will be posted in advance of the webinars. We encourage the public to frequently check the OFLC Web site for updates and to sign up for email updates.

Help Desk Resources

For technical problems or other issues related to the creation and maintenance of iCERT System accounts and electronic filing of H–2A and H–2B applications, users should please contact the iCERT System Help Desk by sending an email to *oflc.portal@dol.gov*. Additionally, the Chicago NPC maintains a dedicated Help Desk Unit to handle program-related inquiries from employers or their representatives participating in the H–2A and/or H–2B programs. To contact the Chicago NPC Help Desk, please send an email to *TLC.Chicago@dol.gov.*

Dated: Signed at Washington, DC, on this 24th day of September, 2012.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2012–23884 Filed 9–26–12; 11:15 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before October 29, 2012.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: George F. Triebsch, Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

(1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

(2) That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2012–006–M.

Petitioner: Vulcan Construction Materials, L.P., 1 Glenlake Parkway NE., Suite 600, Atlanta, Georgia 30328.

Mine: Manassas Quarry, MSHA I.D. No. 44–00159, located in Prince William County, Virginia; Jack Plant, MSHA I.D. No. 44–00109, located in Dinwiddie County, Virginia; Lawrenceville Quarry, MSHA I.D. No. 44–00150, located in Brunswick County, Virginia; Skippers Quarry, MSHA I.D. No. 44–00136, located in Greensville County, Virginia; Hanover Quarry, MSHA I.D. No. 36–00015, located in Adams County, Pennsylvania; Pacolet Quarry, MSHA I.D. 38–00004, located in Spartanburg County, South Carolina; Enka Quarry, MSHA I.D. 31–00084, located in Buncombe County, North Carolina; Rockingham Quarry, MSHA I.D. No. 31–00198, located in Richmond County, North Carolina; Barin Quarry, MSHA I.D. No. 09–00072, located in Muscogee County, Georgia; and Macon Quarry, MSHA I.D. No. 09–00015, located in Monroe County, Georgia.

Regulation Affected: 30 CFR 56.14100(b) (Safety defects; examination, correction and records).

Modification Request: The petitioner requests a modification of the existing standard to permit designated locomotives to be operated with four functional track sanders. This includes two sets of sanders located on opposite ends of each locomotive regardless of the amount of sanders that may have been present originally or could be added. The petitioner also requests that sand not be present in the system unless deemed necessary for the sand to be used to assist with traction to allow the locomotive to move. This change would serve as direct guidance for Vulcan and MSHA in the future. This would be a great benefit for everyone involved since there is no standard that specifically addresses this issue in 30 CFR Part 56. This petition, if approved, would not

detract from worker safety. The petitioner states that:

1. This is a complex issue and requires significant background information and material.

2. The purpose of this petition is to obtain relief from MSHA's new position that track sanders on a locomotive are for braking and therefore a safety item.

3. The manufacturer's intent of the track sanders are an optional feature designed to assist in locomotive traction when starting from a stopped position.

4. Vulcan East Region is addressing multiple locomotives and locations to avoid further use of time and resources for both parties related to this topic.

5. Vulcan and the rail industry consider the track sanders as an operational device rather than a safety item.

The petitioner further states that the safety of employees and anyone that is exposed to their operations is of the utmost importance, and believes that the request in this petition would not distract from worker safety.

Docket Number: M–2012–007–M.

Petitioner: Rio Grande Mining Company, 97423 US Hwy 67, HCR67 Box 109, Marfa, Texas 79843.

Mine: Shafter Mine, MSHA I.D. No. 41–02905, located in Presidio County, Texas.

Regulation Affected: 30 CFR 49.2(c) (Availability of mine rescue teams).

Modification Request: The petitioner requests a modification of the existing standard to permit a miner with three months experience as a team member, instead of a miner with one year of experience.

Further, the petitioner states that due to the remote location of the mine it has become burdensome to keep two certified teams with five members and one alternate. The shortest response time for the next closest mine rescue team is 4 hours for a team in New Mexico and 6 hours for a team in Texas. The petitioner states that surface and underground personnel who do not have one year mining experience would have the following general certifications:

1. DOT-First Responder, EMT, EMT–1, Paramedics.

2. Certified surface firefighters.

3. Personnel would still be trained with a Certified MSHA Instructor within the three months.

4. With small and remote mines, three months would be an adequate amount of time for miners (Mine Rescue Team Members) to learn the mine and the mining methods.

The petitioner asserts that the alternative method will at all times provide the same measure of protection as the existing standard.

Docket Number: M–2012–008–M.

Petitioner: U.S. Silica Company, 2496 Hancock Road, Berkeley Springs, West Virginia 25411.

Mine: Berkeley Plant, MSHA I.D. No. 46–02805, located in Morgan County, West Virginia.

Regulation Affected: 30 CFR 56.13020 (Use of compressed air).

Modification Request: The petitioner requests a modification of the existing standard to permit the miners to use a clothes cleaning booth for cleaning their clothes. The petitioner proposes to incorporate the National Institute for Occupational Safety and Health (NIOSH) Clothes Cleaning Process and Manufacturer's Instruction Manuals into their MSHA Part 46 Training Plan and train affected miners in the process. The petitioner states that:

1. Miners entering the booth will examine valves and nozzles for damage malfunction and close the door fully before opening the air valve. Any defects will be repaired prior to the booth being used.

2. Miners entering the booth will wear eye protection; ear plugs or muffs for hearing protection; a full-face or half-mask respirator that meets or exceeds the minimum requirements of a N95 filter to which the miner has been fit-tested for respiratory protection. As an alternative, the use of a full-face respirator will meet the requirement for both respiratory and eye protection. A sign will be conspicuously posted requiring the use of personal protective equipment when entering the booth.

3. Airflow through the booth will be at least 2,000 cubic feet per minute to maintain negative pressure during use of the cleaning system, to prevent contamination of the environment outside the booth. Airflow will be in a downward direction to move contaminants away from the miner's breathing zone.

4. Air pressure through the spray manifold will be limited to 30 pounds per square inch or less. A lock box with a single plant manager controlled key will be used to prevent regulator tampering.

5. The air spray manifold will consist of schedule 80 steel pipes that have failure pressure of 1,300 pounds per square inch, capped at the base, and actuated by an electrically controlled ball valve at the top.

6. Air nozzles must not exceed 30 pounds per square inch gauge.

7. The uppermost spray of the spray manifold will be located below the booth users breathing zone. Some type of mechanical device will be used to cover the upper air nozzles to meet the specific height of the user.

8. Air nozzles will be guarded to eliminate the possibility of incidental contact that could create mechanical damage to the air nozzles during the clothes cleaning process.

9. The petitioner will conduct periodic maintenance checks of the booth according to the recommendations contained in the Manufacturer's Instruction Manual.

10. The air receiver tank supplying air to the manifold system will be of sufficient volume to permit no less than 20 seconds of continuous clothes cleaning time.

11. An appropriate hazard warning sign will be posted on the booth that states, at a minimum, Compressed Air and Respirable Dust.

12. A pressure relief valve designed for the booth's air reservoir will be installed.

13. The mine will exhaust dust-laden air from the booth into a local exhaust ventilation system or duct outside the facility while ensuring there is no re-entrainment back into the structure.

The petitioner further states that:

1. The proposed alternative method provides a direct reduction of a miners' exposure to respirable dust, thus reducing their health risks while providing no less a degree of safety than that provided by the standard.

2. The proposed alternative method has been jointly developed between Unimin Corporation and the National Institute for Occupational Safety and Health (NIOSH) and successfully tested by the NIOSH.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Dated: September 24, 2012.

George F. Triebsch,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 2012–23852 Filed 9–27–12; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Engineering Advisory Committee Meeting. #1170.

Date/Time: October 17, 2012: 7:45 a.m. to 5:30 p.m., October 18, 2012: 7:45 a.m. to 12:45 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22203.

Type Of Meeting: Open.

Contact Person: Deborah Young, National Science Foundation, 4201 Wilson Boulevard, Suite 505, Arlington, Virginia 22203 703/292–8300.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Wednesday, October 17, 2012—8:00 a.m.–5:30 p.m.

- Division of Civil, Mechanical, and Manufacturing Innovation (CMMI) Overview
- CMMI Committee of Visitors Report
- Introduction to ENG Strategic Activities
- Panel and Discussion on Advanced Manufacturing
- Division of Chemical, Bioengineering, Environmental, and Transport Systems (CBET) Overview
- CBET Committee of Visitors Report
- Panel and Discussion on Developing Next-generation Engineers
- Future Opportunities and Challenges for Engineering

Thursday, October 18, 2012—7:30 a.m.–12:45 p.m.

- Welcome from Subra Suresh, NSF Director, and Cora Marrett, NSF Deputy Director
- Panel and Discussion on Neuroscience and Engineering
- Roundtable on ENG Strategic Activities and Recommendations
- Recognition, Closing Remarks, and Wrap Up

Dated: September 25, 2012.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2012–23881 Filed 9–27–12; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0222]

Compliance With Information Request, Flooding Hazard Reevaluation

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft Japan Lessons-Learned Project Directorate guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing draft Japan Lessons-Learned Project Directorate Interim Staff Guidance (JLD–ISG), JLD–ISG–2012–05, ''Performance of an Integrated Assessment.'' This draft JLD–ISG provides guidance and clarification to assist nuclear power reactor applicants and licensees with performing an integrated assessment in response to enclosure 2 of a March 12, 2012, information request.

DATES: Comments must be filed no later than October 29, 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–2012–0222. You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0222. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. G. Edward Miller, Japan Lessons-Learned Project Directorate, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2481; email: *Ed.Miller@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0222 when contacting the NRC about the availability of information regarding this document. You may access information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0222.
- *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 draft JLD–ISG–2012–05 is available in ADAMS under Accession No. ML12235A319.
- *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, MD 20852.
- *NRC's Interim Staff Guidance Web Site:* JLD–ISG documents are also available online under the ''Japan Lessons Learned'' heading at *http://www.nrc.gov/reading-rm/doc-collections/#int.*

B. Submitting Comments

Please include Docket ID NRC–2012–0222 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background Information

The NRC staff developed draft JLD–ISG–2012–05 to provide guidance and clarification to assist nuclear power reactor applicants and licensees with the performance of an integrated

assessment. This ISG is being issued in draft form for public comment to involve the public in development of the implementation guidance.

On March 11, 2011, a magnitude 9.0 earthquake struck off the coast of the Japanese island of Honshu. The earthquake resulted in a large tsunami, estimated to have exceeded 14 meters (45 feet) in height that inundated the Fukushima Dai-ichi nuclear power plant site. The earthquake and tsunami produced widespread devastation across northeastern Japan and significantly affected the infrastructure and industry in the northeastern coastal areas of Japan. When the earthquake occurred, Fukushima Dai-ichi Units 1, 2, and 3, were in operation and Units 4, 5, and 6, were shut down for routine refueling and maintenance activities. The Unit 4 reactor fuel was offloaded to the Unit 4 spent fuel pool (SFP). Following the earthquake, the three operating units automatically shut down and offsite power was lost to the entire facility. The emergency diesel generators started at all six units providing alternating current (ac) electrical power to critical systems at each unit. The facility response to the earthquake appears to have been normal.

Following the events at the Fukushima Dai-ichi nuclear power plant, the NRC established a senior-level agency task force referred to as the Near-Term Task Force (NTTF). The NTTF was tasked with conducting a systematic and methodical review of the NRC's regulations and processes, and determining if the agency should make additional improvements to these programs in light of the events at Fukushima Dai-ichi. As a result of this review, the NTTF developed a comprehensive set of recommendations, documented in SECY–11–0093, ''Near-Term Report and Recommendations for Agency Actions Following the Events in Japan,'' dated July 12, 2011 (ADAMS Accession No. ML11186A950). These recommendations were enhanced by the NRC staff following interactions with stakeholders. Documentation of the staff's efforts is contained in SECY–11–0124, ''Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report,'' dated September 9, 2011 (ADAMS Accession No. ML11245A158) and SECY–11–0137, ''Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned,'' dated October 3, 2011 (ADAMS Accession No. ML11272A111).

As directed by the Commission's staff requirement memorandum (SRM) for SECY–11–0093 (ADAMS Accession No. ML112310021), the NRC staff reviewed the NTTF recommendations within the context of the NRC's existing regulatory framework and considered the various regulatory vehicles available to the NRC to implement the recommendations. SECY–11–0124 and SECY–11–0137 established the staff's prioritization of the recommendations based upon the potential for each recommendation to enhance safety.

As part of the SRM for SECY–11–0124, dated October 18, 2011, the Commission approved the staff's proposed actions, including the development of three information requests under 10 CFR 50.54(f). The information collected would be used to support the NRC staff's evaluation of whether further regulatory action was needed in the areas of seismic and flooding design, and emergency preparedness.

In addition to Commission direction, the Consolidated Appropriations Act, Public Law 112–074, was signed into law on December 23, 2011. Section 402 of the law directs the NRC to require licensees to reevaluate their design basis for external hazards.

In response to the aforementioned Commission and Congressional direction, the NRC issued a request for information to all power reactor licensees and holders of construction permits under 10 CFR Part 50 on March 12, 2012. The March 12, 2012, letter includes a request that licensees reevaluate flooding hazards at nuclear power plant sites using updated flooding hazard information and present day regulatory guidance and methodologies. The letter also requests the comparison of the reevaluated hazard to the current design basis at the site for each potential flood mechanism. If the reevaluated flood hazard at a site is not bounded by the current design basis, licensees are requested to perform an Integrated Assessment. The Integrated Assessment will evaluate the total plant response to the flood hazard, considering multiple and diverse capabilities such as physical barriers, temporary protective measures, and operational procedures. The NRC staff will review the licensees' responses to this request for information and determine whether regulatory actions are necessary to provide additional protection against flooding.

Proposed Action

By this action, the NRC is requesting public comments on draft JLD–ISG–2012–05. This draft JLD–ISG provides guidance and clarification to assist nuclear power reactors applicants and licensees with performing an integrated assessment in response to enclosure 2 of the information request. The NRC staff will make a final determination regarding issuance of the JLD–ISG after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this 20th day of September, 2012.

For the Nuclear Regulatory Commission.

David L. Skeen,

Director, Japan Lessons-Learned Project Directorate, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–23892 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Fukushima; Notice of Meeting

The ACRS Subcommittee on Fukushima will hold a meeting on October 3, 2012, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance with the exception of a portion that may be closed to protect information that is propriety, pursuant to 5 U.S.C. 552(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, October 3, 2012—8:30 a.m. until 5 p.m.

The Subcommittee will review and discuss the staff's development of a position paper addressing the value of filtered vents. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Antonio Dias (Telephone 301–415–6805 or Email: *Antonio.Dias@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic

recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: September 20, 2012.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–23886 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on October 3, 2012, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, October 3, 2012—12 p.m. Until 1 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Antonio Dias (Telephone 301–415–6805 or Email: *Antonio.Dias@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Date: September 19, 2012.

Cayetano Santos,

Chief, Reactor Safety Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–23897 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Reliability and PRA; Notice of Meeting

The ACRS Subcommittee on Reliability and PRA will hold a meeting on October 2, 2012, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public.

The agenda for the subject meeting shall be as follows:

Tuesday, October 2, 2012—1 p.m. Until 5 p.m.

