AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 76 Monday,
No. 74 April 18, 2011

Pages 21613–21804

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpo@custhelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 76 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, May 10, 2011
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 76, No. 74

Monday, April 18, 2011

Agency for Healthcare Research and Quality
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21744–21747

Agricultural Marketing Service
RULES
Grapes Grown in Designated Area of Southeastern California; Increased Assessment Rate, 21620–21622
Suspensions of Handling Requirements:
Nectarines and Peaches Grown in California, 21615–21618
Termination of Marketing Order 924:
Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR, 21618–21620
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21700–21701
Meetings:
Plant Variety Protection Board, 21701

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service

Animal and Plant Health Inspection Service
RULES
Gypsy Moth Generally Infested Areas:
Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin, 21613–21615

Architectural and Transportation Barriers Compliance Board

NOTICES
Meetings:
Regular Committee and Board, 21702

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21747–21748
Meetings:
Advisory Committee to the Director Health Disparities Subcommittee, 21748
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 21748–21749

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21749–21750
FY 2012 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program, 21750–21752

Coast Guard
RULES
Disestablishing Special Anchorage Area 2; Ashley River, Charleston, SC, 21633–21636
Drawbridge Operation Regulations:
Illinois Waterway, Joliet, IL, 21636–21637
Safety Zones:
Ford Estate Wedding Fireworks, Lake St. Clair, Grosse Pointe Shores, MI, 21637–21639
PROPOSED RULES
Safety Zones:
Annual Events at Captain of Port Sault Sainte Marie, 21677–21682
NOTICES
Meetings:
Navigation Safety Advisory Council, 21772–21773

Commerce Department
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21798–21799
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Collection of Qualitative, 21800–21801

Defense Department
See Navy Department
NOTICES
Meetings:
Defense Science Board, 21705–21706
Department of Defense Wage Committee, 21705
Privacy Act; Systems of Records, 21706–21710
Renewal of Department of Defense Federal Advisory Committees, 21710–21711

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21713–21716

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Alternative Efficiency Determination Methods and Alternate Rating Methods, 21673–21675
NOTICES
Issuance of Loan Guarantees:
Solar Partners for Ivanpah Solar Electric Generating System Units 1, 2, and 3, 21716–21718

Environmental Protection Agency
RULES
Finding of Substantial Inadequacy of Implementation Plan:
Call for Utah State Implementation Plan Revision, 21639–21652
Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule:
Amendments for Milk and Milk Product Containers, 21652–21660

PROPOSED RULES
Approval and Promulgation of Air Quality Implementation Plans:
Louisiana; Infrastructure Requirements for the 1997 8-Hour Ozone and Fine Particulate Matter National Ambient Air Quality Standards, 21682–21691
Approval and Promulgation of Implementation Plans:
Washington; Extension of Comment Period, 21691–21692
National Emission Standards for Hazardous Air Pollutants:
Primary Lead Smelting, 21692
NOTICES
Draft Toxicological Review of Methanol (Non–Cancer):
In Support of Summary Information on the Integrated Risk Information System, 21736–21738

Federal Aviation Administration
RULES
IFR Altitudes:
Miscellaneous Amendments, 21622–21628
PROPOSED RULES
Airworthiness Directives:
Dowty Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 Propeller Assemblies, 21675–21677
NOTICES
Petitions for Exemption; Summaries of Petitions Received, 21790

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21738–21741
Emergency Access Advisory Committee; Establishment; Correction, 21741
Meetings:
Twenty-First Century Communications and Video Programming Accessibility Act, 21741–21742
Petitions for Declaratory Rulings:
Scope of Preemption of Wireless Entry Regulation; Extension of Comment Period, 21742–21743

Federal Emergency Management Agency
RULES
Changes in Flood Elevation Determinations, 21660–21664
Final Flood Elevation Determinations, 21664–21672
PROPOSED RULES
Proposed Flood Elevation Determinations, 21693–21699
NOTICES
Emergency and Related Determinations:
North Dakota, 21773
Major Disaster and Related Determinations:
Hawaii, 21773–21774
Wisconsin, 21774
Major Disaster Declarations:
Missouri; Amendment No. 1, 21775

Federal Energy Regulatory Commission
NOTICES
Applications:
City of Wadsworth, OH, 21718–21719
Combined Filings, 21719–21734
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Woodway Energy Partners, LLC, 21734–21735
Petition for Approval of Settlement Amendment:
Northern Natural Gas Co., 21735
Petitions:
Solutions for Utilities, Inc. v. Pacific Gas and Electric Co., et al., 21735–21736

Federal Highway Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
Interstate 66 Corridor, Virginia, 21790

Federal Maritime Commission
NOTICES
Order of Investigation and Hearing:
Indigo Logistics, LLC, Liliya Ivanenko, and Leonid Ivanenko, 21743

Federal Motor Carrier Safety Administration
NOTICES
Parts and Accessories Necessary for Safe Operation:
Exemption Renewal for DriveCam, Inc., 21791–21792
Qualification of Drivers; Exemption Applications; Diabetes Mellitus, 21792–21796
Qualification of Drivers; Exemption Applications; Vision, 21796–21797

Food and Drug Administration
NOTICES
Guidance for Industry on How to Write a Request for Designation; Availability, 21752–21753
Site Tours Program, 21753

Foreign Assets Control Office
NOTICES
Designation of Five Individuals and Two Entities Pursuant to Executive Order 13566, 21801

Foreign-Trade Zones Board
NOTICES
Applications for Expansion:
Foreign-Trade Subzone 124B, North American Shipbuilding, LLC, Houma, LA, 21702–21703
Approval for Extensions of Subzone Status and Manufacturing Authority:
Foreign-Trade Subzone 169A, Aso LLC, Sarasota County, FL; Correction, 21703

Forest Service
NOTICES
Meetings:
Ravalli County Resource Advisory Committee, 21701–21702

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Sealed Bidding, 21743–21744

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Noncompetitive Program Extension Supplemental Awards, 21753–21754

Homeland Security Department
See Coast Guard

See Federal Emergency Management Agency
See U.S. Customs and Border Protection
NOTICES
Guidance to Financial Assistance Recipients Regarding Discrimination Affecting Limited English Proficient Persons, 21755–21768
Privacy Act; Systems of Records, 21768–21772

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Housing Improvement Program, 21778

Industry and Security Bureau
RULES
Implementation of Additional Changes from the Annual Review of the Entity List:
Removal of Person Based on Removal Request, 21628–21633

Interior Department
See Indian Affairs Bureau
See Land Management Bureau

International Trade Administration
NOTICES
Meetings:
U.S. Travel and Tourism Advisory Board, 21703

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Survey of Youth in Custody, 2011–2012, 21780–21781

Labor Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Repurposed Auto Manufacturing Facilities Study, 21781–21782

Land Management Bureau
NOTICES
Filing of Plats of Survey:
California, 21779
Montana, 21778–21779
Meetings:
Central Montana Resource Advisory Council, 21780
Dakotas Resource Advisory Council, 21779–21780

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 21782

National Institutes of Health
NOTICES
Meetings:
National Institute of Allergy and Infectious Diseases, 21754–21755
Office of the Director, 21755

National Oceanic and Atmospheric Administration
NOTICES
Applications for Permit Amendments
Marine Mammals; File No. 14326 and 14329, 21703–21705
Fisheries of the Exclusive Economic Zone Off Alaska:
Catch Accounting in Longline Catcher/Processor Pacific Cod Fishery, 21705

National Science Foundation
NOTICES
Meetings; Sunshine Act, 21782

Navy Department
NOTICES
Environmental Impact Statements; Availability, etc.:
Disposal and Reuse of Hunters Point Naval Shipyard, San Francisco, CA, 21711–21712
Final Environmental Assessments; Availability, etc.:
Small-Scale Wind Energy Projects at U.S. Marine Corps Facilities, 21712
Intent to Grant a Partially Exclusive Patent License; PopTest Cortisol LLC, 21712
Meetings:
Ocean Research and Resources Advisory Industry Sub–Panel, 21712–21713

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 21782–21783

Personnel Management Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Presidential Management Fellows Nomination Form, 21783–21784

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 21784
Self-Regulatory Organizations; Proposed Rule Changes:
NASDAQ OMX PHLX LLC, 21784–21785

Small Business Administration
NOTICES
Meetings:
National Women's Business Council, 21786

Social Security Administration
NOTICES
Meetings:
Occupational Information Development Advisory Panel, 21786

State Department
NOTICES
Meetings:
United States-Peru Environmental Affairs Council, Environmental Cooperation Commission, et al., 21786–21787
Notifications to Congress of Proposed Commercial Export Licenses, 21787–21789

Surface Transportation Board
NOTICES
Continuance in Control Exemptions:
Arkansas Shortline Railroads, Inc, and Camden and Southern Railroad, Inc., 21797–21798

Thrift Supervision Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Amendment of a Federal Savings Association Charter, 21801–21802

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Surface Transportation Board
NOTICES
Meetings:
ITS Joint Program Office, 21789

Treasury Department
See Comptroller of the Currency
See Foreign Assets Control Office
See Thrift Supervision Office
See United States Mint

U.S. Customs and Border Protection
NOTICES
Final Determination Concerning Certain Office Workstations, 21775–21778

United States Mint
NOTICES
Price of 2010 America the Beautiful Five Ounce Silver Uncirculated Coins, 21802

Veterans Affairs Department
NOTICES
Meetings:
Advisory Committee on the Readjustment of Veterans, 21802–21803

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301 21613
916 21615
917 21615
924 21618
925 21620

10 CFR
Proposed Rules:
431 21673

14 CFR
95 21622
Proposed Rules:
39 21675

15 CFR
730 21628
744 21628

33 CFR
110 21633
117 21636
165 21637
Proposed Rules:
165 21677

40 CFR
52 21639
112 21652
Proposed Rules:
52 (2 documents) 21682, 21691
63 21692

44 CFR
65 (2 documents) 21660, 21662
67 21664
Proposed Rules:
67 (2 documents) 21693, 21695

Rules and Regulations

Federal Register
Vol. 76, No. 74
Monday, April 18, 2011

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2010–0075]

Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the gypsy moth regulations by adding areas in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin to the list of generally infested areas based on the detection of infestations of gypsy moth in those areas. As a result of this action, the interstate movement of regulated articles from those areas is restricted. This action is necessary to prevent the artificial spread of the gypsy moth to noninfested areas of the United States.

DATES: This interim rule is effective April 18, 2011. We will consider all comments that we receive on or before June 17, 2011.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0075* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2010–0075, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2010–0075.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room 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) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Julie S. Spaulding, Forest Pest Programs Manager, Emergency and Domestic Programs, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737; (301) 734–5332.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest, shade, and commercial trees such as nursery stock and Christmas trees. The gypsy moth regulations (contained in 7 CFR 301.45 through 301.45–12 and referred to below as the regulations) restrict the interstate movement of regulated articles from generally infested areas to prevent the artificial spread of the gypsy moth.

In accordance with § 301.45–2 of the regulations, generally infested areas are, with certain exceptions, those States or portions of States in which a gypsy moth general infestation has been found by an inspector, or each portion of a State that the Administrator deems necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Less than an entire State will be designated as a generally infested area only if: (1) The State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of regulated articles that are substantially the same as those that are imposed with respect to the interstate movement of such articles; and (2) the designation of less than the entire State as a generally infested area will be adequate to prevent the artificial interstate spread of infestations of the gypsy moth.

Designation of Areas as Generally Infested Areas

Section 301.45–3 of the regulations lists generally infested areas. In this rule, we are amending § 301.45–3(a) by adding the following to the list of generally infested areas:

- *Indiana:* LaPorte County.
- *Maine:* In Penobscot County, the townships of Mount Chase, T5 R8 WELS, T6 R8 WELS, and the portion of T3 R8 WELS within the boundaries of Baxter State Park; in Piscataquis County, the townships of Mount Katahdin, Nesourdnahunk, Trout Brook, T3 R10 WELS, T4 R9 WELS, T5 R9 WELS, T6 R10 WELS, and the portion of T4 R10 WELS within the boundaries of Baxter State Park; and, in Somerset County, the townships of Bigelow, Lower Enchanted, Pierce Pond, and T3 R4 BKP WKR.
- *Ohio:* Athens, Crawford, Marion, and Vinton Counties.
- *Virginia:* The Cities of Covington and Radford, and Bland, Floyd, Franklin, and Pulaski Counties.
- *West Virginia:* Fayette County.
- *Wisconsin:* The Madeline Island area and the Apostle Islands National Lakeshore (island units only) of Ashland County, and Iron and Monroe Counties.

As a result of this rule, the interstate movement of regulated articles from these areas will be restricted.

We are taking this action because, in cooperation with the States of Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin, the United States Department of Agriculture conducted surveys that detected multiple life stages of the gypsy moth in the areas to be added. Based on these surveys, we determined that reproducing populations exist at significant levels in these areas and that eradication is not feasible. Adding these areas to the existing generally infested area will help prevent the artificial spread of the gypsy moth.

Editorial Amendments

We periodically review the list of generally infested areas for accuracy. During our last review, we noted several errors in the listing of generally infested areas in Maine:

- T3 R4 WELS, in Aroostook County, has long been considered a generally infested area, but has never been added to the regulations due to an inadvertent omission.

• Eustis, in Franklin County, should be included, in alphabetical order, in the list of townships rather than being listed separately as Eustis area.

• In Penobscot County, Patten should be included, in alphabetical order, in the list of townships rather than being listed separately as Patten area. In the same county, "Seboesis Plantation" should be spelled Seboeis Plantation.

• The Township of Veazie Gore is erroneously listed under Piscataquis, rather than Penobscot County.

• The Township of Wellington in Piscataquis County appears incorrectly as Willington.

We are amending the regulations in § 301.45–3 accordingly to correct these errors.

Emergency Action

This rulemaking is necessary on an emergency basis because of the possibility that the gypsy moth could be artificially spread to noninfested areas of the United States, where it could cause economic losses due to the defoliation of susceptible forest and shade trees. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis, which considers the number and types of entities that are likely to be affected by this action and the potential economic effects on those entities, provides the basis for the Administrator's determination that the rule will not have a significant economic impact on a substantial number of small entities. The economic analysis may be viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov). Copies of the economic analysis are also available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The requirements of this rule may cause a slight increase in costs for some of the affected entities, depending on the proportion of their sales made to buyers in non-quarantined areas. However, any negative impacts that may be incurred because of the rule will be small, especially when compared to the harm to the forest industry and the U.S. economy from further spread of the gypsy moth. Regulated articles that meet quarantine requirements can continue to be sold in non-quarantined areas. Impacts on prices and competitiveness will be insignificant.

Although the majority of affected establishments in the newly quarantined areas are small entities, the effects of this rule on these businesses will be minor. Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

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

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

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

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.45–3, paragraph (a) is amended as follows:

■ a. Under the heading Indiana, by adding, in alphabetical order, an entry for LaPorte County to read as set forth below.

■ b. Under the heading Maine, by revising the entries for Aroostook County, Franklin County, Penobscot County, Piscataquis County, and Somerset County to read as set forth below.

■ c. Under the heading Ohio, by adding, in alphabetical order, entries for Athens County, Crawford County, Marion County, and Vinton County to read as set forth below.

■ d. Under the heading Virginia, by adding, in alphabetical order, entries for the Cities of Covington and Radford and for Bland County, Floyd County, Franklin County, and Pulaski County to read as set forth below.

■ e. Under the heading West Virginia, by adding an entry for Fayette County to read as set forth below.

■ f. Under the heading Wisconsin, by adding, in alphabetical order, entries for Ashland County, Iron County, and Monroe County to read as set forth below.

§ 301.45–3 Generally infested areas.

(a) * * *

Indiana

* * * * *

LaPorte County. The entire county.

* * * * *

Maine

* * * * *

Aroostook County. The townships of Amity, Bancroft, Benedicta, Cary Plantation, Crystal, Dyer Brook, Forkstown, Glenwood Plantation, Haynesville, Hodgdon, Houlton, Island Falls, Linneus, Macwahoc Plantation, Molunkus, New Limerick, North Yarmouth Academy Grant, Oakfield, Orient, Reed Plantation, Sherman, Silver Ridge, Upper Molunkus, Weston, T1 R5 WELS, T2 R4 WELS, T3 R3 WELS, T3 R4 WELS, T4 R3 WELS, and TA R2 WELS.

* * * * *

Franklin County. Avon, Carthage, Chesterville, Coplin Plantation, Crockertown, Dallas Plantation, Davis, Eustis, Farmington, Freeman, Industry, Jay, Jerusalem, Kingfield, Lang, Madrid, Mount Abraham, New Sharon, New

Vineyard, Perkins, Phillips, Rangeley, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Township 6 North of Weld, Township D, Township E, Washington, Weld, Wilton, and Wyman.

* * * * *

Penobscot County. The townships of Alton, Argyle, Bangor City, Bradford, Bradley, Brewer City, Burlington, Carmel, Carroll Plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew Plantation, E. Millinocket, Eddington, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Grindstone, Hampden, Hermon, Hersey Town, Holden, Hopkins Academy Grant, Howland, Hudson, Indian Purchase, Kenduskeag, Kingman, Lagrange, Lakeville, Lee, Levant, Lincoln, Long A, Lowell, Mattamiscontis, Mattawamkeag, Maxfield, Medway, Milford, Millinocket, Mount Chase, Newburgh, Newport, Old Town City, Orono, Orrington, Passadumkeag, Patten, Plymouth, Prentiss Plantation, Seboeis Plantation, Soldiertown, Springfield, Stacyville, Stetson, Summit, Veazie, Veazie Gore, Webster Plantation, Winn, Woodville, T1 ND, T1 R6 WELS, T1 R8 WELS, T2 R8 NWP, T2 R8 WELS, T2 R9 NWP, T3 R1 NBPP, T3 R9 NWP, T5 R1 NBPP, T5 R8 WELS, T6 R8 WELS, TA R7, TA R8, TA R9, and the portion of T3 R8 within the boundaries of Baxter State Park.