The Subcommittee will review and discuss SECY–12–0110, ''Consideration of Economic Consequences with the U.S. Nuclear Regulatory Commission's Regulatory Framework.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 301–415–7366 or email: *Derek.Widmayer@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained

from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: September 20, 2012.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–23894 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Advanced Boiling Water Reactor; Notice of Meeting

The ACRS Subcommittee on Advanced Boiling Water Reactor (ABWR) will hold a meeting on October 2, 2012, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance with the exception of a portion that may be closed to protect information that is propriety, pursuant to 5 U.S.C. 552(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday October 2, 2012—8:30 a.m. Until 3 p.m.

The Subcommittee will review and discuss the long term cooling aspect of the Combined License Application (COLA) for South Texas Project (STP) Units 3 and 4. The Subcommittee will hear presentations by and hold discussions with the applicant, Nuclear Innovation North America (NINA), the NRC staff, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone 301–415–6973 or Email: *Maitri.Banerjee@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: September 19, 2012.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–23896 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0002]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of October 1, 8, 15, 22, 29, November 5, 2012.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 1, 2012

Tuesday, October 2, 2012

9:30 a.m. Strategic Programmatic Overview of the Nuclear Materials Users and Decommissioning and Low-Level Waste Business Lines (Public Meeting) (Contact: Kimyata Morgan Butler, 301–415–0733).

This meeting will be Web cast live at the Web address—*www.nrc.gov*

Week of October 8, 2012—Tentative

There are no meetings scheduled for the week of October 8, 2012.

Week of October 15, 2012—Tentative

There are no meetings scheduled for the week of October 15, 2012.

Week of October 22, 2012—Tentative

Tuesday, October 23, 2012

9:30 a.m. Strategic Programmatic Overview of the Spent Fuel Storage and Transportation and Fuel Facilities Business Lines (Public Meeting) (Contact: Kevin Mattern, 301–492–3221).

This meeting will be Web cast live at the Web address—*www.nrc.gov*

Week of October 29, 2012—Tentative

Tuesday, October 30, 2012

9:30 a.m. Briefing on Fort Calhoun (Public Meeting) (Contact: Michael Hay, 817–200–1527)

This meeting will be Web cast live at the Web address—*www.nrc.gov*

Week of November 5, 2012—Tentative

Monday, November 5, 2012

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Thursday, November 8, 2012

9:30 a.m. Discussion of Management Issues (Closed—Ex. 2).

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you

need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Bill Dosch, Chief, Work Life and Benefits Branch, at 301–415–6200, TDD: 301–415–2100, or by email at *william.dosch@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: September 25, 2012.

Richard J. Laufer,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2012–24073 Filed 9–26–12; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0044; Docket No. 50–423]

Central Vermont Public Service Corporation (Millstone Power Station, Unit 3); Order Approving Application Regarding Corporate Restructuring and Conforming Amendment

I

Dominion Nuclear Connecticut, Inc. (DNC), Central Vermont Public Service Corporation (CVPS) and Massachusetts Municipal Wholesale Electric Company (MMWE) (collectively ''the licensees'' or ''DNC, Inc., et al.'') are the co-holders of the Renewed Facility Operating License No. NPF–49, which authorizes the possession, use and operation of Millstone Power Station, Unit 3 (MPS3). CVPS is a non-operating owner of a 1.7303% interest in MPS3. DNC is the majority owner and the licensed operator. MPS3 is located in the town of Waterford, Connecticut.

II

By letter dated September 9, 2011, as supplemented on November 4, 2011, April 6, 2012, May 4, 2012, June 26, 2012, and July 19, 2012 (collectively, ''the application''), CVPS and Gaz Métro Limited Partnership (Gaz Métro), (collectively, ''the Applicants''), requested that the U.S. Nuclear Regulatory Commission (NRC), pursuant to section 50.80 of Title 10 of the Code of Federal Regulation (10 CFR), consent to the direct transfer of CVPS's 1.7303% interest in the operating license for MPS3 that would result from the merger of CVPS with Green Mountain Power Corporation (GMP).

Both GMP and CVPS are wholly owned subsidiaries of Gaz Métro, as a result of the indirect transfer of CVPSs 1.7303% interest in the license for MPS3, due to the acquisition of CVPS by Gaz Métro approved by the Commission on June 15, 2012.

According to the application for approval filed by CVPS in connection with the merger of CVPS and GMP, CVPS will merge with and into GMP, with GMP being the surviving company called Green Mountain Power Corporation. The GMP will continue as a minority co-owner and licensee of MPS3.

This application does not affect MMWEs ownership or DNCs ownership and operation of the facility.

Pursuant to 10 CFR 50.90, the Applicants also requested approval of a conforming license amendment for administrative purposes to reflect the change of name for the co-owner licensee on the MSP3 license from ''Central Vermont Public Service Corporation'' to ''Green Mountain Power Corporation.''

No physical changes to the MPS3 facility or operational changes are being proposed in the application.

Notice of the request for approval and opportunity for a hearing was published in the **Federal Register** on July 20, 2012 (77 FR 42768). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC shall give its consent in writing. Upon review of the information in the application as supplemented and other information before the Commission and relying upon the representations and agreements in the application as supplemented, the NRC staff has determined that the proposed direct transfer of control from CVPS to GMP, as described in the application, will not affect the qualifications of the holders of the Renewed Facility Operating License No. NPF–49, and that the transfer of the license, to the extent affected by the proposed merger, is otherwise consistent with applicable provisions of law, regulations, and Orders issued by the Commission, pursuant thereto, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR chapter I; the facilities will operate in conformity with the application, the provisions of the Act and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendment can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendment will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendment will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied. The findings set forth above are supported by a safety evaluation (SE) dated September 21, 2012.

III

Accordingly, pursuant to Sections 161b, 161i, 161.o, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the application regarding the proposed direct license transfer is approved, subject to the following conditions:

1. The Negation Action Plan provided to the NRC for review may not be modified in any respect concerning decision-making authority over ''safety issues'' as defined therein without the prior written consent of the Director, Office of Nuclear Reactor Regulation.

2. At least half the members of GMPs Board of Directors shall be U.S. citizens.

3. The Chief Executive Officer (CEO) of GMP shall be a U.S. citizen. This individual shall have the responsibility and exclusive authority to ensure and shall ensure that the business and activities of GMP with respect to the MPS3 license is at all times conducted in a manner consistent with the public health and safety and common defense and security of the United States.

4. The GMP Board of Directors will establish a Special Nuclear Committee (SNC) composed only of U.S. citizens, a majority of who are not officers or employees of GMP, Gaz Métro, or any other Gaz Métro subsidiaries. The SNC will report to the GMPC Board of Directors on a quarterly basis for informational purposes. The SNC will make available to the NRC for review these and any other reports regarding foreign ownership and control of nuclear operations.

5. Should the proposed corporate merger not be completed within 1 year from the date of this Order, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by Order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated September 9, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11256A051), as supplemented by letters dated November 4, 2011, April 6, 2012, May 4, 2012, June 26, 2012, and July 19, 2012 (ADAMS Accession Nos. (ML11311A148, Ml12100A017, ML12128A433, ML12180A123 and ML12205A030, respectively), and the SE dated September 21, 2012, which are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1- F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *PDR.Resource@nrc.gov.*

Dated at Rockville, Maryland, this 21st day of September 2012.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–23888 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8838; NRC–2012–0221]

Request To Extend Time To Submit Decommissioning Plan; U.S. Department of the Army, Jefferson Proving Ground, Madison, IN

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to provide comments, request a hearing and to petition for leave to intervene.

DATES: Submit comments by October 29, 2012. Requests for a hearing or leave to intervene must be filed by November 27, 2012.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and is publicly available, by searching on *http://www.regulations.gov* under Docket ID NRC–2012–0221. You may submit comments by any of the following methods

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0221. 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: Thomas McLaughlin, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–5869; email: *Thomas.McLaughlin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0221 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–2012–0221.
- *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 U.S. Department of the Army License Amendment request is available electronically under ADAMS Accession Number ML12138A174.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0221 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has received, by letter dated May 2, 2012, a license amendment application from the U.S. Department of the Army (the licensee) for their Jefferson Proving Ground site located in Madison, Indiana, requesting to extend the time for submitting a decommissioning plan by 20 months. License No. SUB–1435 authorizes the licensee to possess depleted uranium resulting from past testing operations. The proposed change is to modify License Condition No. 13 which states that a decommissioning plan will be submitted to the NRC no later than December 31, 2011.

An NRC administrative review, documented in a letter to the U.S. Department of the Army dated August 17, 2012 (ADAMS Accession No. ML12214A238), found the application acceptable to begin a technical review. If the NRC approves the amendment, the approval will be documented in an amendment to NRC License No. SUB–1435. However, before approving the proposed amendment, the NRC will need to make the findings required by

the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment, unless the extension request satisfies the requirements of a categorical exclusion.

III. Opportunity To Request a Hearing; Petitions for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the license amendment request. Requirements for hearing requests and petitions for leave to intervene are found in § 2.309 of Title 10 of the Code of Federal Regulations (10 CFR), ''Hearing Requests, Petitions to Intervene, Requirements for Standing, and Contentions.'' Interested persons should consult 10 CFR 2.309, which is available at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 (or call the PDR at 1–800–397–4209 or 301–415–4737). The NRC's regulations are available online in the NRC Library at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the petitioner and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. Each contention must be one that, if proven, would entitle the petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with the NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after November 27, 2012 day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by November 27, 2012. The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate in a hearing as a nonparty pursuant to 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to this proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance under 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to such limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by November 27, 2012.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 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

identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*. System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the documents are submitted through 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's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's 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 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home 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.

Dated at Rockville, Maryland, this 19th day of September 2012.

For the Nuclear Regulatory Commission.

Paul Michalak,

Acting Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2012–23890 Filed 9–27–12; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Locating and Paying Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval of revised collection of information.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is modifying its collection of information on Locating and Paying Participants (OMB control number 1212–0055; expires December 31, 2013) and is requesting that the Office of Management and Budget approve the revised collection of information under the Paperwork Reduction Act for three years. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by October 29, 2012.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at

OIRA_DOCKET@omb.eop.gov, or by fax to 202–395–6974. The collection of information is available at *www.reginfo.gov.* Copies of the collection of information may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, by visiting the Disclosure Division, or by calling 202–326–4040 during normal business hours. (TTY/ASCII users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The Disclosure Division will email, fax, or mail the requested information to you, as you request.

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns, Attorney, or Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, 202–326–4024, ext. 3072 (Burns) or 3041 (Klion). (For TTY/ASCII users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC is requesting that OMB approve modifications to an information collection needed to locate and pay participants and beneficiaries who may be entitled to pension benefits under a defined benefit plan that has terminated. The collection consists of information that participants and beneficiaries are asked to provide when applying for benefits. In addition, in some instances, as part of a search for participants and beneficiaries who may be entitled to benefits, PBGC requests individuals to provide identifying information that the individual would provide as part of an initial contact with PBGC. The information collection also includes My Pension Benefit Account (My PBA), an application on PBGC's Web site, *http://www.pbgc.gov,* through which plan participants and beneficiaries may conduct electronic transactions with PBGC, including applying for pension benefits, designating a beneficiary, changing contact information, and applying for electronic direct deposit. All requested information is needed to enable PBGC to determine benefit entitlements and to make appropriate payments, or to provide respondents with specific information about their pension plan so they may obtain rough estimates of their benefits.

PBGC will add one new form to the information collection and modify several existing forms to conform to recent changes in PBGC and Treasury regulations.

PBGC is adding Form 721T to collect tax withholding information for one-time payments that are not eligible for rollover. Currently, Form 721 is used for that purpose, as well as for payments that are eligible for rollover. However, because of tax withholding changes for rollover-eligible payments for non-spouse beneficiaries, it is necessary to have a separate form to collect information on payments not eligible for rollover.

PBGC is modifying—

- Form 718 (installment payment agreement) to conform to changes in PBGC's regulation on debt collection, 29 CFR part 4903;
- Forms 700, 705, and 706 (benefit application forms for participants and beneficiaries) and Form 710 (application for electronic direct deposit) to conform to the Department of Treasury's regulation on electronic funds transfer, 31 CFR part 208;
- Form 721 (application for payment eligible for rollover—non-spouse beneficiary) to conform to IRS changes to withholding for payments eligible for rollover that are made directly to non-spouse beneficiaries;
- Forms containing sections on spousal consent to participants' waivers to explicitly state that spouses have the right not to consent;
- Forms referring to domestic relations orders or qualified domestic relations orders to clarify the information that must be provided with regard to each; and
- Forms referring to various retirement vehicles (e.g., traditional IRAs, Roth IRAs, qualified retirement plans) to conform to terms used in the Special Tax Notice, which is attached to several forms.

In addition, PBGC is making clarifying, simplifying, editorial, and other changes to almost all forms in the information collection.

The collection of information has been approved by OMB under control number 1212–0055 (expires December 31, 2013). PBGC is requesting that OMB extend its approval (with modifications) for three years from its approval date. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that the average annual burden associated with this collection of information will be 87,491 hours and $2,270 for the next three years. The burden estimate includes 84,101 hours and $2,220 for participants in plans covered by the PBGC insurance program. The remaining burden is attributable to participants expected to be covered by the expanded Missing Participants program under Pension Protection Act of 2006 amendments to ERISA, once final regulations are issued to implement the program.

Issued in Washington, DC, this 24th day of September 2012.

John H. Hanley,

Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation.

[FR Doc. 2012–23889 Filed 9–27–12; 8:45 am]

BILLING CODE 7709–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30211; 812–13968]

Northern Trust Investments, Inc., et al.; Notice of Application

September 24, 2012.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application to amend a prior order under section 6(c) of the Investment Company Act of 1940 (''Act'') granting 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) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

SUMMARY OF APPLICATION: Applicants seek to amend the Prior Order [1] to offer certain exchange-traded funds based on equity and/or fixed income securities indexes for which Northern Trust Investments, Inc. (''Adviser'') or an Affiliated Person (as defined below) is an index provider (each a ''Self Indexing Fund'').

APPLICANTS: Adviser, FlexShares Trust (''Trust''), and Foreside Fund Services, LLC (''Foreside'').

FILING DATES: The application was filed on October 13, 2011, and amended on April 16, 2012 and August 16, 2012. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may

[1] Northern Trust Investments, Inc., et al., Investment Company Act Release Nos. 29752 (Aug. 10, 2011) (notice) and 29782 (Sept. 6, 2011) (order).

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 22, 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. The Trust and the Adviser, 50 S. LaSalle Street, Chicago, IL 60603; Foreside, Two Portland Square, First Floor, Portland, ME 04101.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, 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 as an open-end management investment company under the Act and organized as a Maryland statutory trust. Northern Trust Investments, Inc., an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''), serves as investment adviser to the Trust. Any Adviser (as defined below) will be registered as an adviser under the Advisers Act. The Adviser may retain sub-advisers (''Sub-Advisers'') to manage the assets of one or more Funds. Any Sub-Adviser will be registered or not subject to registration as an adviser under the Advisers Act. The Trust will enter into a distribution agreement with one or more distributors (each, a ''Distributor''). Foreside is, and any other Distributor will be, a broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'').