Piscataquis County. The townships of Abbot, Atkinson, Barnard, Blanchard Plantation, Bowerbank, Brownville, Dover-Foxcroft, Elliotsville, Greenville, Guilford, Katahdin Iron Works, Kingsbury Plantation, Lakeview Plantation, Medford, Milo, Monson, Mount Katahdin, Nesourdnahunk, Orneville, Parkman, Sangerville, Sebec, Shirley, Trout Brook, Wellington, Williamsburg, Willimantic, T1 R9 WELS, T1 R10 WELS, T1 R11 WELS, T2 R10 WELS, T2 R9 WELS, T3 R10 WELS, T4 R9 NWP, T4 R9 WELS, T5 R9 NWP, T5 R9 WELS, T6 R10 WELS, T7 R9 NWP, TA R10 WELS, TA R11 WELS, TB R10 WELS, TB R11 WELS, and the portion of T4 R10 WELS within the boundaries of Baxter State Park.

* * * * *

Somerset County. The townships of Anson, Athens, Bald Mountain, Bigelow, Bingham, Bowtown, Brighton Plantation, Cambridge, Canaan, Caratunk, Carrying Place, Carrying Place Town, Concord Plantation, Cornville, Dead River, Detroit, East Moxie, Embden, Fairfield, Harmony, Hartland, Highland Plantation, Lexington Plantation, Lower Enchanted, Madison, Mayfield, Mercer, Moscow, Moxie Gore, New Portland, Norridgewock, Palmyra, Pierce Pond, Pittsfield, Pleasant Ridge Plantation, Ripley, Skowhegan, Smithfield, Solon, St. Albans, Starks, The Forks Plantation, West Forks Plantation, and T3 R4 BKP WKR.

* * * * *

Ohio

* * * * *

Athens County. The entire county.

* * * * *

Crawford County. The entire county.

* * * * *

Marion County. The entire county.

* * * * *

Vinton County. The entire county.

* * * * *

Virginia

* * * * *

City of Covington. The entire city.

* * * * *

City of Radford. The entire city.

* * * * *

Bland County. The entire county.

* * * * *

Floyd County. The entire county.

* * * * *

Franklin County. The entire county.

* * * * *

Pulaski County. The entire county.

* * * * *

West Virginia

* * * * *

Fayette County. The entire county.

* * * * *

Wisconsin

* * * * *

Ashland County. Madeline Island area and Apostle Islands National Lakeshore (island units only).

* * * * *

Iron County. The entire county.

* * * * *

Monroe County. The entire county.

* * * * *

Done in Washington, DC, this 13th day of April 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–9291 Filed 4–15–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Doc. No. AMS–FV–11–0019; FV11–916/917–5 IR]

Nectarines and Peaches Grown in California; Suspension of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule suspends the quality, inspection, reporting, and assessment requirements specified under the California nectarine and peach marketing orders (orders). The orders regulate the handling of nectarines and peaches grown in California. During recent referenda, less than the required two-thirds majority of growers, by number and production volume, favored continuation of the orders. After consideration of the referendum results and other factors, the Department of Agriculture (USDA) has decided to seek termination of the orders. Suspension of the handling regulations for the 2011 and subsequent marketing seasons will relieve handlers of all regulatory burden under the orders while USDA processes the terminations. Termination of the orders must be delayed until after a 60-day Congressional notification period following issuance of a proposed rule, which will be published in a future issue of the **Federal Register**.

DATES: Effective April 19, 2011; comments received by June 17, 2011 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection at the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the

comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Jerry L. Simmons, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901; Fax: (559) 487–5906; or E-mail: *Jerry.Simmons@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; Fax: (202) 720–8938; or E-mail: *Antoinette.Carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order Nos. 916 and 917, both as amended (7 CFR parts 916 and 917), regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the "orders." The orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Regulatory requirements for nectarines and peaches grown in California are suspended indefinitely beginning with the 2011 marketing season.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This action suspends for the 2011 and subsequent marketing seasons the quality, inspection, reporting, and assessment requirements for nectarines and peaches specified under the orders. Suspension of the handling requirements will relieve handlers of all regulatory burdens associated with the programs while USDA seeks to terminate the orders, which are no longer favored by industry growers.

The nectarine order has been in effect since 1958. The peach order, which includes provisions for the handling of fresh pears, has been in effect since 1939. The orders have been used over the years to provide the California tree fruit industries with authority for grade, size, maturity, pack, and container regulations, as well as authority for inspection requirements. The orders also authorize production research and marketing research and development projects, as well as the necessary reporting and recordkeeping functions required for operation. The programs are funded by assessments imposed on handlers.

Sections 916.64(e) and 917.61(e) of the orders require continuance referenda to be conducted every fourth year between December 1 and February 15. During the period January 12 through February 2, 2011, USDA conducted referenda among growers to determine if they favored continuation of their programs. The referendum order published in the **Federal Register** on December 13, 2010 (75 FR 77563), explained that USDA would consider terminating the orders if fewer than two-thirds of the growers voting and growers of less than two-thirds of the production volume represented in the referenda favored continuance.

Ballots were mailed to 447 known nectarine and peach growers in California. Ninety-nine valid nectarine ballots and 102 valid peach ballots were returned. Only 63 percent of participating nectarine growers, who produced 36 percent of the volume represented in the referendum, favored continuation of the nectarine order. Only 62 percent of the peach growers, who produced 36 percent of the volume represented in the referendum, favored continuing the peach order.

During the same period, referendum ballots were mailed to 140 pear growers. Thirty-four valid ballots were returned. Ninety-four percent of participating pear growers, who produced 99 percent of the production volume represented in the referendum, voted to continue the fresh pear order. The provisions of Marketing Order No. 917 (7 CFR part 917) pertaining to pears have been suspended since 1994 (59 FR 10055; March 5, 1994). However, because pear growers support continuance of the suspended provisions, USDA does not intend to terminate the pear provisions at this time. The remainder of this document pertains to the suspension of regulations under the nectarine and peach orders only.

These are the second consecutive referenda in which growers have failed to support continuation of the nectarine and peach orders. In 2003, growers did not vote in favor of continuing the programs. However, after conducting listening sessions with the industry, USDA determined that with certain modifications the order programs could continue to be beneficial. The orders were amended (71 FR 41345; July 21, 2006) and regulatory changes were made that were intended to make the programs relevant to contemporary industry needs (72 FR 18847; April 16, 2007). No continuance referenda were conducted in 2007 because the orders were being amended at the time.

Despite USDA efforts to help refine the programs over the past several years, growers have continued to express their belief that the programs no longer meet their needs. These referendum results demonstrate a lack of grower support needed to carry out the objectives of the Act. Thus, it has been determined that the provisions of the orders no longer tend to effectuate the declared policy of the Act. USDA intends to seek termination of the orders through the informal rulemaking process and will publish a proposed rule regarding the terminations in a future issue of the **Federal Register**. Additionally, USDA is required to notify Congress not later than 60 days before the date the order would be terminated.

The 2011–12 fiscal year for California nectarines and peaches began March 1, 2011. The 2011 marketing season begins on April 1. This action suspends the nectarine and peach quality, inspection, and assessment regulations in effect under the orders for the 2011–12 and subsequent marketing seasons. Also, handler reports would not be required beginning with the 2011 marketing season. Suspending all regulatory requirements relieves handlers of all regulatory burden under the orders.

It is hereby determined that the quality, inspection, reporting, and assessment requirements specified in Sections 916.110, 916.115, 916.234, 916.235, 916.350, and 916.356 for nectarines do not effectuate the declared policy of the Act and should not be applied during the 2011–12 and subsequent seasons. Further, it is hereby determined that the quality, inspection, reporting, and assessment requirements specified in Sections 917.143, 917.150, 917.258, 917.259, 917.442, and 917.459 for peaches do not effectuate the

declared policy of the Act and should not be applied during the 2011–12 and subsequent seasons. Therefore, these sections are suspended effective April 19, 2011. Upon termination of the order provisions pertaining to nectarines and peaches grown in California, these and other regulations under the orders would no longer be in effect.

Initial Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 97 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 447 growers of these fruits in California. Small agricultural service firms, which include handlers, are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural growers are defined as those having annual receipts of less than $750,000. A majority of these handlers and growers may be classified as small entities.

For the 2010 marketing season, the committees' staff estimated that the average handler price received was $10.50 per container or container equivalent of nectarines or peaches. A handler would have to ship at least 666,667 containers to have annual receipts of $7,000,000. Given data on shipments maintained by the committees' staff and the average handler price received during the 2010 season, the committees' staff estimates that approximately 46 percent of handlers in the industry would be considered small entities.

For the 2010 marketing season, the committees' staff estimated the average grower price received was $5.50 per container or container equivalent for nectarines and peaches. A grower would have to produce at least 136,364 containers of nectarines and peaches to have annual receipts of $750,000. Given data maintained by the committees' staff and the average grower price received during the 2010 season, the committees' staff estimates that more than 80 percent of the growers within the industry would be considered small entities.

This rule suspends the quality, inspection, and assessment requirements for nectarines and peaches under the orders. Also, handler reports would not be required beginning with the 2011 marketing season. This action is consistent with USDA's decision to seek termination of the nectarine and peach order provisions. Growers recently participated in continuance referenda to determine current support for the orders. Less than the required two-thirds majority of voters, by number and production volume, favored continuance. As provided in the orders, USDA is obligated to consider order termination when growers fail to support the order programs in sufficient numbers. Following the 2003 continuance referenda, in which voters did not support continuation of the programs, USDA conducted listening sessions in the industry. It was determined at that time that the programs might continue to benefit growers and handlers if certain modifications were made to the programs. The orders were amended in 2006 (71 FR 41345; July 21, 2006). Significant changes to the orders' grade and inspection regulations were subsequently made to reduce costs to handlers (72 FR 18847; April 16, 2007). The industries then transferred the bulk of their promotional activities to California State marketing programs. The California State marketing programs were subsequently discontinued in 2010. Despite all these attempts to modify the Federal programs, the industry has continued to express its belief that the benefits of the programs no longer outweigh the costs. Therefore, USDA has decided to seek termination of the nectarine and peach marketing order programs. Suspension of the regulations would relieve handlers of quality, inspection, and assessment burdens during the termination process. Also, handler reports would not be required beginning with the 2011 marketing season. Additionally, growers may be relieved of some costs, such as assessment expenses, which are often passed onto them by handlers. Suspension of the requirements is therefore expected to reduce the regulatory burden on handlers and growers of all sizes.

As an alternative to this rule, AMS considered not suspending the stated handler requirements. In that case, handlers would have to comply with all quality, inspection, assessment, and reporting requirements until the orders were terminated. However, AMS does not believe that it is appropriate to require handlers to continue to be regulated during the 2011 marketing season when AMS intends to terminate the orders as soon as practicable. Therefore, this alternative was rejected and handlers will be relieved of the regulatory burdens under orders 916 and 917.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large California nectarine or peach handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Antoinette Carter at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on suspension of the quality, inspection, reporting, and assessment requirements currently prescribed under the marketing orders for California fresh nectarines and peaches. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the results of recent grower continuance referenda, it is found that the regulatory requirements suspended by this interim rule, as hereinafter set forth, do not tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause

exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule should be implemented as soon as possible, since shipments of California nectarines and peaches are expected to begin in early April; (2) less than the required two-thirds majority of voters, by number or production volume, favored continuance of the nectarine and peach orders in the recent referenda; (3) handlers are aware of USDA's intention to suspend the regulations, which was announced in a press release issued on March 25, 2011; and (4) this rule provides a 60-day comment period, and any comments received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are amended as follows:

■ 1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

■ 2. In part 916, §§ 916.110, 916.115, 916.234, 916.235, 916.350, and 916.356 are suspended indefinitely, effective April 19, 2011.

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

■ 3. In part 917, § 917.143, paragraph (b), lift the suspensions of March 3, 1994 (59 FR 10056); and suspend §§ 917.143, 917.150, 917.258, 917.259, 917.442, and 917.459 indefinitely, effective April 19, 2011.

Dated: April 12, 2011.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2011–9328 Filed 4–15–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 924

[Docket No. AMS–FV–10–0053; FV10–924–1 FR]

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Termination of Marketing Order 924

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule, termination of order.

SUMMARY: This final rule terminates the Federal marketing order regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, and the rules and regulations issued thereunder. The Department of Agriculture (USDA) has determined that the marketing order is no longer an effective marketing tool for the fresh prune industry, and that termination best serves the current needs of the industry while also eliminating the costs associated with the operation of the marketing order.

DATES: *Effective Date:* April 19, 2011.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102–B, Fresno, California 93721, *telephone:* (559) 487–5110, *Fax:* (559) 487–5906, or *E-mail: Martin.Engeler@ams.usda.gov;* or Robert Curry, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 805 SW Broadway, Suite 930, Portland, Oregon 97205, *telephone:* (503) 326–2724, *Fax:* (503) 326–7440, or E-*mail: Robert.Curry@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; *telephone:* (202) 720–2491, *Fax:* (202) 720–8938, or *E-mail: Antoinette.Carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This action is governed by section 608c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act", and § 924.64 of Marketing Agreement and Order No. 924, both as amended (7 CFR part 924), effective under the Act and hereinafter referred to as the "order."

USDA is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule terminates Federal Marketing Order No. 924 and the rules and regulations issued thereunder. The order contains authority for regulation of the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. At a meeting held in Prosser, Washington, on June 1, 2010, the Committee unanimously recommended termination of the order.

Section 924.64 of the order provides, in pertinent part, that USDA terminate or suspend any or all provisions of the order when a finding is made that the order does not tend to effectuate the declared policy of the Act. Section 608c(16)(A) of the Act provides that USDA terminate or suspend the operation of any order whenever the order or provision thereof obstructs or does not tend to effectuate the declared policy of the Act. Additionally, USDA is required to notify Congress not later than 60 days before the date the order would be terminated.

The order, which was effectuated in 1960, provided the fresh prune industry in Washington and Oregon with authority for grade, size, quality, maturity, pack, and container regulations, as well as authority for mandatory inspection. The order also contained authorization for production research and marketing research and development projects, as well as the necessary reporting, recordkeeping, and assessment functions required for operation.

Based on the Committee's recommendation, USDA suspended the order's handling regulations on May 9, 2006 (71 FR 26817). The suspended

handling regulations (§ 924.319) consist of minimum quality requirements for certain fresh prunes produced within the regulated production area. When the Committee made the recommendation to suspend the handling regulations, the industry believed that the costs of inspection outweighed the benefits of having the regulatory requirements in effect. The Committee decided to evaluate the marketing conditions annually thereafter to determine whether to continue the regulatory suspension, reinstate handling regulations, or take some other action. The only regulatory provisions in effect after the 2006 suspension were those pertaining to collection of assessments for the purpose of maintaining the functionality of the Committee, and a reporting provision that provided a basis for assessment collection.

After four years of operating without the quality regulations in effect, the Committee, on June 1, 2010, determined that the suspension of the regulations had not negatively impacted the marketing of fresh Washington-Oregon prunes. Analysis of the marketing conditions between 2006 and 2010, as well as an analysis of statistics showing that the fresh prune industry has been in steady decline over the past several decades, led the Committee to conclude that the order is no longer an effective marketing tool for the fresh prune industry, and to subsequently recommend termination.

For the purpose of relieving the industry of regulation while the termination request was processed, an interim rule suspending the order's reporting and assessment requirements was published in the **Federal Register** on July 23, 2010 (75 FR 43039).

Evidence supporting the conclusion that the industry has been decreasing in scope and volume include statistics showing that the Washington-Oregon fresh prune industry has fewer producers and handlers today then there were when the order was promulgated, and that acreage and production has significantly declined as well. For example, USDA Marketing Order Administration Branch records from an amendatory referendum indicate that there were approximately 720 producers of fresh prunes in the order's production area in 1974, while the Committee's 2010 records show that there were only 56 active producers. Furthermore, Committee records indicate that there were 51 handlers in 1961—the year after the order was promulgated—as opposed to six handlers operating under the order in 2010. Committee records also indicate that 12,120 tons of fresh prunes were shipped in 1961 as compared to the 4,260 tons shipped in 2009. Finally, data provided by the USDA National Agricultural Statistics Service (NASS) indicates that prune acreage in Washington and Oregon has declined in the past 50 years by about 80 percent.

Final Regulatory Flexibility Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

During the 2009–2010 marketing year, there were six handlers of Washington-Oregon fresh prunes subject to regulation under the order and approximately 56 fresh prune producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000.

Based on information compiled by both the Committee and NASS, the average producer price for fresh prunes in 2009 was approximately $385 per ton. With 4,260 tons of fresh prunes shipped from the Washington and Oregon production areas in 2009, this equates to average producer revenue of about $30,000. In addition, AMS Market News Service reported that 2009 f.o.b. prices ranged from $12.00 to $18.00 per 30-pound container, indicating that the entire Washington-Oregon fresh prune industry handled less than $7,000,000 worth of prunes last season. In view of the foregoing, the majority of Washington-Oregon fresh prune producers and handlers may be classified as small entities.

This rule terminates the Federal marketing order for fresh prunes grown in Washington and Oregon, including the rules and regulations issued thereunder. The order contained authority to regulate the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection requirements being terminated by this rule were approved previously by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189. Termination of the reporting requirements is expected to reduce the total reporting burden on the handlers regulated under the order by about 2.5 hours, and should also further reduce industry expenses.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A proposed rule inviting comments regarding the termination of Marketing Order 924 was published in the **Federal Register** on November 8, 2010 (75 FR 68510). The rule was made available by the Committee to handlers and producers. In addition, the rule was made available through the Internet by the USDA and the Office of the **Federal Register**. The rule provided a 60-day comment period which ended on January 7, 2011. No comments were received.