2. The applicants are currently permitted to offer open-end management investment companies that are exchange traded funds (each, a ''Fund'') tracking the performance of equity and fixed income indexes developed by third parties that are not ''affiliated persons'' (as such term is defined in section 2(a)(3) of the Act), or affiliated persons of affiliated persons, of the Trust, the Adviser, any Sub-Adviser, the Distributor or a promoter of a Fund. Applicants seek an order amending the Prior Order (''Amended Order'') that would allow them to offer Funds based on equity and/or fixed income securities indexes for which the Adviser or an affiliated person, or an affiliated person of an affiliated person, of the Trust, the Adviser, the Distributor, promoter, or any Sub-Adviser to the Fund (each other than the Adviser, an ''Affiliated Person'') is an index provider (as defined below) (each, a ''Self Indexing Fund''). Applicants request that the order apply to any Self Indexing Funds that are advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser (with the Adviser, each an ''Adviser'') and operate pursuant to the terms and conditions of the Prior Order, as amended.[2] The applicants also seek to amend the Prior Order to revise the terms and conditions concerning the purchase and redemption of shares of the Funds. Applicants believe that the requested relief continues to meet the necessary exemptive standards.

3. Each underlying index for a Self Indexing Fund (''Underlying Index'') will be a rules based index comprised of equity and/or fixed income securities (including depositary receipts). The Adviser or an Affiliated Person, in its capacity as the index provider of an Underlying Index (the ''Index Provider''), will create and/or own a proprietary, rules based methodology (''Rules-Based Process'') to create indexes for use by the Self Indexing Funds and other investors.[3] The Adviser, if it is the Index Provider, will be the owner of the Underlying Indexes and all related intellectual property related thereto, or the Adviser will enter into a license agreement with any other Affiliated Person who is an Index Provider for the use of the Underlying Indexes and related intellectual property at no cost to the Trust and the Self Indexing Funds.

4. Applicants contend that any potential conflicts of interest arising from the fact that the Index Provider will be the Adviser or an Affiliated Person will not have any impact on the operation of the Self Indexing Funds because the Underlying Indexes will maintain transparency, the Self Indexing Funds' Deposit Securities and Fund Securities will be transparent, and the Adviser, or any Affiliated Person who is an Index Provider, any Sub-Adviser and the Self Indexing Funds each will adopt policies and procedures to address any potential conflicts of interest (''Policies and Procedures''). The Index Provider will publish in the public domain, including on its Web site and/or the Self Indexing Funds' Web site (''Web site''), the rules that govern the construction and maintenance of each of its Underlying Indexes. Applicants believe that this public disclosure will prevent the Adviser from possessing any advantage over other market participants by virtue of being the Index Provider or being affiliated with an Index Provider. Applicants note that the identity and Underlying Index weightings of the securities that meet the criteria of the Rules-Based Process, including the selection criteria, will be freely available.

5. Like other index providers, the Index Provider may modify the Rules-Based Process in the future. The Rules-Based Process could be modified, for example, to reflect changes in the underlying market tracked by an Underlying Index, the way in which the Rules-Based Process takes into account market events or to change the way a corporate action, such as a stock split, is handled. Such changes would not take effect until the Index Provider has given (a) the Calculation Agent (defined below) reasonable prior written notice of such rule changes, and (b) the investing public at least sixty (60) days

[2] All entities that currently intend to rely on the Amended Order are named as applicants. Any other entity that relies on the Amended Order in the future will comply with the terms and conditions of the application. For purposes of this notice, the term ''Trust'' also includes any other open-end series management investment company registered under the Act and advised by the Adviser that complies with the terms and conditions of the application.

[3] The Underlying Indexes may be made available to registered investment companies, as well as separately managed accounts of institutional investors and privately offered funds that are not deemed to be ''investment companies'' in reliance on section 3(c)(1) or 3(c)(7) of the Act and other pooled investment vehicles for which the Adviser acts as adviser or subadviser (''Affiliated Accounts'') as well as other such registered investment companies, separately managed accounts, privately offered funds and other pooled investment vehicles for which it does not act either as adviser or subadviser (''Unaffiliated Accounts''). The Affiliated Accounts and the Unaffiliated Accounts, like the Self Indexing Funds, would seek to track the performance of one or more Underlying Index(es) by investing in the constituents of such Underlying Index(es) or a representative sample of such constituents of the Underlying Index. To the extent prohibited by Section 17(a) of the Act and consistent with the relief requested from section 17(a), the Affiliated Accounts will not engage in transactions in aggregations of Shares (''Creation Units'') with a Self Indexing Fund.

published notice that such changes will be implemented. Underlying Indexes may have reconstitution dates and rebalance dates that occur on a periodic basis more frequently than once yearly, but no more frequently than monthly.

6. As owner of the Underlying Indexes, the Index Provider will enter into an agreement (''Calculation Agent Agreement'') with a third party to act as ''Calculation Agent.'' The Calculation Agent will be solely responsible for the calculation and maintenance of each Underlying Index, as well as the dissemination of the values of each Underlying Index. The Calculation Agent will not be an affiliated person, as such term is defined in the Act, or an affiliated person of an affiliated person, of the Self Indexing Funds, the Adviser, any Sub-Adviser, any promoter of a Fund or the Distributor.

7. The Adviser, any Affiliated Person who is an Index Provider, any Sub-Adviser and the Self Indexing Funds each will adopt and implement Policies and Procedures to address any potential conflicts of interest. Among other things, the Policies and Procedures will be designed to limit or prohibit communication with respect to issues/information related to the maintenance, calculation and reconstitution of the Underlying Indexes between the personnel of the Index Provider who have responsibility for the Underlying Indexes and Rules-Based Process (''Index Personnel') and the personnel who have responsibility for the management of the Self Indexing Funds or any Affiliated Accounts. The Index Personnel (i) will not have any responsibility for the management of Self Indexing Funds or any Affiliated Account, (ii) will be expressly prohibited from sharing this information with any employees of the Adviser or those of any Sub-Adviser, that have responsibility for the management of the Self Indexing Funds or any Affiliated Account until such information is publicly announced, and (iii) will be expressly prohibited from sharing or using this non-public information in any way except in connection with the performance of their respective duties. In addition, the Adviser has, and any Sub-Adviser will have, pursuant to Rule 206(4)–7 under the Advisers Act, written policies and procedures designed to prevent violations of the Advisers Act and the rules under the Advisers Act. Also, the Adviser has adopted a code of ethics pursuant to rule 17j–1 under the Act and rule 204A–1 under the Advisers Act (''Code of Ethics''). Any Sub-Adviser will be required to adopt a Code of Ethics and provide the Trust with the certification required by rule 17j–1 under the Act.

8. The Self Indexing Funds, except as otherwise noted herein, will operate in a manner identical to the operation of the other Funds. Applicants agree that any order of the Commission granting the requested relief will be subject to all of the terms and conditions in the Prior Order, except as described in the application.

Additional Changes to the Prior Order

1. Applicants also seek to amend the Prior Order to revise the terms and conditions concerning the purchase and redemption of shares of the Funds. Under the Amended Order, the discussion of purchases and redemptions of Creation Units in paragraphs 1–9 under Section IV.C. of the Prior Application, as well as the last two sentences of the first paragraph and the second paragraph under Section IV.E, is replaced with the following:

Each Fund will sell Shares to investors in Creation Units through the Distributor on a continuous basis at net asset value (''NAV'') per share next determined after an order in proper form is received. For Funds utilizing an in-kind purchase process shares will be purchased in Creation Units in exchange for the deposit, by the purchaser, of a particular portfolio of specified instruments, *i.e.,* Deposit Securities, designated by the Adviser, together with the deposit or refund of a specified cash payment, as determined under the procedures described below, as the case may be (any such cash, collectively with the Deposit Securities, a ''Fund Deposit''). Each Fund will sell and redeem Creation Units on each day that a Fund is open, which includes any day that the Fund is required to be open under Section 22(e) of the Act (''Business Day''). The Funds may also be open on days not required under Section 22(e) of the Act, including days that a national securities exchange, as defined in Section 2(a)(26) of the Act, on which Shares are traded (''Exchange'') is closed. The NAV of each Fund will normally be determined as of the close of the regular trading session on the New York Stock Exchange (''NYSE'') (ordinarily 4:00 p.m. Eastern time) on each Business Day.[4] The NAV of each Fund that invests (1) primarily in fixed income securities and seek investment returns that closely correspond to the price and performance of a fixed income indices and (2) in equity securities or fixed income securities traded in foreign markets and seeks investment results that closely correspond to the price and yield of underlying indices whose component securities include such securities (''International Funds'') may be determined prior to 4:00 p.m. Eastern time on each Business Day.

In order to keep costs low and permit each Fund to be as full invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Accordingly, 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 Deposit Securities and shareholders redeeming their shares will receive an in-kind transfer of specified instruments (''Fund Securities'').[5] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Securities and the names and quantities of the instruments that constitute the Fund Securities will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Securities and the Fund Securities will correspond *pro rata* to the positions in the Fund's portfolio (including cash positions),[6] 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;[7] (c) TBA Transactions, derivatives and other positions that cannot be transferred in kind[8] will be excluded from the Deposit Securities and Fund Securities;[9] (d) to

[4] Applicants note that each Fund will have in place procedures that provide for the fair valuation of securities and other instruments in its portfolio (''Portfolio Securities'') in calculating NAV.

[5] The Funds must comply with the federal securities laws in accepting Deposit Securities and satisfying redemptions with Fund Securities, including that the Deposit Securities and Fund Securities are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Securities and satisfying redemptions with Fund Securities 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.

[6] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for that Business Day.

[7] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[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 Securities and the Fund Securities, their value will be reflected in the

Continued

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 NAV attributable to a Creation Unit and the aggregate market value of the Deposit Securities or Fund Securities 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 Component'').

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 Component, as described above; (b) if, on a given Business Day, the 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,[11] the Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash;[12] (d) if, on a given Business Day, the 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 Securities or Fund Securities, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or the DTC Process; or (ii) in the case of International 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 the Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Securities or Fund Securities, 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 an International Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[13]

Each Business Day, before the open of trading on a national securities exchange as defined in Section 2(a)(26) of the Act on which the Shares are listed (''Listing Exchange'), the Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Securities and the Fund Securities, as well as the estimated Cash Component (if any), for that day.[14] The list of Deposit Securities and Fund Securities will apply until a new list is announced on the following Business Day, and there will be no intra-day changes to the list except to correct errors in the published list.

In order to defray the transaction expenses, including brokerage costs, that will be incurred by a Fund when investors purchase or redeem Creation Units, and other expenses, such as custody fees and stamp taxes, each Fund will impose purchase or redemption transaction fees (''Transaction Fees'') to be borne only by such purchasers or redeemers. Where a Fund permits an in-kind purchaser to substitute cash in lieu of depositing a portion of the Deposit Securities, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing those securities. The exact amounts of such Transaction Fees will be determined separately for each Fund. The Transaction Fee is designed to protect the continuing shareholders of a Fund against the dilutive costs associated with the transfer or purchase of Portfolio Securities in connection with the purchase of Creation Units and with the transfer or sale of Portfolio Securities in connection with the redemption of Creation Units.

Transaction Fees will be limited to amounts that have been determined by the Adviser to be appropriate and will take into account transaction costs and associated with the relevant Deposit Securities of the Funds. In all cases, such Transaction Fee will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities.

Creation Units will be issued in aggregations of at least 25,000 Shares. Applicants recognize that each Share is issued by an investment company and, accordingly, the acquisition of any Shares by an investment company, whether acquired from the Fund or in the secondary market, shall be subject to the restrictions of Section 12(d)(1) of the Act except as permitted by an exemptive order that permits investment companies to invest in a Fund beyond those limitations.

2. Finally, Applicants also seek to make certain conforming changes to the Prior Application related to the changes set forth above.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23858 Filed 9–27–12; 8:45 am]

BILLING CODE 8011–01–P

determination of the Cash Component (as 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] An ''Authorized Participant'' is either (1) a ''Participating Party,'' i.e., a broker-dealer or other participant in the Shares Clearing Process (as defined below) through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), or (2) a participant of The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York (''DTC,'' and such participant, a ''DTC Participant''), which in either case has executed an agreement with a Distributor, with respect to creations and redemptions of Creation Units. The ''Shares Clearing Process'' refers to processes through the Continuous Net Settlement System of the NSCC as such processes have been enhanced to effect purchases and redemptions of Creation Units.

[12] 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 that Share purchasers because of the 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.

[13] 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).

[14] If the Fund is Rebalancing, it may need to announce two estimated Cash Components for that day, one for deposits and one for redemptions.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a technology and trading roundtable discussion on Tuesday, October 2, 2012, in the Multipurpose Room, L–006. The meeting will begin at 10 a.m. and will be open to the public. Seating will be on a first-come, first served basis. Doors will be open at 9:30 a.m. Visitors will be subject to security checks. The roundtable will be Webcast on the

Commission's Web site at *www.sec.gov* and will be archived for later viewing.

On August 24, 2012, the Commission published notice of the roundtable discussion (Release No. 34–67725), indicating that the event is open to the public and inviting the public to submit written comments to the Commission staff. This Sunshine Act notice is being issued because a majority of the Commission may attend the roundtable discussion.

The agenda for the roundtable includes opening remarks followed by two panel discussions. The first panel will focus on the prevention of errors through robust system design, deployment, and operation. The second panel will focus on the responses to errors and malfunctions and managing crises in real-time.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: September 25, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–24064 Filed 9–26–12; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67917; File No. SR–OCC–2012–16]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Accommodate Recently Proposed Equity Options That Have a Unit of Trading of 10 Shares

September 24, 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 12, 2012, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to change its rules in order to accommodate recently proposed equity options that have a unit of trading of 10 shares (''Mini Options'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.[3]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to accommodate Mini Options, which are recently proposed equity options that have a unit of trading of 10 shares.[4] OCC proposes to amend its By-Law provision that sets forth the minimum amount of a cash dividend or distribution (''Distribution'') on an underlying equity security that will result in an adjustment of outstanding options on that underlying equity security.

The International Securities Exchange and NYSE Arca recently filed proposed rule changes with the Commission to list and trade Mini Options on a select number of liquid, high-priced and actively traded securities.[5] Mini Options are intended to expand the choices available to participants in the options markets. Other than the difference in the unit of trading, Mini Options would have the same terms, use, and characteristics as standard equity options (''Standard Options''), which cover 100 shares.

Under OCC's By-Laws, equity options may be adjusted upon the occurrence of certain corporate actions, including Distributions. Currently, OCC's By-Laws stipulate that a Distribution must be in excess of $12.50 *per contract* in order for OCC to consider adjusting any type of option contract. Some Distributions, however, would exceed the adjustment threshold in the case of Standard Options but would not exceed the adjustment threshold in the case of a Mini Option because the per contract Distribution on the Mini Option would be only 1/10th of the Distribution on the Standard Option and the adjustment threshold is stated on a *per contract* basis rather than a *per share* basis. OCC does not believe that this result is appropriate given that Mini Options are intended to be identical to Standard Options, but for the unit of trading.

Instead, OCC believes that it is appropriate to design an adjustment policy such that a Distribution that would result in an adjustment on a Standard Option would also result in an adjustment on a Mini Option. Moreover, the exchanges proposing to list Mini Options, as well as OCC clearing members, have expressed a preference for OCC to design an adjustment policy under which OCC makes consistent and parallel adjustments to both Mini Options and Standard Options. Therefore, OCC is proposing to amend the adjustment threshold in Article VI, Section 11A of OCC's By-Laws to $.125 *per share* from $12.50 *per contract.*

Furthermore, OCC does not intend for the rule change to affect options contracts that were originally listed with units of trading in excess of 100 shares. This determination was made by the Securities Committee [6] because using a threshold of $.125 per share for all option contracts would mean that OCC might not adjust an option contract that has a unit of trading of 1,000 shares for certain Distributions even though such a Distribution may represent a significant dollar amount on a per contract basis.[7] For example, in the case of an option contract with a unit of trading of 1,000 shares, a Distribution of $.12 per share would not trigger an adjustment even though the amount of the Distribution would be $120 on a single 1,000 share contract—far in excess of the existing $12.50 per contract *de minimis* threshold. To address this adjustment issue, OCC is proposing to retain the existing adjustment threshold of $12.50 per

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission has modified the text of the summaries prepared by OCC.

[4] No other changes to OCC's rules are needed to clear Mini Options, as the definition of ''unit of trading'' in Article I of OCC's By-Laws is sufficiently flexible to permit OCC to designate a unit of trading other than the standard 100 shares for particular series or classes of options. Similarly, OCC's risk management systems will take the number of underlying shares into consideration.

[5] Securities Exchange Act Release Nos. 67284 (June 27, 2012), 77 FR 39545 (July 3, 2012) (SR–ISE–2012–58); 67283 (June 27, 2012), 77 FR 39535 (July 3, 2012) (SR–NYSE Arca–2012–64). For example, Mini Options are proposed to be listed on SPY (SPDR S&P 500), GLD (SPDR Gold Trust) and AAPL (Apple, Inc.).

[6] The Securities Committee is authorized under OCC By-Law Article VI Section 11(a) to determine contract adjustments in particular cases and to formulate adjustment policy or interpretations having general applicability. The Securities Committee is comprised of representatives of OCC's participant options exchanges and authorized representatives of OCC.

[7] OCC has rules to accommodate options with a unit of trading of 1,000 shares, although no such options currently trade.

contract in Article VI, Section 11A of its By-Laws for options contracts that were originally listed in share amounts greater than 100 shares.

OCC believes the proposed rule change is consistent with the purposes and requirements of Section 17A of the Act[8] and the rules and regulations thereunder applicable to OCC because the proposed modification would help assure that the By-Laws and Rules of OCC are designed to perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.[9] The proposed change will achieve this by allowing options with a unit of trading that is less than 100 shares to be adjusted in response to any Distribution that would result in an adjustment of Standard Options, while also maintaining an appropriate *de minimis* threshold for options with units of trading that are larger than Standard Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

- Electronic comments may be submitted by using the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or by sending an email to *rule-comments@sec.gov.* Please include File No. SR–OCC–2012–16 on the subject line.
- Paper comments should be sent in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–0609.

All submissions should refer to File Number SR–OCC–2012–16. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at: *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_12_16.pdf.*

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–OCC–2012–16 and should be submitted on or before October 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23857 Filed 9–27–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67916; File No. SR–CME–2012–36]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add Additional Series of Credit Default Index Swaps Available for Clearing

September 24, 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 12, 2012, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by CME. CME filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(4)(i)[4] thereunder.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is below. Italicized text indicates additions; bracketed text indicates deletions.

* * * * *

CHICAGO MERCANTILE EXCHANGE INC. RULEBOOK

Rule 100—80203—No Change.

* * * * *

CME Chapter 802 Rules: Appendix 1

APPENDIX 1—CDX INDICES

CDX Index	Series	Termination date (scheduled termination)
CDX North American Investment Grade (CDX.NA.IG)	9	20 Dec 2012.

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(i).

APPENDIX 1—CDX INDICES—Continued

CDX Index	Series	Termination date (scheduled termination)
		20 Dec 2014.
		20 Dec 2017.
CDX North American Investment Grade (CDX.NA.IG)	10	20 Jun 2013.
		20 Jun 2015.
		20 Jun 2018.
CDX North American Investment Grade (CDX.NA.IG)	11	20 Dec 2011.
		20 Dec 2013.
		20 Dec 2015.
		20 Dec 2018.
CDX North American Investment Grade (CDX.NA.IG)	12	20 Jun 2012.
		20 Jun 2014.
		20 Jun 2016.
		20 Jun 2019.
CDX North American Investment Grade (CDX.NA.IG)	13	20 Dec 2012.
		20 Dec 2014.
		20 Dec 2016.
		20 Dec 2019.
CDX North American Investment Grade (CDX.NA.IG)	14	20 Jun 2013.
		20 Jun 2015.
		20 Jun 2017.
		20 Jun 2020.
CDX North American Investment Grade (CDX.NA.IG)	15	20 Dec 2013.
		20 Dec 2015.
		20 Dec 2017.
		20 Dec 2020.
CDX North American Investment Grade (CDX.NA.IG)	16	20 Jun 2014.
		20 Jun 2016.
		20 Jun 2018.
		20 Jun 2021.
CDX North American Investment Grade (CDX.NA.IG)	17	20 Dec 2014.
		20 Dec 2016.
		20 Dec 2018.
		20 Dec 2021.
CDX North American Investment Grade (CDX.NA.IG)	18	20 Dec 2014.
		20 Dec 2016.
		20 Dec 2018.
		20 Dec 2021.
CDX North American Investment Grade (CDX.NA.IG)	*19*	*20 Dec 2015.*
		20 Dec 2017.
		20 Dec 2019.
		20 Dec 2022.
CDX North America High Yield (CDX.NA.HY)	11	20 Dec 2013.
CDX North America High Yield (CDX.NA.HY)	12	20 Jun 2014.
CDX North America High Yield (CDX.NA.HY)	13	20 Dec 2014.
CDX North America High Yield (CDX.NA.HY)	14	20 Jun 2015.
CDX North America High Yield (CDX.NA.HY)	15	20 Dec 2015.
CDX North America High Yield (CDX.NA.HY)	16	20 Jun 2016.
CDX North America High Yield (CDX.NA.HY)	17	20 Dec 2016.
CDX North America High Yield (CDX.NA.HY)	18	20 Jun 2017.
CDX North America High Yield (CDX.NA.HY)	*19*	*20 Dec 2017.*

* * * * *

Rule 80301—End—No change

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II. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose 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. CME 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

CME offers clearing services for certain credit default swap index products. Currently, CME offers clearing of the Markit CDX North American Investment Grade Index Series 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 and also offers clearing of the Markit CDX North American High Yield Index Series 11, 12, 13, 14, 15, 16, 17 and 18.

The proposed rule changes that are the subject of this filing are intended to expand CME's Markit CDX North American Investment Grade Index and Markit CDX North American High Yield Index product offerings by incorporating the upcoming Series 19 for both sets of index products.

The proposed rule changes that are the subject of this filing became immediately effective upon filing the proposed rule change with the Commission but will become operational as follows: CME will accept

CDX IG Series 19 for clearing on September 20, 2012 and will accept CDX HY Series 19 for clearing on September 27, 2012. CME notes that it has also certified the proposed rule changes that are the subject of this filing to its primary regulator, the Commodity Futures Trading Commission (''CFTC''), in CFTC Submission 12–283. The text of the CME proposed rule amendments is included above, with additions underlined and deletions in brackets.

The proposed CME rule amendments merely incorporate one additional series to CME's existing offering of broad-based Markit CDX North American Investment Grade and High Yield Index credit default swaps. As such, the proposed amendments simply effect changes to an existing service of a registered clearing agency that (1) do not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (2) do not significantly affect the respective rights or obligations of the clearing agency or persons using its clearing agency services. Therefore, the proposed rule change is properly filed under Section 19(b)(3)(A) and Rule 19b–4(f)(4)(i) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change was filed pursuant to Section 19(b)(3)(A) [5] of the Act and paragraph (f)(4)(i) of Rule 19b–4 [6] thereunder and therefore became effective on filing. At any time within 60 days of the filing of such rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CME–2012–36 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–CME–2012–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/files/SEC_19B-4_12-36.pdf.* 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–CME–2012–36 and should be submitted on or before October 19, 2012.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–23856 Filed 9–27–12; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(4)(i).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Titan Resources International, Corp.; Order of Suspension of Trading

September 26, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Titan Resources International, Corp. (''Titan''). Titan is a Wyoming corporation purportedly based in Ontario, Canada. Questions have arisen concerning the adequacy and accuracy of press releases and other public statements concerning Titan's business operations and financial condition.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Titan.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT, on September 26, 2012 through 11:59 p.m. EDT, on October 9, 2012.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2012–24050 Filed 9–26–12; 11:15 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information;

its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, DCRDP, Attn: Reports Clearance Director, 107 Altmeyer Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than November 27, 2012. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Privacy and Disclosure of Official Records and Information; Availability of Information and Records to the Public—20 CFR 401.40(b)&(c), 401.55(b), 401.100(a), 402.130, 402.185—0960–0566.* Under the Privacy and Disclosure of Official Records and Information, SSA established methods for the public to: (1) Access to their SSA records; (2) disclosure of SSA records; (3) correct or amend their SSA records; (4) consent to release of their records; (5) request records under the Freedom of Information Act (FOIA); (6) and waive or reduce fees normally charged for release of FOIA records. SSA often collects the necessary information for these requests through a written letter, with the exception of the consent for release of records for which there is the Form SSA–3288. The respondents are individuals requesting access to, correction of, or disclosure of SSA records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response minutes)	Estimated total annual burden (hours)
Access to Records	10,000	1	11	1,833
Designating a Representative for Disclosure of Records	3,000	1	2	6,000
Amendment of Records	100	1	10	17
Consent of Release of Records	3,000,000	1	3	150,000
FOIA Requests for Records	15,000	1	5	1,250
Waiver/Reduction of Fees	400	1	5	33
Totals	3,028,500			159,133

2. *Claimant Statement about Loan of Food or Shelter; Statement about Food or Shelter Provided to Another—20 CFR 416.1130–416.1148—0960–0529.* SSA uses Forms SSA–5062 and SSA–L5063 in the administration of the Supplemental Security Income (SSI) program. SSA bases an SSI claimant or recipient's eligibility on need. We measure need by the amount of income an individual receives. Income includes other persons providing in-kind support and maintenance in the form of food and shelter to SSI applicants or recipients. SSA uses Forms SSA–5062 and SSA–L5063 to obtain statements about food and/or shelter provided to SSI claimants or recipients. SSA uses this information to determine whether food or shelter are bona fide loans or should be counted as income for SSI purposes. This determination may affect a claimant or recipient's eligibility for SSI and the amount of SSI payments. The respondents are claimants and recipients for SSI payments, and individuals who provide loans of food or shelter to them.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden of response minutes)	Estimated total annual burden (hours)
SSA–5062 Paper form	34,900	1	10	5,817
SSA–L5063 Paper form	34,900	1	10	5,817
SSA–5062 Modernized SSI Claims System (MSSICS)	34,900	1	10	5,817
SSA–L5063 MSSICS	34,900	1	10	5,817
Total	139,600			23,268

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than October 29, 2012. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov*.

1. *Statement of Employer—20 CFR 404.801–404.803—0960–0030.* When workers report they were paid wages but cannot provide proof of those earnings, and the wages do not appear in SSA's records of earnings, SSA uses form SSA–7011–F4 to document the alleged wages. Specifically, the agency uses the form to resolve discrepancies in the individual's Social Security earnings record and to process claims for Social Security benefits. We only send Form SSA–7011–F4 to employers if we are unable to locate the earnings information in our own records. The respondents are employers who can verify wage allegations made by wage earners.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden hours)
SSA–7011–F4	462,000	1	20	154,000

2. *Request for Deceased Individual's Social Security Record—20 CFR 402.130—0960–0665.* When a member of the public requests an individual's Social Security record, SSA needs the name and address of the requestor as well as a description of the requested record to process the request. SSA uses the information the respondent provides on Form SSA–711, or via an Internet request through SSA's electronic Freedom of Information Act (eFOIA) Web site, to (1) verify the wage earner is deceased and (2) access the correct Social Security record. Respondents are members of the public requesting deceased individuals' Social Security records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden hours)
Internet Request through eFOIA	49,800	1	7	5,810
SSA–711 (paper)	200	1	7	23
Total	50,000	.....	.....	5,833

Dated: September 25, 2012.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2012–23869 Filed 9–27–12; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 8044]

2014 Diversity Immigrant Visa Program

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: This public notice provides information on how to apply for the DV–2014 Program.

Instructions for the 2014 Diversity Immigrant Visa Program (DV–2014)

This notice is issued pursuant to 22 CFR 42.33(b)(3) which implements sections 201(a)(3), 201(e), 203(c), and 204(a)(1)(I) of the Immigration and Nationality Act, as amended, (8 U.S.C. 1151, 1153, and 1154(a)(1)(I)).

The congressionally mandated Diversity Immigrant Visa Program is administered on an annual basis by the Department of State and conducted based on United States law, specifically Section 203(c) of the Immigration and Nationality Act (INA). This law provides for a class of immigrants known as ''diversity immigrants,'' with visas made available to persons from countries with historically low rates of immigration to the United States. For Fiscal Year 2014, 50,000 diversity visas (DV) will be available.

The annual DV program makes visas available to persons meeting simple, but strict, eligibility requirements. A computer-generated, random drawing chooses selectees for DVs. The visas are distributed among six geographic regions, and within each region, no single country may receive more than seven percent of the available DVs in any one year. Visas are allocated to natives of countries with historically lower rates of U.S. immigration. Natives of countries who have sent more than 50,000 immigrants to the United States over the past five years are not eligible to apply for the Diversity Visa program.

For DV–2014, natives of the following countries are not eligible to apply because the countries sent a total of more than 50,000 immigrants to the United States in the previous five years:

Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

The term ''country'' in this notice includes countries, economies, and other jurisdictions explicitly listed at the end of these instructions. Persons born in Hong Kong SAR, Macau SAR, and Taiwan are eligible.

Changes in eligibility this year:

For DV–2014, natives of Guatemala are now eligible for selection.

The Department of State implemented the electronic registration system beginning with DV–2005 in order to make the DV process more efficient and secure. The Department utilizes special technology and other means to identify those who commit fraud for the purposes of illegal immigration or those who submit multiple entries.

Diversity Visa Registration Period

Entries for the DV–2014 DV program must be submitted electronically between noon, Eastern Daylight Time (EDT) (GMT–4), Tuesday, October 2, 2012, and noon, Eastern Daylight Time (EDT) (GMT–4), Saturday, November 3, 2012. Applicants may access the electronic DV Entry Form (E–DV) at www.dvlottery.state.gov during the registration period. Paper entries will not be accepted. We strongly encourage applicants not to wait until the last week of the registration period to enter. Heavy demand may result in Web site delays. No entries will be accepted after noon, EDT, on November 3, 2012.

Requirements for Entry

To enter the DV program, you must be a native of one of the listed countries. In most cases, this means the country in which you were born. However, there are two other ways you may be able to qualify. First, if you were born in a country whose natives are ineligible but your spouse was born in a country whose natives are eligible, you can claim your spouse's country of birth—provided that both you and your spouse are on the selected entry, are issued visas, and enter the United States simultaneously. Second, if you were born in a country whose natives are ineligible, but neither of your parents was born there or resided there at the time of your birth, you may claim nativity in one of your parents' countries of birth if it is a country

whose natives qualify for the DV–2014 program.

To enter the DV program, you must meet either the education or work experience requirement of the DV program: You must have either a high school education or its equivalent, defined as successful completion of a 12-year course of elementary and secondary education; OR two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform. The U.S. Department of Labor's O*Net OnLine database will be used to determine qualifying work experience. For more information about qualifying work experience for the principal DV applicant, see Frequently Asked Question #13.

If you cannot meet either of these requirements, you should not submit an entry to the DV program.

Procedures for Submitting an Entry to DV–2014

The Department of State will only accept completed E–DV entry forms submitted electronically at *www.dvlottery.state.gov* during the registration period between noon, EDT (GMT–4), Tuesday, October 2, 2012, and noon, EDT (GMT–4), Saturday, November 3, 2012.