Based on the foregoing, and pursuant to section 608c(16)(A) of the Act and § 924.64 of the order, it is hereby found that Federal marketing order 924 regulating the handling of fresh prunes produced in designated counties in Washington, and in Umatilla County, Oregon, does not tend to effectuate the declared policy of the Act, and is therefore terminated.

Section 8c(16)(A) of the Act requires USDA to notify Congress at least 60 days before terminating a Federal marketing order program. Congress was so notified on February 2, 2011. USDA hereby appoints Committee Chairman Paul Rush and Committee Secretary-Treasurer Ron Eakin as trustees to conclude and liquidate the affairs of the Committee and to continue in such capacity until discharged.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) This action relieves restrictions on handlers by terminating the requirements of the fresh prune order; (2) handling regulations under the order have been suspended since 2006; (3) the

Committee unanimously recommended termination, and all handlers and producers in the industry have been notified and provided an opportunity to comment; and (4) no useful purpose would be served by delaying the effective date.

List of Subjects in 7 CFR Part 924

Prunes, Marketing agreements, Reporting and recordkeeping requirements.

PART 924—[REMOVED]

■ For the reasons set forth in the preamble, and under authority of 7 U.S.C. 601–674, 7 CFR part 924 is removed.

Dated: April 12, 2011.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2011–9318 Filed 4–15–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Doc. No. AMS–FV–10–0104; FV11–925–1 FR]

Grapes Grown in Designated Area of Southeastern California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the California Desert Grape Administrative Committee (Committee) for the 2011 and subsequent fiscal periods from $0.01 to $0.0125 per 18-pound lug of grapes handled. The Committee locally administers the marketing order, which regulates the handling of grapes grown in a designated area of southeastern California. Assessments upon grape handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period began January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended or terminated.

DATES: *Effective Date:* April 19, 2011.

FOR FURTHER INFORMATION CONTACT: Jerry L. Simmons, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or E-mail: *Jerry.Simmons@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Ave., SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Antoinette.Carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 925, as amended (7 CFR part 925), regulating the handling of grapes grown in a designated area of southeastern California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, grape handlers in a designated area of southeastern California are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable grapes beginning on January 1, 2011, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 2011 and subsequent fiscal periods from $0.01 to $0.0125 per 18-pound lug of grapes.

The grape order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of grapes grown in a designated area of southeastern California. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2009 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on October 21, 2010, and unanimously recommended 2011 expenditures of $89,616 and an assessment rate of $0.0125 per 18-pound lug of grapes handled. In comparison, last year's budgeted expenditures were $73,666. The assessment rate of $0.0125 is $0.0025 higher than the rate currently in effect. The Committee recommended a higher assessment rate to offset the 2011 budget increases in research, general office expenses, management and compliance expenses, as well as a decreased crop estimate. The Committee estimated a decreased 2011 crop of 6,000,000 18-pound lugs of grapes handled, which is about 604,951 18-pound lugs fewer than the 6,604,951 18-pound lugs handled during the 2010 fiscal period. Based on increases in expenses and a decreased crop estimate, the Committee unanimously recommended that the assessment rate of $0.01 currently in effect be increased by $0.0025. Income derived from handler assessments, along with funds from the Committee's authorized reserve, should be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2011 fiscal period include $10,000 for research, $15,616 for general office expenses, and $64,000 for management and compliance expenses. The $10,000 research project is a for a new vine study proposed by the University of California Riverside. In comparison, major expenditures for the 2010 fiscal period included no funds for research, $13,666 for general office expenses, and

$60,000 management and compliance expenses.

The assessment rate recommended by the Committee was derived by the following formula: Anticipated 2011 expenses ($89,616) plus the desired 2011 ending reserve ($88,384), minus the 2011 beginning reserve ($103,000), divided by the estimated 2011 shipments (6,000,000 18-pound lugs) equals $0.0125 per lug.

Income generated through the $0.0125 assessment ($75,000) plus carry-in reserve funds ($103,000) should be sufficient to meet anticipated expenses ($89,616). Reserve funds by the end of 2011 are projected at $88,384 or about one fiscal period's expenses. Section 925.41 of the order permits the Committee to maintain about one fiscal period's expenses in reserve.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate the Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2011 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 14 handlers of southeastern California grapes who are subject to regulation under the order and about 50 grape producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000. Nine of the 14 handlers subject to regulation have annual grape sales of less than $7 million. Based on data from the National Agricultural Statistics Service and the Committee, the crop value for the 2010 season was about $38,139,629. Dividing this figure by the number of producers (50) yields an average annual producer revenue estimate of about $762,793. However, according to the Committee, at least ten of 50 producers would be considered small businesses under the Small Business Administration threshold of $750,000. Based on the foregoing, it may be concluded that a majority of grape handlers and at least ten of the producers could be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2011 and subsequent fiscal periods from $0.01 to $0.0125 per 18-pound lug of grapes. The Committee unanimously recommended 2011 expenditures of $89,616 and an assessment rate of $0.0125 per 18-pound lug of grapes handled. The assessment rate of $0.0125 is $0.0025 higher than the 2010 rate currently in effect. The Committee recommended the higher assessment rate of $0.0125 to offset the 2011 budget increases in research, general office expenses, management and compliance expenses, and a decreased crop estimate. The number of assessable grapes is estimated at 6 million 18-pound lugs of grapes. Thus, income generated through the $0.0125 assessment ($75,000) plus reserve funds ($103,000) should be sufficient to meet anticipated expenses ($89,616). Reserve funds by the end of 2011 are projected at $88,384 or about one fiscal period's expenses.

The major expenditures recommended by the Committee for the 2011 fiscal period include $10,000 for research, $15,616 for general office expenses, and $64,000 for management and compliance expenses. The $10,000 research project is for a new vine study proposed by the University of California Riverside. In comparison, major expenditures for the 2010 fiscal period included no funds for research, $13,666 for general office expenses, and $60,000 management and compliance expenses.

The assessment rate recommended by the Committee was derived based on the Committee's estimates of the available beginning reserve ($103,000), projected decreased crop size (6 million 18-pound lugs), anticipated assessment income ($75,000), anticipated expenses ($89,616), and the ending 2011 reserve ($88,384).

The Committee reviewed and unanimously recommended 2011 expenditures of $89,616, which included increases in research, general office expenses, and management and compliance expenses. Prior to arriving at this budget, the Committee considered alternative expenditures and assessment rates, to include not increasing the $0.01 assessment rate currently in effect. Based on a decreased 2011 estimate crop of 6 million 18-pound lugs, the Committee ultimately determined that increasing the assessment rate to $0.0125 combined with funds available from the reserve would adequately cover increased expenses and provide an adequate 2011 ending financial reserve.

A review of historical crop and price information, as well as preliminary information pertaining to the upcoming fiscal period indicates that the 2011 producer price for California grapes could average about $5.77 per 18-pound lug. With an assessment rate of $0.0125 per 18-pound lug of grapes for the 2011 season, the assessment revenue as a percentage of grower revenue would be 0.217 percent, or well below one percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the order. In addition, the Committee's meeting was widely publicized throughout the grape production area and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the October 21, 2010, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California grape handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public

sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

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

A proposed rule concerning this action was published in the **Federal Register** on February 9, 2011 (76 FR 7119).

Copies of the proposed rule were also mailed or sent via facsimile to all grape handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the **Federal Register**. A 30-day comment period ending March 11, 2011, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Antoinette Carter at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2011 fiscal period began on January 1, 2011, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable grapes handled during the fiscal period; (2) the Committee needs to have sufficient funds to meet its expenses which are on a continuous basis; and (3) handlers are aware of this action, which was recommended by the Committee at a public meeting. Also, a 30-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is amended as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

■ 1. The authority citation for 7 CFR part 925 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 925.215 is revised to read as follows:

§ 925.215 Assessment rate.

On and after January 1, 2011, an assessment rate of $0.0125 per 18-pound lug is established for grapes grown in a designated area of southeastern California.

Dated: April 12, 2011.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2011–9307 Filed 4–15–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30778; Amdt. No. 493]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, May 5, 2011.

FOR FURTHER INFORMATION CONTACT: Harry Hodges, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on April 1, 2011.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, May 5, 2011.