All entries by an individual will be disqualified if more than one entry for that individual is received, regardless of who submitted the entry. You may prepare and submit your own entry or have someone submit the entry for you. There are no costs or fees to register for the DV Program.

A registered entry that complies with submission instructions will result in a confirmation screen containing your name and a unique confirmation number. You must print this confirmation screen for your records using the print function of your web browser and ensure that you retain your confirmation number. Starting May 1, 2013, you will be able to check the status of your DV–2014 entry by returning to *www.dvlottery.state.gov,* clicking on Entrant Status Check, and entering your unique confirmation number and personal information. Entrant Status Check will be the sole means of informing you of your selection for DV–2014, providing instructions to you on how to proceed with your application, and notifying you of your appointment for your immigrant visa interview. Therefore, it is essential you retain your confirmation number.

Paper entries are no longer accepted. The sole method for entry to the 2014 Diversity Visa Program is through this electronic process.

On your entry, you must list your spouse (husband or wife), and all living unmarried children under 21 years of age, regardless of whether or not they are living with you or intend to accompany or follow to join you should you immigrate to the United States, with the exception of children who are already U.S. citizens or Lawful Permanent Residents. A spouse or child who is already a U.S. citizen or a Lawful Permanent Resident will not require or be issued a DV visa. Failure to comply with this instruction can result in the disqualification of your entry.

It is very important that you submit all required photographs. Your entry will be disqualified if you do not submit all the required photographs. Recent photographs of the following people must be submitted electronically with the E–DV entry form:

- You
- Your spouse
- Each living unmarried child under 21 years of age at the time of your electronic entry, including all natural children as well as all legally adopted children and stepchildren, even if a child no longer resides with you or you do not intend for a child to immigrate under the DV program. You do not need to include a photograph for a spouse or child who is already a U.S. citizen or a Lawful Permanent Resident.

Failure to submit the required photographs for your spouse and each child listed will result in an incomplete entry to the E-DV system. The entry will not be accepted and must be resubmitted. Group or family photographs will not be accepted; there must be a separate photograph for each family member.

Failure to enter the correct photograph of each individual into the E–DV system may result in disqualification of the principal applicant and refusal of all visas associated with the case at the time of the visa interview. Entries are subject to disqualification and visa refusal for cases in which the photographs are not recent, show manipulation in any way, or fail to meet the specifications explained below.

Instructions for Submitting a Digital Photograph (Image)

A digital photograph (image) of you, your spouse, and each child must be submitted online with the E-DV entry form. The image file can be produced either by taking a new digital photograph or by scanning a photographic print with a digital scanner. The image file must adhere to the compositional and technical specifications listed below. Entrants may test their photos for suitability through the photo validation link on the e-DV Web site before submitting their entries. The photo validation provides additional technical advice on photo composition, along with examples of acceptable and unacceptable photos.

Compositional Specifications

The submitted digital image must conform to the following compositional specifications or the entry will be disqualified.

Head Position. The person being photographed must directly face the camera. The head of the person should not be tilted up, down, or to the side. The head height or facial region size (measured from the top of the head, including the hair, to the bottom of the chin) must be between 50 percent and 69 percent of the image's total height. The eye height (measured from the bottom of the image to the level of the eyes) should be between 56 percent and 69 percent of the image's height.

Background. The person being photographed should be in front of a neutral, light-colored background. Dark or patterned backgrounds are not acceptable.

Focus. The photograph must be in focus.

Decorative Items. Photographs in which the person being photographed is wearing sunglasses or other items that detract from the face will not be accepted.

Head Coverings and Hats. Photos of applicants wearing head coverings or hats are only acceptable if the head covering is worn for religious beliefs; even then, the head covering may not obscure any portion of the face of the applicant. Photographs of applicants with tribal or other headgear not specifically religious in nature will not be accepted; photographs of military, airline, or other personnel wearing hats will not be accepted.

Color photographs in 24-bit color depth are required. Color photographs may be downloaded from a camera to a file in the computer or they may be scanned onto a computer. If you are using a scanner, the settings must be for True Color or 24-bit color mode. See the additional scanning requirements below.

Technical Specifications

The submitted digital photograph must conform to the following specifications or the system will automatically reject the E-DV entry form and notify the sender.

Taking a New Digital Image. If a new digital image is taken, it must meet the following specifications:

Image File Format: The image must be in the Joint Photographic Experts Group (JPEG) format.

Image File Size: The maximum file size is 240 kilobytes (240 KB).

Image Resolution and Dimensions: Minimum acceptable dimensions are 600 pixels (width) x 600 pixels (height). Image pixel dimensions must be in a square aspect ratio (meaning the height must be equal to the width).

Image Color Depth: Image must be in color (24 bits per pixel). 24-bit black and white or 8-bit images will not be accepted.

Scanning a Submitted Photograph. Before a photographic print is scanned, it must meet the compositional specifications listed above. If the photographic print meets the print color and compositional specifications, scan the print using the following scanner specifications:

Scanner Resolution: Scanned at a resolution of at least 300 dots per inch (dpi).

Image File Format: The image must be in the Joint Photographic Experts Group (JPEG) format.

Image File Size: The maximum image file size is 240 kilobytes (240 KB).

Image Resolution: 600 by 600 pixels.

Image Color Depth: 24-bit color. [Note that black and white, monochrome, or grayscale images will not be accepted.]

Information Required for the Electronic Entry

There is only one way to enter the DV–2014 program. You must submit the DS–5501, the Electronic Diversity Visa Entry Form (E–DV Entry Form), which is only accessible online at the EDV Web site *www.dvlottery.state.gov.* Failure to complete the form in its entirety will disqualify the entry. Those who submit the E–DV entry will be asked to include the information below on the E–DV Entry Form.

Notice: The Department of State strongly encourages applicants to complete the entry form without the assistance of ''Visa Consultants,'' ''Visa Agents,'' or other individuals who offer to submit an entry on behalf of applicants. If somebody else (a third-party) helps you to complete your entry form, you should be present when the entry is prepared so that you can retain the confirmation page and your unique confirmation number. Facilitators may try to withhold confirmation numbers in order to make an unlawful demand for money or services in exchange for notification information that should have been directly available to you.

Reminder: Your unique confirmation number from your DV–2014 online entry registration is required for you to later access the E–DV Web site. You will need to access the E–DV Web site (*www.dvlottery.state.gov*) after May 1, 2013, to determine whether or not your entry has been selected through the Entrant Status Check. Entrant Status Check will be the sole means of informing you of your selection for DV–2014. It will provide instructions to you on how to proceed with your application and notify you of the date and time of your immigrant visa interview. If you do not have your confirmation information, you will not be able to check your DV entry status.

1. Full Name—Last/Family Name, First Name, Middle name. Enter your name exactly as listed on your passport.

2. Date of Birth—Day, Month, Year.

3. Gender—Male or Female.

4. City Where You Were Born.

5. Country Where You Were Born—The name of the country should be is the one currently in use for the place where you were born.

6. Country of Eligibility or Chargeability for the DV Program—Your country of eligibility will normally be the same as your country of birth. Your country of eligibility is not related to where you live. If you were born in a country that is not eligible for the DV program, please review the instructions to see if there is another option for country chargeability available for you. For additional information on chargeability, please review ''Frequently Asked Question #1'' of these instructions.

7. Entry Photograph(S)—See the technical information on photograph specifications. Make sure you include photographs of your spouse and all your children, if applicable. See Frequently Asked Question #3.

8. Mailing Address—In Care Of, Address Line 1, Address Line 2, City/Town, District/Country/Province/State, Postal Code/Zip Code, and Country.

9. Country Where You Live Today.

10. Phone Number (optional).

11. E-Mail Address—Provide an email address to which you have direct access. You will not receive an official selection letter at this address. However, if your entry is selected and you respond to the notification of your selection through the Entrant Status Check, you will receive follow-up communication from the Department of State by email notifying you that details of your immigrant visa interview are available on Entrant Status Check. The Department of State may contact you at this email address, but will never send you an email telling you that you have been selected for the DV program.

12. What Is the Highest Level of Education You Have Achieved, As of Today? You must indicate which one of the following represents your own highest level of educational achievement: (1) Primary school only, (2) High school, no degree, (3) High school degree, (4) Vocational school, (5) Some university courses, (6) University degree, (7) Some graduate level courses, (8) Masters degree, (9) Some doctorate level courses, and (10) Doctorate degree.

13. Marital Status—Unmarried, Married, Divorced, Widowed, or Legally Separated.

14. Number of Children—Entries must include the name, date, and place of birth of your spouse and all living natural children. Entries must also include all living children legally adopted by you, and living step-children who are unmarried and under the age of 21 on the date of your electronic entry, even if you are no longer legally married to the child's parent, and even if the spouse or child does not currently reside with you and/or will not immigrate with you. Note that married children and children 21 years or older are not eligible for the DV; however, U.S. law protects children from ''aging out'' in certain circumstances. If your DV entry is made before your unmarried child turns 21, and the child turns 21 before visa issuance, he/she may be protected from aging out by the Child Status Protection Act and be treated as though he/she were fewer than 21 for visa-processing purposes. You are not required to list a spouse or child who is already a U.S. citizen or a Lawful Permanent Resident, as they will not be eligible for a DV visa. Failure to list all children who are eligible will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview. See Frequently Asked Question #11.

15. Spouse Information—Name, Date of Birth, Gender, City/Town of Birth, Country of Birth, and Photograph. Failure to list your eligible spouse will result in disqualification of the principal applicant and refusal of all visas in the case at the time of the visa interview. You must list your spouse here even if you plan to be divorced before you apply for a visa.

16. Children Information—Name, Date of Birth, Gender, City/Town of Birth, Country of Birth, and Photograph. Include all children declared in question #14 above.

Selection of Applicants

Based on the allocations of available visas in each region and country, computer software will randomly select individuals from among qualified entries. All DV–2014 entrants will be required to go to the E–DV Web site Entrant Status Check using the unique confirmation number saved from their DV–2014 online entry registration to find out whether their entry has been selected in the DV program. Entrant Status Check will be available on the E–DV Web site at *www.dvlottery.state.gov* starting May 1, 2013, and continuing through at least June 30, 2014. Selectees will be directed to a confirmation page that will provide further instructions, including information on fees connected with immigration to the United States. Entrant Status Check will be the only means by which selectees will be notified of their selection for DV–2014. The Department of State will not be mailing out notification letters. Those selected in the random drawing are not notified of their selection by email. Those individuals not selected will be notified of their non-selection through Entrant Status Check. U.S. embassies and consulates will not provide a list of selectees. Selectees' spouses and unmarried children under age 21 may also apply for visas to accompany or follow-to-join the principal applicant. DV–2014 visas will be issued between October 1, 2013, and September 30, 2014.

Processing of entries and issuance of DVs to selectees meeting eligibility requirements and their eligible family members must be completed by midnight on September 30, 2014. Under no circumstances can DVs be issued or adjustments approved after this date, nor can family members obtain DVs to follow-to-join the principal applicant in the United States after this date.

In order to receive a DV to immigrate to the United States, entrants in the random drawing that are selected for the next steps (called selectees) must meet all eligibility requirements under U.S. law. These requirements may significantly increase the level of scrutiny required and time necessary for processing for natives of some countries listed in this notice including, but not limited to, countries identified as state sponsors of terrorism.

Important Notice

Electronic Online Entry In the Annual DV Program Is Free. The State Department does not charge any fees to enter. The U.S. government employs no outside consultants or private services to operate the DV program. Any intermediaries or others who offer assistance to prepare DV entries do so without the authority or consent of the U.S. government. Use of any outside intermediary or assistance to prepare a DV entry is entirely at the entrant's discretion. The only Web site on which people can officially register to participation in the Diversity Program is *www.dvlottery.state.gov.*

A qualified electronic entry submitted directly by an applicant has an equal chance of being randomly selected by computer, as does a qualified electronic entry received from an outside intermediary on behalf of the applicant. However, receipt of more than one entry per person will disqualify the person from registration, regardless of the source of the entry.

Frequently Asked Questions

1. What do the terms ''eligibility,'' ''native,'' and ''chargeability'' mean? Are there any situations in which persons who were not born in a qualifying country may apply?

Your country of eligibility will normally be the same as your country of birth. Your country of eligibility is not related to where you live. ''Native'' ordinarily means someone born in a particular country, regardless of the individual's current country of residence or nationality. For immigration purposes, ''native'' can also mean someone who is entitled to be ''charged'' to a country other than the one in which he/she was born under the provisions of Section 202(b) of the Immigration and Nationality Act.

For example, if you were born in a country that is not eligible for this year's DV program, you may claim chargeability to the country where your derivative spouse was born. Because your eligibility is based on your spouse, however, you will not be issued a DV–1 immigrant visa unless your spouse is also eligible for and issued a DV–2 visa, and both of you must enter the United States together using your DVs. In a similar manner, a minor dependent child can be ''charged'' to a parent's country of birth.

Finally, if you were born in a country not eligible to participate in this year's DV program, you can be ''charged'' to the country of birth of either of your parents as long as neither parent was a resident of the ineligible country at the time of your birth. In general, people are not considered residents of a country in which they were not born or legally naturalized, if they are only visiting the country, studying in the country temporarily, or stationed temporarily in the country for business or professional reasons on behalf of a company or government from a country other than the country in which the applicant was born. If you claim alternate chargeability, you must indicate such information on the E–DV Entry Form, in question #6. Please be aware that listing an incorrect country of eligibility or chargeability (i.e., one to which you cannot establish a valid claim) may disqualify your entry.

2. How will I know if the notification of selection that I have received is authentic? How can I confirm that I have in fact been chosen in the random DV program?

Keep your confirmation page from the online registration entry submission until at least June 2014. You must have your confirmation number to access information through the Entrant Status Check available on the E–DV Web site at *www.dvlottery.state.gov.* Entrant Status Check will be the sole means by which DV–2014 entrants are notified of their selection, provided instructions on how to proceed with their application, and notified of their immigrant visa interview appointment date and time. Be advised that the E–DV Web site *www.dvlottery.state.gov* is the only authorized Department of State Web site for official online entry, as well as the required online status check for the Diversity Visa Program.

Status information will be available starting May 1, 2013 through at least June 30, 2014. You must have your confirmation information in order to check your DV entry status. Only the individuals selected randomly to continue the visa process will be given additional instructions on how to pursue their DV visa application. Persons not selected may verify the non-selection of their entry using their confirmation information through the official DV Web site, but they will not receive any additional instructions. U.S. Embassies and Consulates have no access to the Entrant Status check system; they are unable to check the system for you. The Department of State is not able to provide a list of those selected to continue the visa process.

Randomly selected entrants will receive notification instructions for the DV visa application process on the selectee confirmation page available through Entrant Status Check on the E–DV Web site *www.dvlottery.state.gov.* The instructions say the selected applicants will pay all DV and immigrant visa fees in person only at the U.S. Embassy or Consulate at the time of the visa application. The consular cashier immediately gives the visa applicant a U.S. government receipt

for payment. Selected applicants applying for an immigrant visa at a U.S. Embassy or Consulate should never send money for DV fees through the mail, Western Union, or any other delivery service. Those selectees who are already present in the United States and who file for adjustment of status will receive separate instructions on how to mail DV fees to a U.S. bank.

The E–DV program entries are submitted on the Internet, on the official U.S. government E–DV Web site at *www.dvlottery.state.gov*. Notification letters will not be sent to the selected applicants. The U.S. government has never sent emails to notify individuals that they have been selected, and there are no plans to use email for this purpose for the DV–2014 program. Selectees will only receive email communications alerting them that a visa appointment has been scheduled after they have responded to the notification instructions on Entrant Status Check. Such emails will direct selectees to check their interview appointment details on Entrant Status Check and will not contain information on the actual appointment date and time.

Please note that only Internet sites that end with the ''.gov'' domain suffix are official U.S. government Web sites. Many other non-governmental Web sites (e.g., using the suffixes ''.com,'' ''.org,'' or ''.net'') provide immigration and visa related information and services. Regardless of the content of non-governmental Web sites, the Department of State does not endorse, recommend, or sponsor any information or material shown at these other Web sites.

Some Web sites try to mislead customers and members of the public into thinking they are official Web sites and may contact you by email to lure you to their offers. These Web sites may attempt to require you to pay for services such as forms and information about immigration procedures, which are free on the Department of State Web site or through U.S. Embassy or Consulate Web sites. Additionally, these other Web sites may require you to pay for services you are not likely to receive (such as fees for DV immigration applications and visas) in an effort to steal your money. If you send in money to one of these scams, you will likely never see it again. Also, you should be wary of sending any personal information to these Web sites, as it may be used for identity fraud/theft.

3. Why do natives of certain countries not qualify for the DV program?

DVs are intended to provide an immigration opportunity for persons from countries other than the historical source countries of large numbers of immigrants to the United States, as indicated in the law by stating that no Diversity Visas shall be provided for natives of ''high-admission'' countries. The law defines this to mean countries from which a total of 50,000 persons in the Family-Sponsored and Employment-Based visa categories immigrated to the United States during the previous five years. Each year, U.S. Citizenship and Immigration Services (USCIS) adds the family and employment immigrant admission figures for the previous five years to identify the countries whose natives will be ineligible for the annual diversity visa program. Since there is a separate determination made before each annual E–DV entry period, the list of countries whose natives are not eligible may change from one year to the next.

4. What is the numerical limit for DV–2014?

By law, the DV program makes available a maximum of 55,000 permanent residence visas each year to eligible persons. However, the Nicaraguan Adjustment and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning as early as DV–1999, and for as long as necessary, up to 5,000 of the 55,000 annually allocated DVs will be made available for use under the NACARA program. The actual reduction of the limit by up to 5,000 DVs began with DV–2000 and will remain in effect through the DV–2014 program.

5. What are the regional DV limits for DV–2014?

United States Citizenship and Immigration Services (USCIS) determines the regional DV limits for each year according to a formula specified in Section 203(c) of the INA. Once USCIS has completed these calculations, the regional visa limits will be announced.

6. When will entries for the DV–2014 program be accepted?

The DV–2014 entry period will run from noon, Eastern Daylight Time (EDT) (GMT–4), Tuesday, October 2, 2012, until noon, Eastern Daylight Time (EDT) (GMT–4), Saturday, November 3, 2012. Each year, millions of people apply for the program during the registration period. The massive volume of entries creates an enormous amount of work in selecting and processing successful individuals. Holding the entry period starting noon Eastern Daylight Time (EDT) on October 2 and continuing until noon Eastern Daylight Time (EDT) on November 3 ensures that selectees are notified in a timely manner, and gives both the visa applicants and our embassies and consulates time to prepare and complete cases for visa issuance. You are strongly encouraged to enter early during the registration period. Excessive demand at end of the registration period may slow the system down. No entries whatsoever will be accepted after noon EDT Saturday, November 3, 2012.

7. May persons who are in the United States apply for the program?

Yes, an applicant may be in the United States or in another country, and the entry may be submitted from the United States or from abroad.

8. Is each applicant limited to only one entry during the annual E–DV registration period?

Yes, the law allows only one entry by or for each person during each registration period. Individuals for whom more than one entry is submitted will be disqualified. The Department of State employs technology and other means to identify individuals who submit multiple entries during the registration period. People submitting more than one entry will be disqualified, and an electronic record will be permanently maintained by the Department of State. Individuals may apply for the program once each year during the regular registration period.

9. May a husband and a wife each submit a separate entry?

Yes, a husband and a wife may each submit one entry if each meets the eligibility requirements. If either is selected, the other is entitled to apply as a derivative dependent.

10. What family members must I include on my E–DV entry?

On your entry you must list your spouse (husband or wife) and all living unmarried children less than 21 years of age, regardless of whether or not they are living with you or intend to accompany or follow to join you should you immigrate to the United States. You must list your spouse even if you are currently separated from him/her, unless you are legally separated (i.e., there is a written agreement recognized by a court or a court order). If you are legally separated or divorced, you do not need to list your former spouse. You must list all your living children who are unmarried and under 21 years of age at the time of your initial E–DV entry, whether they are your natural children, your spouse's children, or children you

have formally adopted in accordance with the laws of your country, unless such child is already a U.S. citizen or Lawful Permanent Resident. List all children less than 21 years of age at the time of your electronic entry, even if they no longer reside with you or you do not intend for them to immigrate under the DV program. You are not required to list children who are already U.S. citizens or Lawful Permanent Residents.

The fact that you have listed family members on your entry does not mean that they must travel with you. They may choose to remain behind. However, if you include an eligible dependent on your visa application forms that you failed to include on your original entry, your case will be disqualified. This only applies to those who were family members at the time the original application was submitted, not those acquired at a later date. Your spouse may still submit a separate entry, even though he or she is listed on your entry, as long as both entries include details on all dependents in your family. See question #9 above.

11. Can my same-sex spouse be included in a DV entry?

No, same-sex marriages are not recognized under U.S. immigration law for the purpose of immigrating to the United States. However, your same-sex partner is free to submit his/her own entry into the DV program if he or she meets all eligibility requirements.

12. Must I submit my own entry, or may someone act on my behalf?

You may prepare and submit your own entry, or have someone submit the entry for you. Regardless of whether an entry is submitted by the individual directly, or assistance is provided by an attorney, friend, relative, etc., only one entry may be submitted in the name of each person, and the person seeking the Diversity Visa remains responsible for ensuring that information in the entry is correct and complete. All entrants, including those not selected, will be able to check the status of their entry through the Entrant Status Check available as of May 1, 2013, on the E–DV Web site at *www.dvlottery.state.gov*. Entrants must keep their own confirmation page information so that they are able to independently check the status of their entry.

13. What are the requirements for education or work experience?

U.S. Immigration law and regulations require that every Diversity Visa entrant must have at least a high school education or its equivalent or have two years of work experience within the past five years in an occupation requiring at least two years of training or experience. A ''high school education or equivalent'' is defined as successful completion of a twelve-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to a high school education in the United States. Only formal courses of study meet this requirement; correspondence programs or equivalency certificates (such as the General Equivalency Diploma (G.E.D.)) are not acceptable. Documentary proof of education or work experience must be presented to the consular officer at the time of the visa interview.

14. What occupations qualify for the DV program?

To determine eligibility based on work experience, definitions from the U.S. Department of Labor's (DOL) O*Net OnLine database will be used. The O*Net Online Database groups job experience into five ''job zones.'' While many occupations are listed on the DOL Web site, only certain specified occupations qualify for the DV Program. To qualify for a DV on the basis of your work experience, you must have, within the past five years, two years of experience in an occupation that is designated as Job Zone 4 or 5, classified in a Specific Vocational Preparation (SVP) range of 7.0 or higher.

15. How do I find the qualifying occupations on the Department of Labor Web site?

Qualifying DV Occupations are shown on the DOL O*Net Online Database. Follow these steps to find out if your occupation qualifies: Select ''Find Occupations'' and then select a specific ''Job Family.'' For example, select Architecture and Engineering and click ''GO.'' Then click on the link for the specific Occupation. Following the same example, click ''Aerospace Engineers.'' After selecting a specific Occupation link, select the tab ''Job Zone'' to find out the designated Job Zone number and Specific Vocational Preparation (SVP) rating range. For additional information, see the Diversity Visa—List of Occupations Web page.

16. How will successful entrants be selected?

All entries received from each region are individually numbered, and at the end of the registration period, a computer system will randomly select entries from among all the entries received for each geographic region. Within each region, the first entry randomly selected will be the first case registered; the second entry selected will be the second case registered etc. All entries received during the registration period will have an equal chance of being selected within each region. When an entry has been selected, the entrant will be notified of his or her selection through the Entrant Status Check available starting May 1, 2013, on the E–DV Web site *www.dvlottery.state.gov*. The Department of State's Kentucky Consular Center (KCC) will then process the case until those selected to be visa applicants are instructed to appear for visa interviews at a U.S. Embassy or Consulate, or until those qualifying to change status in the United States apply at a domestic USCIS office.

Important Note: Official notifications of selection will be made through Entrant Status Check, available starting May 1, 2013, through at least June 30, 2014, on the E–DV Web site *www.dvlottery.state.gov*. The Department of State does not send selectee notifications or letters by regular postal mail or by email. Should you receive an email notification or a mailed letter stating that you have been selected to receive a DV, be aware that the notification is not legitimate. Any email communication you receive from the Department of State will direct you to review Entrant Status Check for new information about your application. The Department of State will never ask you to send money by mail or by services such as Western Union.

17. May selectees adjust their status with USCIS?

Yes, provided they are otherwise eligible to adjust status under the terms of Section 245 of the INA, selected individuals who are physically present in the United States may apply to USCIS for adjustment of status to permanent resident. Applicants must ensure that USCIS can complete action on their cases, including processing of any overseas spouse or children under 21 years of age, before September 30, 2014, since on that date your eligibility for the DV–2014 program expires. No visa numbers for the DV–2014 program will be available after midnight EDT on September 30, 2014, under any circumstances.

18. Will entrants who are not selected be informed?

All entrants, including those not selected, may check the status of their entry through the Entrant Status Check on the E–DV Web site at *www.dvlottery.state.gov* to find out if their entry was or was not selected. Entrants must keep their own confirmation page information from the time of their entry until at least June 30,

2014. Status information for DV–2014 will be available online from May 1, 2013, through June 30, 2014. (Status information for the previous DV program, DV–2013, is available online from May 1, 2012, through June 30, 2013.)

19. How many individuals will be selected?

There are 50,000 DV visas available for DV–2014. Because it is likely that some of the first 50,000 persons who are selected will not qualify for visas or pursue their cases to visa issuance, more than 50,000 entries will be selected to ensure that all of the available DV visas are issued. However, this also means that there will not be a sufficient number of visas for all those who are initially selected. All applicants who are selected will be able to see whether they have been selected for further processing and their place on the list by checking the E–DV Web site's Entrant Status Check. Interviews for the DV–2014 program will begin in October 2013 for selectees who have submitted all pre-interview paperwork and other information as requested in the notification instructions. Selectees who provide all required information will be informed of their visa interview appointment through the E–DV Web site's Entrant Status Check four-to-six weeks before the scheduled interviews with U.S. consular officers at overseas posts. Each month, visas will be issued to those applicants who are ready for issuance during that month, visa-number availability permitting. Once all of the 50,000 DV visas have been issued, the program will end. In principle, visa numbers could be finished before September 2014. Selected applicants who wish to receive visas must be prepared to act promptly on their cases. Random selection as a selectee does not guarantee that you will receive a visa. Selection merely means that you are eligible to apply for a Diversity Visa, and if qualified, issued a Diversity Visa. Only the first 50,000 selected applicants to qualify will be issued visas.

20. Is there a minimum age for applicants to apply for the E–DV program?

There is no minimum age to apply for the program, but the requirement of a high school education or work experience for each principal applicant at the time of application will effectively disqualify most persons who are under age 18. Parents and siblings are ineligible to receive DV visas as dependents, and should not be included in the entry of the principal applicant.

21. Are there any fees for the E–DV program?

There is no fee for submitting an electronic entry. DV applicants must pay all required visa fees at the time of visa application and interview directly to the consular cashier at the U.S. Embassy or Consulate. Selected individuals who adjust status while in the United States will pay all required fees directly to USCIS. Details of required DV and immigrant visa application fees will be included with the instructions provided to applicants who are selected.

22. If I am selected and apply for the DV, but do not qualify to receive one, can I get a refund of the visa fees I paid?

Visa fees cannot be refunded. DV applicants must meet all qualifications for the visa as detailed in these instructions. If a consular officer determines an applicant does not meet requirements for the visa, or is otherwise ineligible for the DV under U.S. law, the officer cannot issue a visa and the applicant will forfeit all fees paid.

23. Do DV applicants receive waivers of any grounds of visa ineligibility or receive special processing for a waiver application?

Applicants are subject to all grounds of ineligibility for immigrant visas specified in the Immigration and Nationality Act (INA). There are no special provisions for the waiver of any ground of visa ineligibility aside from those ordinarily provided in the INA, nor is there special processing for waiver requests. Some general waiver provisions for people with close relatives who are U.S. Citizens or Lawful Permanent Resident aliens may be available to DV applicants as well, but the time constraints in the DV program will make it difficult for applicants to benefit from such provisions.

24. May persons who are already registered for an immigrant visa in another category apply for the DV program?

Yes, such persons may apply for the DV program.

25. How long do applicants who are selected remain entitled to apply for visas in the DV category?

Persons selected in the DV–2014 program are entitled to apply for visa issuance only during U.S. government Fiscal Year 2014, which spans from October 1, 2013, through September 30, 2014. Without exception, all selected and eligible applicants must obtain their visa or adjust status by the end of the fiscal year. There is no carry-over of DV benefits into the next year for persons who are selected but who do not obtain visas by September 30, 2014 (the end of the fiscal year). Also, spouses and children who derive status from a DV–2014 registration can only obtain visas in the DV category between October 1, 2013 and September 30, 2014. Applicants who apply overseas will receive an appointment notification from the Department through Entrant Status Check on the E–DV Web site four to six weeks before the scheduled appointment.

26. If an E–DV selectee dies, what happens to the DV case?

The death of a DV selectee results in automatic revocation of the DV case. Any eligible spouse and/or children will no longer be entitled to a DV visa for that entry.

27. When will E–DV be available online?

Online entry will be available during *RegPeriod* the registration period beginning at noon EDT (GMT–4) on Tuesday, October 2, 2012, and ending at noon EDT (GMT–4) on Saturday, November 3, 2012.

28. Will I be able to download and save the E–Dv Entry Form to a Microsoft Word Program (or other suitable program) and then fill it out?

No, you will not be able to save the form into another program for completion and submission later. The E–DV Entry Form is a Web form only. This makes it more ''universal'' than a proprietary word processor format. Additionally, it does require that the information be filled in and submitted while online.

29. If I don't have access to a scanner, can I send photographs to my relative in the United States to scan the photographs, save the photographs to a diskette, and then mail the diskette back to me to apply?

Yes, as long as the photograph meets the requirements in the instructions and is electronically submitted with, and at the same time as, the E–DV online entry. The applicants must already have the scanned photograph file when they submit the entry online. The photograph cannot be submitted separately from the online application. Only one online entry can be submitted for each person. Multiple submissions will disqualify the entry for that person for DV–2014. The entire entry (photograph and application together) can be submitted electronically from the United States or from overseas.

30. Can I save the Form online so that I can fill out part and then come back later and complete the remainder?

No. The E–DV Entry Form is designed to be completed and submitted at one time. However, because the form is in two parts, and because of possible network interruptions and delays, the E–DV system is designed to permit up to sixty (60) minutes between the form's download and when the entry is received at the E–DV Web site. If more than sixty minutes have elapsed and the entry has not been electronically received, the information already received is discarded. This is done so that there is no possibility that a full entry could accidentally be interpreted as a duplicate of a previous partial entry. The DV–2014 instructions explain clearly and completely what information is required to fill in the form. Thus, you can be fully prepared, making sure you have all of the information needed before you start to complete the form online.