PART 95—[AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 493 effective date, May 5, 2011]

From	To	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3231 RNAV Route T231 Is Amended To Read in Part			
*FAIRBANKS, AK VORTAC	HOBOM, AK FIX	5100	17500
*4300—MCA FAIRBANKS, AK VORTAC, W BND			
§ 95.3281 RNAV Route T281 Is Added To Read			
YOZLE, NE FIX	BOKKI, NE FIX	4700	17500
BOKKI, NE FIX	AINSWORTH, NE VOR/DME	4600	17500
AINSWORTH, NE VOR/DME	LKOTA, SD FIX	4400	17500
LKOTA, SD FIX	PIERRE, SD VORTAC	4300	17500
§ 95.3283 RNAV Route T283 Is Added To Read			
SCOTTSBLUFF, NE VORTAC	GORDON, NE NDB	6300	17500
GORDON, NE NDB	WNDED, SD FIX	*5500	17500
*5000—MOCA			
WNDED, SD FIX	PIERRE, SD VORTAC	5000	17500
§ 95.3285 RNAV Route T285 Is Added To Read			
NORTH PLATTE, NE VORTAC	THEDFORD, NE VOR/DME	5000	17500
THEDFORD, NE VOR/DME	MARSS, NE FIX	4900	17500
MARSS, NE FIX	VALENTINE, NE NDB	4800	17500
VALENTINE, NE NDB	LKOTA, SD FIX	4500	17500
LKOTA, SD FIX	WINNER, SD VOR	4300	17500
WINNER, SD VOR	HURON, SD VORTAC	4000	17500
§ 95.3286 RNAV Route T286 Is Added To Read			
RAPID CITY, SD VORTAC	GORDON, NE NDB	5700	17500
GORDON, NE NDB	EFFEX, NE FIX	5600	17500
EFFEX, NE FIX	THEDFORD, NE VOR/DME	5400	17500
THEDFORD, NE VOR/DME	BOKKI, NE FIX	4900	17500
BOKKI, NE FIX	GRAND ISLAND, NE VORTAC	4600	17500
§ 95.3288 RNAV Route T288 Is Added To Read			
RAPID CITY, SD VORTAC	WNDED, NE FIX	5000	17500
WNDED, NE FIX	VALENTINE, NE NDB	5000	17500
VALENTINE, NE NDB	AINSWORTH, NE VOR/DME	*4700	17500
*4200—MOCA			
AINSWORTH, NE VOR/DME	FESNT, NE FIX	4500	17500
FESNT, NE FIX	WOLBACH, NE VORTAC	4300	17500
§ 95.4000 High Altitude RNAV Routes			
§ 95.4120 RNAV Route Q120 Is Added To Read			
SACRAMENTO, CA VORTAC	ZORUN, NV FIX	#*18000	45000
*18000—GNSS MEA			
#DME/DME/IRU MEA			
ZORUN, NV FIX	GALLI, NV FIX	#*24000	45000
*18000—GNSS MEA			
#DME/DME/IRU MEA			
GALLI, NV FIX	BIG PINEY, WY VOR/DME	#*23000	45000
*18000—GNSS MEA			
#DME/DME/IRU MEA			
BIG PINEY, WY VOR/DME	FOSIG, SD FIX	#*23000	45000

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 493 effective date, May 5, 2011]

From	To	MEA	MAA
*18000—GNSS MEA #DME/DME/IRU MEA			
FOSIG, SD FIX	REDWOOD FALLS, MN VOR/DME	#*18000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
§ 95.4121 RNAV Route Q121 Is Added To Read			
PARZZ, NV FIX	POCATELLO, ID VOR/DME	#*24000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
POCATELLO, ID VOR/DME	TOUGH, MT FIX	#*24000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
§ 95.4122 RNAV Route Q122 Is Added To Read			
MOGEE, CA FIX	MACUS, NV FIX	#*18000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
MACUS, NV FIX	MCORD, NV FIX	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
MCORD, NV FIX	LUCIN, UT VORTAC	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
LUCIN, UT VORTAC	BEARR, UT FIX	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
BEARR, UT FIX	KURSE, WY FIX	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
KURSE, WY FIX	O'NEILL, NE VORTAC	#*21000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
O'NEILL, NE VORTAC	FORT DODGE, IA VORTAC	#*18000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
§ 95.4123 RNAV Route Q123 Is Added To Read			
PARZZ, NV FIX	COKEE, MT FIX	#*24000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
§ 95.4124 RNAV Route Q124 Is Added To Read			
MOGEE, CA FIX	MACUS, NV FIX	#*18000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
MACUS, NV FIX	MCORD, NV FIX	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
MCORD, NV FIX	SLOWN, NV FIX	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
SLOWN, NV FIX	FASTE, NV FIX	#*28000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
FASTE, NV FIX	BONNEVILLE, UT VORTAC	#*23000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
BONNEVILLE, UT VORTAC	WAATS, UT FIX	#*18000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			
§ 95.4125 RNAV Route Q125 Is Added To Read			
PARZZ, NV FIX	WLLES, MT FIX	#*24000	45000
*18000—GNSS MEA #DME/DME/IRU MEA			

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 493 effective date, May 5, 2011]

From	To	MEA	MAA
§ 95.4126 RNAV Route Q126 Is Added To Read			
TIPRE, CA FIX *18000—GNSS MEA #DME/DME/IRU MEA	INSLO, NV FIX	#*21000	45000
INSLO, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	GAROT, UT FIX	#*26000	45000
GAROT, UT FIX *18000—GNSS MEA #DME/DME/IRU MEA	MEEKER, CO VOR/DME	#*19000	45000
§ 95.4128 RNAV Route Q128 Is Added To Read			
LINDEN, CA VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	JSICA, NV FIX	#*18000	45000
JSICA, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	EDLES, UT FIX	#*24000	45000
EDLES, UT FIX *18000—GNSS MEA #DME/DME/IRU MEA	FLOOD, CO FIX	#*24000	45000
FLOOD, CO FIX *18000—GNSS MEA #DME/DME/IRU MEA	ZAROS, CO FIX	#*20000	45000
ZAROS, CO FIX *18000—GNSS MEA #DME/DME/IRU MEA	BARTLESVILLE, OK VOR/DME	#*18000	45000
BARTLESVILLE, OK VOR/DME *18000—GNSS MEA #DME/DME/IRU MEA	RAZORBACK, AR VORTAC	#*18000	45000
RAZORBACK, AR VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	PAMMO, AR FIX	#*18000	45000
PAMMO, AR FIX *18000—GNSS MEA #DME/DME/IRU MEA	MEMPHIS, TN VORTAC	#*18000	45000
§ 95.4130 RNAV Route Q130 Is Added To Read			
LINDEN, CA VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	JSICA, NV FIX	#*18000	45000
JSICA, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	REANA, NV FIX	#*29000	45000
REANA, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	MRRNY, UT FIX	#*28000	45000
MRRNY, UT FIX *18000—GNSS MEA #DME/DME/IRU MEA	RATTLESNAKE, NM VORTAC	#*22000	45000
RATTLESNAKE, NM VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	DIXAN, NM FIX	#*22000	45000
DIXAN, NM FIX *18000—GNSS MEA #DME/DME/IRU MEA	MIRME, NM FIX	#*22000	45000
MIRME, NM FIX *18000—GNSS MEA #DME/DME/IRU MEA	PANHANDLE, TX VORTAC	#*18000	45000
§ 95.4132 RNAV Route Q132 Is Added To Read			
WEBGO, CA FIX *18000—GNSS MEA #DME/DME/IRU MEA	ANAHO, NV FIX	#*18000	45000
ANAHO, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	MYBAD, NV FIX	#*18000	45000

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 493 effective date, May 5, 2011]

From	To	MEA	MAA
MYBAD, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	ZERAM, NV FIX	#*18000	45000
ZERAM, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	MAGPY, NV FIX	#*26000	45000
§ 95.4134 RNAV Route Q134 Is Added To Read			
DUGLE, CA FIX *18000—GNSS MEA #DME/DME/IRU MEA	TATOO, NV FIX	#*20000	45000
TATOO, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	JULIK, UT FIX	#*24000	45000
JULIK, UT FIX *18000—GNSS MEA #DME/DME/IRU MEA	HERSH, UT FIX	#*21000	45000
HERSH, UT FIX *18000—GNSS MEA #DME/DME/IRU MEA	VOAXA, CO FIX	#*21000	45000
§ 95.4136 RNAV Route Q136 Is Added To Read			
COALDALE, NV VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	RUMPS, NV FIX	#*24000	45000
RUMPS, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	KATTS, NV FIX	#*24000	45000
KATTS, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	WEEMN, UT FIX	#*26000	45000
WEEMN, UT FIX *18000—GNSS MEA #DME/DME/IRU MEA	VOAXA, CO FIX	#*21000	45000
§ 95.4138 RNAV Route Q138 Is Added To Read			
WILLIAMS, CA VORTAC *18000—GNSS MEA #DME/DME/IRU MEA	FIMUV, CA FIX	#*18000	45000
FIMUV, CA FIX *18000—GNSS MEA #DME/DME/IRU MEA	JENSA, NV FIX	#*22000	45000
JENSA, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	PUHGI, NV FIX	#*24000	45000
PUHGI, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	ROOHZ, NV FIX	#*24000	45000
ROOHZ, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	PARZZ, NV FIX	#*24000	45000
PARZZ, NV FIX *18000—GNSS MEA #DME/DME/IRU MEA	UROCO, WY FIX	#*24000	45000
UROCO, WY FIX *18000—GNSS MEA #DME/DME/IRU MEA	RICCO, WY FIX	#*24000	45000
RICCO, WY FIX *18000—GNSS MEA #DME/DME/IRU MEA	MOTLY, SD FIX	#*24000	45000
MOTLY, SD FIX *18000—GNSS MEA #DME/DME/IRU MEA	ABERDEEN, SD VOR/DME	#*24000	45000

From	To	MEA
§ 95.6001 VICTOR Routes—U.S.		
§ 95.6012 VOR Federal Airway V12 Is Amended To Read in Part		
HARRISBURG, PA VORTAC	BOBSS, PA FIX	3100
BOBSS, PA FIX	POTTSTOWN, PA VORTAC	3000
§ 95.6013 VOR Federal Airway V13 Is Amended To Read in Part		
MC ALLEN, TX VOR/DME *5000—MRA **1700—MOCA	*MANNY, TX FIX	**5000
§ 95.6044 VOR Federal Airway V44 Is Amended To Read in Part		
BENDS, WV FIX	MORGANTOWN, WV VORTAC	4000
§ 95.6056 VOR Federal Airway V56 Is Amended To Read in Part		
COLUMBUS, GA VORTAC *3000—MRA	*PRATZ, GA FIX	2500
PRATZ, GA FIX *GNSS MEA #MACON R–265 UNUSABLE GNSS REQUIRED	#MACON, GA VORTAC	*2500
§ 95.6070 VOR Federal Airway V70 Is Amended To Read in Part		
RAYMO, TX FIX *1600—MOCA	JIMIE, TX FIX	*4000
§ 95.6138 VOR Federal Airway V138 Is Amended To Read in Part		
BRADY, NE FIX	GAMBL, NE FIX	4100
§ 95.6159 VOR Federal Airway V159 Is Amended To Read in Part		
VIRGINIA KEY, FL VOR/DME	NITNY, FL FIX	2100
§ 95.6162 VOR Federal Airway V162 Is Amended To Read in Part		
HARRISBURG, PA VORTAC	BOBSS, PA FIX	3100
§ 95.6195 VOR Federal Airway V195 Is Amended To Read in Part		
MANTECA, CA VOR/DME	TRACY, CA FIX.	
NE BND		2500
SW BND		4000
TRACY, CA FIX	SUNOL, CA FIX	5200
*RAGGS, CA FIX *8500—MRA **8500—MCA BESSA, CA FIX, S BND **4800—MOCA	**BESSA, CA FIX	**8500
§ 95.6198 VOR Federal Airway V198 Is Amended To Read in Part		
EAGLE LAKE, TX VOR/DME	BLUMS, TX FIX	2000
§ 95.6243 VOR Federal Airway V243 Is Amended To Read in Part		
LAGRANGE, GA VORTAC *3400—MOCA	HEFIN, AL FIX	*4000
§ 95.6257 VOR Federal Airway V257 Is Amended To Read in Part		
PHOENIX, AZ VORTAC	*AVENT, AZ FIX.	
NW BND		7000
SE BND *8000—MRA		5000
§ 95.6266 VOR Federal Airway V266 Is Amended To Read in Part		
SOUTH BOSTON, VA VORTAC *2000—MOCA *2300—GNSS MEA	LAWRENCEVILLE, VA VORTAC	*3000
LAWRENCEVILLE, VA VORTAC	FRANKLIN, VA VORTAC	2000

From	To	MEA
§ 95.6321 VOR Federal Airway V321 Is Amended To Read in Part		
LAGRANGE, GA VORTAC *3400—MOCA	HEFIN, AL FIX	*4000
§ 95.6520 VOR Federal Airway V520 Is Amended To Read in Part		
SALMON, ID VOR/DME *9000—MCA DUBOIS, ID VORTAC, E BND *10500—MCA DUBOIS, ID VORTAC, W BND	*DUBOIS, ID VORTAC	13500
§ 95.6524 VOR Federal Airway V524 Is Amended To Read in Part		
LARAMIE, WY VOR/DME *10900—MOCA *11000—GNSS MEA	SCOTTSBLUFF, NE VORTAC	*12000
§ 95.6533 VOR Federal Airway V533 Is Amended To Read in Part		
LAKELAND, FL VORTAC *4000—MRA	*CAMBE, FL FIX	2000
*CAMBE, FL FIX *4000—MRA	ORLANDO, FL VORTAC	2000
§ 95.6558 VOR Federal Airway V558 Is Amended To Read in Part		
EAGLE LAKE, TX VOR/DME	BLUMS, TX FIX	2000

§ 95.8003 VOR Federal Airway Changeover Points

Airway segment		Changeover points	
From	To	Distance	From
V140 Is Amended To Delete Changeover Point			
BLUEFIELD, WV VORTAC	MONTEBELLO, VA VOR/DME	44	Bluefield
V266 Is Amended To Modify Changeover Point			
SOUTH BOSTON, VA VORTAC	LAWRENCEVILLE, VA VORTAC	38	South Boston
§ 95.8005 Jet Route Changeover Points			
J120 Is Amended To Modify Changeover Point			
ST PAUL ISLAND, AK NDB/DME	BETHEL, AK VORTAC	190	St Paul Island

[FR Doc. 2011–9221 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730 and 744

[Docket No. 110222154–1181–01]

RIN 0694–AF13

Implementation of Additional Changes From the Annual Review of the Entity List; Removal of Person Based on Removal Request

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) to implement additional changes to the Entity List (Supplement No. 4 to part 744) on the basis of the annual review of the Entity List conducted by the End-User Review Committee (ERC). The ERC conducts the annual review to determine if any entities on the Entity List should be removed or modified. This rule implements the results of the annual review for entities located in Iran and the United Arab Emirates (U.A.E.). In addition to implementing changes from the annual review, this rule removes one person located in the United Kingdom (U.K.) from the Entity List. This person is being removed from the Entity List as a result of a request for removal submitted by that person, a review of information provided in the removal request in accordance with section 744.16 (Procedure for requesting removal or modification of an Entity List entity), and further review conducted by the End-User Review Committee's (ERC) member agencies. This rule makes a clarification to an existing entry located in China to accurately reflect the relationship between two aliases listed under that entry. The Entity List provides notice to the public that certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require a license from the Bureau of Industry and Security and that availability of license exceptions in such transactions is limited. Lastly, this rule updates the Code of Federal Regulations (CFR) legal authority citations for parts 730 and 744 of the EAR.

DATES: *Effective Date:* This rule is effective April 18, 2011.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chairman, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, E-mail: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List provides notice to the public that certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require a license from the Bureau of Industry and Security (BIS) and that the availability of license exceptions in such transactions is limited. Entities are placed on the Entity List on the basis of certain sections of part 744 (Control Policy: End-User and End-Use Based) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, when appropriate, the Treasury, makes all decisions to make additions to, removals from and other changes to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

Annual Review of the Entity List

This rule amends the Export Administration Regulations (EAR) to implement changes to the Entity List (Supplement No. 4 to part 744) on the basis of the annual review of the Entity List conducted by the ERC, in accordance with the procedures outlined in Supplement No. 5 to part 744 (Procedures for End-User Review Committee Entity List Decisions).

The changes from the annual review of the Entity List that are approved by the ERC are implemented in stages as the ERC completes its review of entities listed under different destinations on the Entity List. Within the past year, three final rules have been published implementing changes from the annual review. The first rule, published on May 28, 2010 (75 FR 29884), implemented the results of the annual review for listed entities located in Canada, Egypt, Germany, Hong Kong, Israel, Kuwait, Lebanon, Malaysia, South Korea, Singapore, and the U.K. The second rule, published on December 17, 2010 (75 FR 78883), implemented the results of the annual review for entities located in China and Russia. This rule, the third rule, implements the results of the annual review for entities located in Iran and the U.A.E. An additional rule will be published later in 2011, if needed, to implement the results of the annual review for entities listed located in Pakistan and Syria.

ERC Entity List Decisions

This rule removes two entities from the Entity List (one person located in the U.A.E. on the basis of the annual review, and one person located in the U.K. on the basis of a removal request), as described below under the heading Removals from the Entity List. On the basis of decisions made by the ERC during the annual review, this rule makes four modifications to the Entity List (modifications to one Iranian entry and three U.A.E. entries currently on the Entity List) by adding additional addresses, aliases and/or clarifying the names for these four entities, as described below under the heading Modifications to the Entity List. Lastly, this rule makes a correction to an existing entry listed under China to clarify the relationship between two aliases listed for the entity, as described below under the heading Correction to the Entity List.

Removals From the Entity List

This rule removes two entities from the Entity List (one from the U.A.E. on the basis of the annual review of the Entity List and one from the U.K. on the basis of a removal request), as follows:

(a) *Removal on the basis of the annual review.*

This final rule removes the following person located in the U.A.E. from the Entity List on the basis of a decision made by the ERC during the annual review:

United Arab Emirates

(1) *Sayed-Ali Hosseini,* 201 Latifah Building, Al Maktoum St., Dubai, U.A.E.

(b) *Removal on the basis of a removal request.*

The ERC also made a determination to remove one person, Ad Hoc Marine Designs Ltd., located in the U.K., as a result of this entity's request for removal from the Entity List. Based upon the review of the information provided in the removal request in accordance with Section 744.16 (Procedure for requesting removal or modification of an Entity List entity), and after review by the ERC's member agencies, the ERC determined that Ad Hoc Marine Designs Ltd. should be removed from the Entity List.