31. If the submitted digital images do not conform to the specifications, the procedures state that the system will automatically reject the E–DV entry form and notify the sender. Does this mean I will be able re-submit my entry?

Since the entry was automatically rejected, it was not actually considered as a submission to the E–DV Web site, so, yes, the entry can be resubmitted. It does not count as a submitted E–DV entry, and no confirmation notice of receipt is sent. If there are problems with the digital photograph sent, because it does not conform to the requirements, it is automatically rejected by the E–DV Web site. However, the amount of time it takes the rejection message to reach the sender is unpredictable, given the nature of the Internet. If the applicant can fix the error, and the Form Part One or Two is re-sent within sixty (60) minutes, there is no problem. Otherwise, the applicant will have to restart the submission process. An applicant can try to submit an application as many times as is necessary until a complete application is received and the confirmation notice sent.

32. Will the electronic confirmation notice that the completed E–DV entry form has been received through the online system be sent immediately after submission?

The response from the E–DV Web site which contains confirmation of the receipt of an acceptable E–DV Entry Form is sent by the E–DV Web site immediately. However, the amount of time it takes the response to reach the sender is unpredictable, given the nature of the Internet and email systems. If many minutes have elapsed since pressing the ''Submit'' button, there is no harm in pressing the ''Submit'' button a second time. The E–DV system will not be confused by a situation where the ''Submit'' button is hit a second time, because no confirmation response has been received. An applicant can try to submit an application as many times as is necessary until a complete application is received and the confirmation notice sent. However, once you receive a confirmation notice, do not resubmit your information.

33. How do I report Internet fraud or unsolicited email?

If you wish to file a complaint about Internet fraud, please see the econsumer.gov Web site, hosted by the Federal Trade Commission, in cooperation with consumer-protection agencies from 17 nations (*http://www.econsumer.gov/english*). You may also report fraud to the Federal Bureau of Investigation (FBI) Internet Crime Complaint Center. To file a complaint about unsolicited email, visit the Department of Justice Contact Us page.

34. If I am successful in obtaining a visa through the DV program, will the U.S. government assist with my airfare to the United States, provide assistance to locate housing and employment, provide healthcare, or provide any subsidies until I am fully settled?

No, applicants who obtain a DV are not provided any type of assistance such as airfare, housing assistance, or subsidies. If you are selected to apply for a DV, you will be required to provide evidence that you will not become a public charge in the United States before being issued a visa. This evidence may be in the form of a combination of your personal assets, an Affidavit of Support (Form I–134) from a relative or friend residing in the United States, and/or an offer of employment from an employer in the United States.

List of Countries/Areas by Region Whose Natives Are Eligible for DV–2014

The list below shows the countries whose natives are eligible for DV–2014, grouped by geographic region. Dependent areas overseas are included within the region of the governing country. The countries whose natives are not eligible for the DV–2014 program were identified by USCIS, according to the formula in Section 203(c) of the INA. The countries whose natives are not eligible for the DV program (because they are the principal source countries of Family-Sponsored and Employment-Based immigration or ''high-admission'' countries) are noted after the respective regional lists.

Africa

Algeria
Angola
Benin
Botswana
Burkina Faso
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Comoros
Congo
Congo, Democratic Republic of the
Cote D'Ivoire (Ivory Coast)
Djibouti
Egypt
Equatorial Guinea
Eritrea
Ethiopia
Gabon
Gambia, The
Ghana
Guinea
Guinea-Bissau
Kenya
Lesotho
Liberia
Libya
Madagascar
Malawi
Mali
Mauritania
Mauritius
Morocco
Mozambique
Namibia
Niger
Nigeria
Rwanda
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone
Somalia
South Africa
South Sudan
Sudan
Swaziland
Tanzania
Togo
Tunisia
Uganda
Zambia
Zimbabwe

Persons born in the Gaza Strip are chargeable to Egypt; persons born in the West Bank are chargeable to Jordan; persons born in the Golan Heights are chargeable to Syria.

Asia

Afghanistan

Bahrain
Bhutan
Brunei
Burma
Cambodia
East Timor
Hong Kong Special Administrative Region
Indonesia
Iran
Iraq
Israel
Japan
Jordan
Kuwait
Laos
Lebanon
Malaysia
Maldives
Mongolia
Nepal
North Korea
Oman
Qatar
Saudi Arabia
Singapore
Sri Lanka
Syria
Taiwan
Thailand
United Arab Emirates
Yemen

Natives of the following Asia Region countries are not eligible for this year's diversity program:

Bangladesh, China (mainland-born), India, Pakistan, South Korea, Philippines, and Vietnam. Hong Kong S.A.R., Macau S.A.R., and Taiwan do qualify and are listed above.

Persons born in the areas administered prior to June 1967 by Israel, Jordan, and Syria are chargeable, respectively, to Israel, Jordan, and Syria. Persons born in the Gaza Strip are chargeable to Egypt; persons born in the West Bank are chargeable to Jordan; persons born in the Golan Heights are chargeable to Syria.

Europe

Albania
Andorra
Armenia
Austria
Azerbaijan
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark (including components and dependent areas overseas)
Estonia
Finland
France (including components and dependent areas overseas)
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Kazakhstan
Kosovo
Kyrgyzstan
Latvia
Liechtenstein
Lithuania
Luxembourg
Macau Special Administrative Region
Macedonia
Malta
Moldova
Monaco
Montenegro
Netherlands (including components and dependent areas overseas)
Northern Ireland
Norway
Poland
Portugal (including components and dependent areas overseas)
Romania
Russia
San Marino
Serbia
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tajikistan
Turkey
Turkmenistan
Ukraine
Uzbekistan
Vatican City

Natives of the following European countries are not eligible for this year's DV program: Great Britain (United Kingdom). Great Britain (United Kingdom) includes the following dependent areas: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, and Turks and Caicos Islands. Note that for purposes of the diversity program only, Northern Ireland is treated separately; Northern Ireland does qualify and is listed among the qualifying areas.

North America

The Bahamas

In North America, natives of Canada and Mexico are not eligible for this year's diversity program.

Oceania

Australia (including components and dependent areas overseas)
Fiji
Kiribati
Marshall Islands
Micronesia, Federated States of
Nauru
New Zealand (including components and dependent areas overseas)
Palau
Papua New Guinea
Solomon Islands
Tonga
Tuvalu
Vanuatu
Samoa

South America, Central America, and the Caribbean

Antigua and Barbuda
Argentina
Barbados
Belize
Bolivia
Chile
Costa Rica
Cuba
Dominica
Grenada
Guatemala
Guyana
Honduras
Nicaragua
Panama
Paraguay
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

Countries in this region whose natives are not eligible for this year's diversity program:

Brazil, Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, Jamaica, Mexico, and Peru.

Dated: September 14, 2012.

Janice Jacobs,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2012–23934 Filed 9–27–12; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 8043]

30-Day Notice of Proposed Information Collection: Request for Entry Into Children's Passport Issuance Alert Program

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for

approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to October 29, 2012.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov*. You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/L), U.S. Department of State, SA–29, 4th Floor, Washington, DC 20520 or at *CA-OCS-L@state.gov*.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Entry into Children's Passport Issuance Alert Program.
- *OMB Control Number:* 1405–0169.
- *Type of Request:* Extension.
- *Originating Office:* CA/OCS/L.
- *Form Number:* DS–3077.
- *Respondents:* Concerned parents or their agents, institutions, or courts.
- *Estimated Number of Respondents:* 8,000.
- *Estimated Number of Responses:* 8,000.
- *Average Hours per Response:* 30 minutes.
- *Total Estimated Burden:* 4,000 hrs.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The information requested will be used to support entry of the name of a minor (an unmarried person under 18) into the Children's Passport Issuance Alert Program (CPIAP). CPIAP provides a mechanism for parents or other persons with legal custody of a minor to obtain information regarding whether the Department has received a passport application for the minor. This program was developed as a means to prevent international abduction of a minor or to help prevent other travel of a minor without the consent of a parent or legal guardian. If a minor's name and other identifying information has been entered into the CPIAP, when the Department receives an application for a new, replacement, or renewed passport for the minor, the application will be placed on hold for up to 60 days and the Office of Children's Issues will attempt to notify the requestor of receipt of the application. Form DS–3077 will be primarily submitted by a parent or legal guardian of a minor.

Methodology: The completed form DS–3077 can be downloaded and filled out online or printed out from the computer and manually completed. The form must be manually signed and submitted to the Office of Children's Issues by mail, or by fax.

Dated: September 11, 2012.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizen Services, Department of State.

[FR Doc. 2012–23949 Filed 9–27–12; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 8046]

Culturally Significant Objects Imported for Exhibition Determinations: ''Wari: Lords of the Ancient Andes''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Wari: Lords of the Ancient Andes'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Cleveland Museum of Art, Cleveland, OH, from on or about October 28, 2012, until on or about January 6, 2013; the Ft. Lauderdale Museum of Art, Ft. Lauderdale, FL, from on or about February 10, 2013, until on or about May 19, 2013; the Kimbell Art Museum, Ft. Worth, TX, from on or about June 16, 2013, until on or about September 8, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 24, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–23948 Filed 9–27–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8045]

Culturally Significant Objects Imported for Exhibition Determinations: ''Florence at the Dawn of Renaissance: Painting and Illumination''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of

Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Florence at the Dawn of Renaissance: Painting and Illumination,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The J. Paul Getty Museum in Los Angeles, California from on or about November 13, 2012 until on or about February 10, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Ona M. Hahs, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6473). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 24, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–23891 Filed 9–27–12; 8:45 am]

BILLING CODE 4710–05–P

TRADE REPRESENTATIVE

Promoting U.S. EC Regulatory Compatibility

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments from the Public.

SUMMARY: The U.S. Government and European Commission (EC) share the goal of reducing excessive regulatory costs, unjustified regulatory differences, and unnecessary red tape while respecting each other's right to protect public health, safety, welfare, and the environment. Promoting this goal will help businesses to grow, create jobs, and compete globally. Enhanced cooperation will also help the United States to achieve its regulatory objectives in a more effective and efficient manner. The United States and EC have agreed to solicit comments from the public on how to promote greater transatlantic regulatory compatibility generally. Concrete ideas on how greater compatibility could be achieved in a particular economic sector are also requested.

DATES: In order to ensure timely consideration, written comments should be submitted no later than October 31, 2012.

FOR FURTHER INFORMATION CONTACT: David Weiner, Deputy Assistant U.S. Trade Representative for Europe, (202) 395–9679, or Kate J. Kalutkiewicz, Director for European Affairs, (202) 395–9460, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

Background

Transatlantic trade and investment constitute the largest economic relationship in the world, a relationship that is vital to the strength of our economies. The United States and the European Union (EU) are committed to identifying new ways to strengthen this vibrant economic partnership. During their November 28, 2011 Summit meeting, U.S. and EU leaders established the High Level Working Group on Jobs and Growth and tasked it to identify policies and measures to increase trade and investment to support mutually beneficial job creation, economic growth, and competitiveness, working closely with public and private sector stakeholder groups, and drawing on existing dialogues and mechanisms, as appropriate. The challenges posed by efforts to improve regulatory cooperation between the EU and the United States should not be underestimated. But there are reasons to be optimistic. Significant progress has been made in the HLRCF and also recently in the Transatlantic Economic Council (TEC), where the EU and the United States cooperate on future regulations affecting new and innovative growth markets and technologies. As we continue in the High Level Working Group on Jobs and Growth to examine the possibility of negotiations on horizontal and sectoral regulatory issues, we seek to continue to make progress through the HLRCF and the TEC with the help of additional information from the public. Your detailed input will b euseful when we define our priorities and explore next steps in the U.S.-EU High Level Regulatory Cooperation Forum (HLRCF) and contribute to the work of the U.S.-EU High Level Working Group on Jobs and Growth (HLWG). It will help us to identify both immediate and longer-term goals and mechanisms to accomplish them. We plan to explore these and other issues at a meeting in the fall involving EU and U.S. regulators, economic policy agencies, and stakeholders.

In that regard, the U.S. Government and EC invite your views on how to promote greater transatlantic regulatory compatibility generally. We also invite you to share your concrete ideas on how greater compatibility could be achieved in a particular economic sector by providing detailed information for that sector, including:

- Names of the relevant regulatory agencies in the EU and the United States;
- Citations to the relevant regulatory and/or statutory provisions for each jurisdiction (this is not meant to exclude potential cooperation in areas where neither jurisdiction has yet adopted such provisions);
- A description of the regulatory differences to be addressed (including any information on negative effects of these differences and on the entities or stakeholders affected by them);
- Possible solutions for bridging these differences (including both the substance of the solution—please be as specific as possible—and the proposed procedure for reaching it);
- Any steps that the EU and/or the United States should consider to address horizontal and/or sectoral differences between the two jurisdictions that may be impeding deeper regulatory compatibility in the sector—for example, differences with respect to technical regulations or in our respective approaches to standards; and
- An assessment of the effects of enhanced regulatory compatibility (quantified benefits and costs, if possible, or else qualitative descriptions), the likelihood of these effects occurring, and the time period over which they would occur.

We encourage trade association respondents, where possible, to submit views jointly with counterparts across the Atlantic.

Submissions: To facilitate expeditious handling, the public is strongly encouraged to submit documents electronically via *http://www.regulations.gov,* docket number USTR–2012–0028. Submissions should contain the term ''U.S.-EU Regulatory Compatability'' in the ''Type comment & Upload file:'' field on *http://www.regulations.gov.* To find the docket, enter the docket number in the ''Enter Keyword or ID'' window at the *http://www.regulations.gov* home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notices'' under ''Document Type'' on the search-results page, and click on the link entitled ''Submit a Comment.'' (For further information on

using the *http:www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''Help'' tab.) The *http://www.regulations.gov* Web site provides the option of making submissions by filling in a comments field, or by attaching a document. USTR prefers submissions to be provided in an attached document. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''Comments'' field.

Daniel Mullaney,

Assistant U.S. Trade Representative for Europe and the Middle East.

[FR Doc. 2012–23613 Filed 9–27–12; 8:45 am]

BILLING CODE 3290–F2–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Environmental Impact Statement; Taos Regional Airport, Taos, NM

AGENCY: Federal Aviation Administration (FAA); DOT.

ACTION: Notice of availability of Record of Decision.

SUMMARY: The FAA is issuing this notice to advise the public that we have prepared a Record of Decision (ROD) for the ''Taos Regional Airport, Airport Layout Plan Improvements'' Environmental Impact Statement (EIS). The Town of Taos, owner and operator of Taos Regional Airport located in Taos, New Mexico, has requested the FAA to approve revisions to its Airport Layout Plan (ALP) to reflect and allow construction of a new runway and other associated airport projects; the Town is requesting Federal funding for the project. This ROD sets forth FAA's final determination and environmental approvals for the federal actions necessary to implement the proposed airport improvements under Alternative 2D, the FAA's selected alternative, and the Airport Sponsor to proceed with processing an application for federal funding.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Dean McMath, Regional Environmental Programs, Manager, ASW613, 2601 Meacham Boulevard, Fort Worth, Texas 76137, telephone (817) 222–5617.

SUPPLEMENTARY INFORMATION: The Town of Taos, as owner and operator of SKX requested FAA to approve revisions to its Airport Layout Plan (ALP) and provide funding for a proposed new Runway 12/30 measuring 8,600-foot by 100-foot, a full length parallel taxiway, runway lighting, navigational aids, runway safety areas (RSA), runway protection zones, associated grading, drainage, utility relocations, installation of a Remote Transmitter/Receiver, shortening of the existing Runway 4/22 by 420 feet to the northeast with an associated shift of the RSA Runway Object Free Area (ROFA), and Runway Protection Zone (RPZ), establishment of new flight procedures for both runways, construction of a new airport access road, and extension of the existing airport access road from the existing automobile parking lot to the Fixed Base Operator hangar/terminal. The purpose of the proposed improvements is to correct the operational deficiencies of the existing runway system at SKX and improve safety of the operating environment at the airport.

The Draft and Final EIS were prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), [42 U.S.C. 4321, *et seq.*], the implementing regulations of the Council on Environmental Quality (CEQ) [40 CFR parts 1500–15081, and FAA directives [Order 1050.1E and Order 5050.4B]. The Taos Pueblo and National Park Service served as cooperating agencies in preparation of the EIS. The Environmental Protection Agency (EPA) published a notice of availability of the Final EIS in the **Federal Register** on June 29, 2012.

In accordance with CEQ regulations, the ROD discusses the alternatives considered for the project; the basis for selecting the Preferred Alternative, a summary of impacts; and mitigation measures for the Preferred Alternative. The ROD documents the final Agency decisions regarding the proposed project as described and analyzed in the EIS. The FAA is granting approval to amend the ALP with the conditions noted in Section 9.7 of the ROD and approval to proceed with processing an application for federal funding of those development items qualifying for financial aid under the Airports Improvement Program (AlP).

The ROD is available for review during normal business hours at the following locations: FAA Southwest Regional Office, 2601 Meacham Boulevard, Fort Worth, Texas 76137–4298, Taos Regional Airport, Highway 64 West, 1 Airport Road, Taos, New Mexico 87571, Taos Town Hall, 400 Camino de la Placita, Taos, New Mexico 87571 and Taos Public Library, 402 Camino de la Placita, Taos, New Mexico 87571.

Issued on September 20, 2012.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. 2012–23830 Filed 9–27–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0117; Notice 1]

Mazda North American Operations, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: Mazda North American Operations (MNAO),[1] on behalf of Mazda Motor Corporation of Hiroshima, Japan (Mazda),[2] has determined that certain Mazda brand motor vehicles manufactured between 2000 and 2012 for sale or lease in Puerto Rico, do not fully comply with paragraph S4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 225, *Child Restraint Anchorage Systems.* MNAO has filed an appropriate report dated June 21, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), MNAO submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of MNAO's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles Involved: Affected are approximately 60,509 Mazda brand motor vehicles manufactured between 2000 and 2012 for sale or lease in Puerto Rico.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or

[1] Mazda North American Operations, is a U.S. company that manufacturers and imports motor vehicles.

[2] Mazda Motor Corporation, is a Japanese company that manufacturers motor vehicles.

noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 60,509 [3] vehicles that MNAO no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: MNAO explains that the noncompliance is that certain Mazda brand motor vehicles sold in Puerto Rico were not delivered with instructions on the use of child restraint tether anchorages written in English. The instructions were only provided in Spanish as part of the Spanish language version of the vehicle owner's manual provided with the vehicles at first sale. No English version owner's manuals were provided.

Rule Text: Paragraph S4.1 of FMVSS No. 225 requires in pertinent part:

S4.1 Each Tether anchorage and each child restraint anchorage system installed, either voluntarily or pursuant to this standard, in any new vehicle manufactured on or after September 1, 1999, shall comply with the configuration, location, marking and strength requirements of this standard. The vehicle shall be delivered with written information, in English, on how to appropriately use those anchorages and systems.

Summary of MNAO's Analysis and Arguments: MNAO believes that while the noncompliant motor vehicles were delivered to Puerto Rico with Owners Manuals written only in the Spanish language and did not include a written version in the English language as required by FMVSS No. 225, it is inconsequential as it relates to motor vehicle safety for the following reason:

1. All affected owner's manuals contain accurate Spanish translations of the information.

2. In Puerto Rico, Spanish is the universally prevalent language. According to a U.S. Census done by the Census Bureau in 2010, 95.7% of the Puerto Rico's population speaks Spanish as their primary language.

3. NHTSA also has a long history of encouraging the dissemination of product information in languages that are useful for the vehicle owners. (See example *http://isearch.nhtsa.gov/files/8047.html*)

4. English Owners manuals for Mazda motor vehicles manufactured on or after 2002 can be downloaded from MNAO's Web site or upon request through MNAO dealerships and is available for customers in Puerto Rico free of charge.

5. MNAO has not received any complaints or claims in Puerto Rico with regards to the language of the Owner's manuals.

MNAO has additionally informed NHTSA that it has corrected future production and that all other motor vehicle owner's manuals are correct.

In summation, MNAO believes that the described noncompliance of its motor vehicle owner's manuals is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

Comments: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment Closing Date: October 29, 2012.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8.

Issued on: September 20, 2012.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2012–23834 Filed 9–27–12; 8:45 am]

BILLING CODE 4910–59–P

[3] MNAO's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt MNAO as a vehicle manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the 60,509 affected vehicles. However, a decision on this petition will not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after MNAO notified them that the subject noncompliance existed.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 19, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 29, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov*, or the entire information collection request maybe found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0865.

Type of Review: Revision of a currently approved collection.

Title: Material Advisor Disclosure Statement.

Form: 8918.

Abstract: The American Jobs Creation Act of 2004, Public Law 108–357, 118 Stat. 1418, (AJCA) was enacted on October 22, 2004. Section 815 of the AJCA amended section 6111 to require each material advisor with respect to any reportable transaction to make a return (in such form as the Secretary may prescribe) setting forth: (1) Information identifying and describing the transaction; (2) information describing any potential tax benefits expected to result from the transaction; and (3) such other information as the Secretary may prescribe.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 5,096.

OMB Number: 1545–1545.

Type of Review: Extension without change of a currently approved collection.

Title: TD 8769—(Final) Permitted Elimination of Preretirement Optional Forms of Benefit (REG–107644–97).

Abstract: The regulation permits an amendment to a qualified plan that eliminates certain preretirement optional forms of benefit.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 48,800.

OMB Number: 1545–1969.

Type of Review: Extension without change of a currently approved collection.

Title: Waiver of Right to Consistent Agreement of Partnership Items and Partnership-Level Determinations as to Penalties, Additions to Tax, and Additional Amounts.

Form: 13751.

Abstract: per the IRS Global Settlement Initiative, the information requested on Form 13751 will be used to determine the eligibility for participation in the settlement initiative of taxpayers related through TEFRA partnerships to ineligible applicants. Such determinations will involve partnership items and partnership-level determinations, as well as the calculation of tax liabilities resolved under this initiative, including penalties and interest.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 100.

OMB Number: 1545–2115.

Type of Review: Extension without change of a currently approved collection.

Title: TD 9481—Travel Expenses of State Legislators (REG–119518–07).

Abstract: This document contains regulations relating to travel expenses of state legislators. The regulations affect state legislators who make the election under section 162(h) of the Internal Revenue Code to treat their residences in their legislative districts as their tax homes.

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 3,700.

OMB Number: 1545–2134.

Type of Review: Extension without change of a currently approved collection.

Title: Notice 2009–41—Credit for Residential Energy Efficient Property.

Abstract: This notice provides guidance about the procedures by which a manufacturer can certify that residential energy efficient property qualifies for the § 25D credit. This notice is intended to provide (1) guidance concerning the methods by which manufacturers can provide such certifications to taxpayers, and (2) guidance concerning the methods by which taxpayers can claim such credits.

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 350.

OMB Number: 1545–2138.

Type of Review: Extension without change of a currently approved collection.

Title: Notice of Expatriation and Waiver of Treaty Benefits.

Form: W–8CE.

Abstract: Information used by taxpayer to notify payer of expatriation so that proper tax treatment is applied by payer. The taxpayer is required to file this form to obtain any benefit accorded by the statute.

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 2,840.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–24079 Filed 9–27–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 25, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 29, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave., NW., Suite 8140, Washington, DC 20220, or on-line at *www.PRAComment.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov*, or the entire information collection request maybe found at *www.reginfo.gov.*

Community Development Financial Instutitions (CDFI) Fund

OMB Number: 1559–0014.

Type of Review: Extension without change of a currently approved collection.

Title: New Markets Tax Credit (NMTC) Program—Community Development Entity (CDE) Certification Application.

Form: CDFI 0019.

Abstract: The purpose of the NMTC Program is to provide an incentive to investors in the form of a tax credit, which is expected to stimulate investment in new private capital in low income communities. Applicants must be a CDE to apply for allocation.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,200.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–23859 Filed 9–27–12; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 25, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance

with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 29, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave., NW., Suite 8140, Washington, DC 20220, or on-line at *www.PRAComment.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Office of Foreign Assets Control (OFAC)

OMB Number: 1505–0164.

Type of Review: Revision of a currently approved collection.

Title: Reporting, Procedures and Penalties Regulations.

Form: TD F 90–22.50, 93.01 thru 93.07.

Abstract: Submissions will provide the U.S. Government with information to be used in enforcing various economic sanctions programs administered by OFAC under 31 CFR chapter V.

Affected Public: Private Sector: businesses or other for-profits; Not-for-profit institutions.

Estimated Total Annual Burden Hours: 47,780.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–23860 Filed 9–27–12; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 25, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before October 29, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0432.

Type of Review: Extension without change of a currently approved collection.

Title: Request for Discharge from Personal Liability under Internal Revenue Code Section 2204 or 6905.

Form: 5495.

Abstract: Form 5495 provides guidance under sections 2204 and 6905 for executors of estates and fiduciaries of decedent's trusts. The form, filed after regular filing of an Estate, Gift, or Income tax return for a decedent, is used by the executor or fiduciary to request discharge from personal liability for any deficiency for the tax and periods shown on the form.

Affected Public: Individuals and Households.

Estimated Total Burden Hours: 306,500.

OMB Number: 1545–1841.

Type of Review: Extension without change of a currently approved collection.

Title: REG–157302–02 (Final), TD 9142 Deemed IRAs in Qualified Retirement Plans.

Abstract: Section 408(q), added to the Internal Revenue Code by section 602 of the Economic Growth and Tax Relief Reconciliation Act of 2001, provides that separate accounts and annuities may be added to qualified employer plans and deemed to be individual retirement accounts and individual retirement annuities if certain requirements are met. Section 1.408(q)–1(f)(2) provides that these deemed IRAs must be held in a trust or annuity contract separate from the trust or annuity contract of the qualified employer plan. This collection of information is required to ensure that the separate requirements of qualified employer plans.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 40,000.

OMB Number: 1545–1984.

Type of Review: Extension without change of a currently approved collection.

Title: Domestic Production Activities Deduction.

Form: 8903.

Abstract: Taxpayers will use the new Form 8903 and related instructions to calculate the domestic production activities deduction.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 6,450,000.

OMB Number: 1545–1986.

Type of Review: Extension without change of a currently approved collection.

Title: Notice 2006–47, Elections Created or Effected by the American Jobs Creation Act of 2004.

Abstract: The collection of information will enable the Internal Revenue Service to ensure that the eligibility requirements for the various elections or revocations have been satisfied and the requisite sections have been complied with.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 3,034,765.

OMB Number: 1545–1991.

Type of Review: Extension without change of a currently approved collection.

Title: Installment Payments of Section 1446 Tax for Partnerships.

Form: 8804–W.

Abstract: Regulations for section 1446 require a worksheet for installment payments of section 1446 tax. Partnerships generally must make installment payments of estimated section 1446 tax if they expect the aggregate tax on the effectively connected taxable income (ECTI) that is allocable to all foreign partners to be $500 or more.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 31,600.

OMB Number: 1545–2133.

Type of Review: Extension without change of a currently approved collection.

Title: Rev. Proc. 2009–16, Section 168(k)(4) Election Procedures and Rev. Proc. 2009–33, Section 168(k)(4) Extension Property Elections.

Abstract: Rev. Proc. 2009–16 provides the time and manner for making the election to apply section 168(k)(4) of the Internal Revenue Code, for making the allocation of the bonus depreciation amount to increase certain limitation, and for making the election to apply section 3081(b) of the Housing and Economic Recovery Act of 2008. It provides the time and manner for a corporation to make the elections provided under new section 168(k)(4)(H) of the Internal Revenue Code with respect to the acceleration of claiming research or alternative minimum tax credits in lieu of claiming the bonus depreciation deduction.

Affected Public: Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 2,700.

OMB Number: 1545–2137.

Type of Review: Extension without change of a currently approved collection.

Title: Qualified Plug-in Electric Drive Motor Vehicle Credit (Notice 2009–89).

Form: 8936.

Abstract: This notice sets forth interim guidance, pending the issuance of regulations, relating to the new qualified plug-in electric drive motor vehicle credit under § 30D of the Internal Revenue Code, as in effect for vehicles acquired after December 31, 2009. For tax years beginning after 2008, use Form 8936 to figure your credit for qualified plug-in electric drive motor vehicles you placed in service during your tax year. The credit attributable to depreciable property (vehicles used for business or investment purposes) is treated as a general business credit. Any credit not attributable to depreciable property is treated as a personal credit.

Affected Public: Individuals or Households; Private Sector: Business or other for-profits.

Estimated Total Burden Hours: 267,780.

OMB Number: 1545–2139.

Type of Review: Extension without change of a currently approved collection.

Title: Identity Theft Affidavit.

Form: 14039.

Abstract: The primary purpose of the form is to provide a method of reporting identity theft issues to the IRS so that the IRS may document situations where individuals are or may be victims of identity theft. Additional purposes include the use in the determination of proper tax liability and to relieve taxpayer burden. The information may be disclosed only as provided by 26 U.S.C. 6103.

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 25,000.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–23862 Filed 9–27–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Request for Comment

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning Form 990 and related schedules.

DATES: Written comments should be received on or before November 27, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Return of Organization Exempt From Income Tax Under Section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation).

OMB Number: 1545–0047.

Form: 990 and related schedules.

Abstract: Form 990 is needed to determine that IRC section 501(a) tax-exempt organizations fulfill the operating conditions within the limitations of their tax exemption.

Type of Review: Extension of a currently approved collection.

Affected Public: Private sector: Not-for-profit institutions.

Estimated Number of Respondents: 105,103.

Estimated Number of Responses: 403,068.

Estimated Hours per Respondent: 63.92.

Estimated Total Annual Burden Hours: 25,766,156.

The following paragraph applies to all of the collections of information covered by this notice: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate 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 of the collection of information 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.

Dated: September 25, 2012.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2012–23912 Filed 9–27–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2009–53

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning Notice 2009–53, Credit for Nonbusiness Energy Property.

DATES: Written comments should be received on or before November 27, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Credit for Nonbusiness Energy Property.

OMB Number: 1545–1989.

Notice Number: Notice 2009–53.

Abstract: This notice of guidance relates to the procedures by which a manufacturer can certify that building envelope components or energy property qualify for the § 25C credit. This notice is intended to provide (1) guidance concerning the methods by which manufacturers can provide such certifications to taxpayers, and (2) guidance concerning the methods by which taxpayers can claim such credits.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 140.

Estimated Average Time per Respondent: 2.5 hrs.

Estimated Total Annual Burden Hours: 350.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate 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 of the collection of information 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.

Approved: September 21, 2012.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2012–23841 Filed 9–27–12; 8:45 am]

BILLING CODE 4830–01–P

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Friday, September 28, 2012

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H.R. 6336/P.L. 112–174
To direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the United States Capitol. (Sept. 20, 2012; 126 Stat. 1311)

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