The ERC decision to remove Ad Hoc Marine Designs Ltd. took into account Ad Hoc Marine Designs Ltd.'s cooperation with the U.S. Government, as well as Ad Hoc Marine Designs Ltd.'s assurances of future compliance with the EAR. In accordance with section 744.16(c), the Deputy Assistant Secretary for Export Administration has sent written notification to Ad Hoc Marine Designs Ltd. informing this entity of the ERC's decision to remove it from the Entity List. This final rule implements the decision to remove this one British person from the Entity List.

Specifically, this rule removes the following person located in the U.K. from the Entity List:

United Kingdom

(1) *Ad Hoc Marine Designs Ltd.,* 38 Buckland Gardens, Ryde Isle of Wight PO 33 3AG United Kingdom.

The removal of these two entities from the Entity List eliminates the existing license requirements in Supplement No. 4 to part 744 for exports, reexports and transfers (in-country) to these two entities. However, the removal of these two entities from the Entity List does not relieve persons of other obligations under part 744 of the EAR or under other parts of the EAR. Neither the removal of an entity from the Entity List nor the removal of Entity List-based license requirements relieves persons of their obligations under General Prohibition 5 in section 736.2(b)(5) of the EAR which provides that, "you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR." Nor do these removals relieve persons of their obligation to apply for export, reexport or in-country transfer licenses required by other provisions of the EAR. BIS strongly urges the use of Supplement No. 3 to part 732 of the EAR, "BIS's 'Know Your Customer' Guidance and Red Flags," when persons are involved in transactions that are subject to the EAR.

Modifications to the Entity List

On the basis of decisions made by the ERC during the annual review, this rule amends four entries (one Iranian entity and three U.A.E. entities) currently on the Entity List by adding additional addresses or aliases, or by clarifying the names for the entities listed, as follows:

Iran

(1) *NBC Navegan Bar Co. Ltd., a.k.a., NBC Navegan Bar International Transport Co. Ltd.,* #135 Khorramshahr Ave., Tehran 15338–64163, and 101, Kohrramshahr Ave., Tehran 15338–64163.

United Arab Emirates

(1) *Abubakr Abuelazm,* Dubai, U.A.E., 500100 (See alternate address under Kuwait);

(2) *Advanced Technology General Trading Company, a.k.a, Advanced Technologies Emirates FZ–LLC,* Office #124 1st Floor, Building #3, Dell Building, Sheikh Zayed Road, Dubai Internet City, Dubai, U.A.E. (See alternate address under Kuwait); *and*

(3) *Farrokh Nia Yaghmaei, a.k.a, Farokh Nia Yaghmaei,* Flat 401- Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, U.A.E.; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, U.A.E.

Correction to the Entity List

Lastly, this rule makes a technical correction to a final rule published on December 17, 2010 (75 FR 78883). The changes in the December 17, final rule included a revision to the Entity List for an entity located in China called the "Chinese Academy of Engineering Physics." The changes included revising the entry to add additional aliases for that entry. The eighteenth alias was listed as "University of Electronic Science and Technology of China, 901 Institute, (No. 4, 2nd Section, North Jianshe Road, Chengdu, 610054)." These aliases should have been listed as two separate aliases: the "University of Electronic Science and Technology of China, (No. 4, 2nd Section, North Jianshe Road, Chengdu, 610054)" and the "901 Institute." This final rule corrects the entry by listing the aliases as separate aliases for the Chinese Academy of Engineering Physics.

China

(1) *Chinese Academy of Engineering Physics,* a.k.a., the following nineteen aliases:

—Ninth Academy;
—Southwest Computing Center;
—Southwest Institute of Applied Electronics;
—Southwest Institute of Chemical Materials;
—Southwest Institute of Electronic Engineering;
—Southwest Institute of Environmental Testing;
—Southwest Institute of Explosives and Chemical Engineering;
—Southwest Institute of Fluid Physics;
—Southwest Institute of General Designing and Assembly;
—Southwest Institute of Machining Technology;
—Southwest Institute of Materials;
—Southwest Institute of Nuclear Physics and Chemistry (a.k.a., China Academy of Engineering Physics (CAEP)'s 902 Institute);
—Southwest Institute of Research and Applications of Special Materials Factory;
—Southwest Institute of Structural Mechanics;
(—all of the preceding located in or near Mianyang, Sichuan Province)
—Chengdu Electronic Science and Technology University (CUST);
—The High Power Laser Laboratory, Shanghai;
—*The Institute of Applied Physics and Computational Mathematics, Beijing;
—*University of Electronic Science and Technology of China, (No. 4, 2nd Section, North Jianshe Road, Chengdu, 610054); *and*
—*901 Institute.

A BIS license is required for the export, reexport or transfer (in-country) of any item subject to the EAR to the persons described above, including any transaction in which this listed entity will act as purchaser, intermediate consignee, ultimate consignee, or end-user of the items. This listing of these entities also prohibits the use of license exceptions (see part 740 of the EAR) for exports, reexports and transfers (in-country) of items subject to the EAR involving this entity.

Update to Statement of Legal Authority for Parts 730 and 744

This rule also revises the authority citation paragraphs for parts 730 and 744 to include the President's notice of January 13, 2011, which extends for one year the emergency declared on January 23, 1995 (Executive Order 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356) and the measures adopted on that date and on August 20, 1998 (Executive Order 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208). These two authority citation paragraph revisions are purely procedural and do not alter any right, obligations or prohibition to any person under the EAR.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting or reexporting carrier, or en route aboard a carrier to a port of export or reexport, on April 18, 2011, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR) so long as they are exported or reexported before May 3, 2011. Any such items not actually exported or reexported before midnight, on May 3, 2011, require a license in accordance with the EAR.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 12, 2010, 75 FR 50681 (August 16, 2010), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Total burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694–0088 are expected to increase slightly as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by e-mail to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (See 5 U.S.C. 553(a)(1)). The U.S. Government's original basis for adding the entities affected by this rule to the Entity List was their (the entities') involvement in activities contrary to U.S. national security or foreign policy interests. BIS implements this rule to

further protect U.S. national security and foreign policy interests by preventing items from being exported, reexported or transferred (in-country) to these persons listed on the Entity List by making clarifications to the existing entries to inform exporters, reexporters and persons making transfers (in-country) of the intended scope of the license requirements for these listed persons. This action does this by adding additional addresses for listed persons, clarifying names for listed persons and adding aliases for listed persons. If this rule were delayed to allow for notice and comment and a delay in effective date, there is a chance that certain exporters, reexporters and persons making transfers (in-country) to these listed persons may inadvertently export, reexport or transfer (in-country) to a listed person on the Entity List because the exporter, reexporter or person making the transfer (in-country) did not realize the listed person was subject to the Entity List-based license requirement because of perceived ambiguity regarding the listed person, such as the listed person was using an alias or an alternate address. There is also a chance an exporter, reexporter or person making a transfer (in-country) may turn away a potential export, reexport, or transfer (in-country) because the customer appeared to be within the scope of a listed person on the Entity List, thereby harming U.S. economic interests. The clarification of language provided in this rule may make clear that the person was not subject to an Entity List-based license requirement. For these reasons there is a public interest that these changes be implemented as a final action. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable.

List of Subjects

15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and recordkeeping requirements, Strategic and critical materials.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 730 and 744 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 730—[AMENDED]

■ 1. The authority citation for 15 CFR part 730 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p.133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p.208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010); Notice of November 4, 2010, 75 FR 68673 (November 8, 2010); Notice of January 13, 2011, 76 FR 3009.

PART 744—[AMENDED]

■ 2. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010); Notice of November 4, 2010, 75 FR 68673 (November 8, 2010); Notice of January 13, 2011, 76 FR 3009 (January 18, 2011).

■ 3. Supplement No. 4 to part 744 is amended:

■ (a) By removing under United Arab Emirates, the entity: "Sayed-Ali Hosseini, 201 Latifah Building, Al Maktoum St., Dubai, U.A.E.";

■ (b) By removing under United Kingdom, the entity: "Ad Hoc Marine Designs Ltd., 38 Buckland Gardens, Ryde Isle of Wight PO 33 3AG, United Kingdom."

■ (c) By revising under China, the entity "Chinese Academy of Engineering Physics";

■ (d) By revising under Iran, the entity "NBC Navegan Bar Co. Ltd"; and

■ (e) By revising under United Arab Emirates, the entities "Abubakr Abuelazm," "Advanced Technology General Trading Company," and Farrokh Nia Yaghmaei.

The revisions read as follows:

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF.	*	*	*	*
	Chinese Academy of Engineering Physics a.k.a., the following nineteen aliases: —Ninth Academy; —Southwest Computing Center; —Southwest Institute of Applied Electronics; —Southwest Institute of Chemical Materials; —Southwest Institute of Electronic Engineering; —Southwest Institute of Environmental Testing; —Southwest Institute of Explosives and Chemical Engineering; —Southwest Institute of Fluid Physics;	For all items subject to the EAR.	Case-by-case basis.	62 FR 35334, 6/30/97. 66 FR 24266, 5/14/01. 75 FR 78883, 12/17/10. 76 FR [INSERT FR PAGE NUMBER], 4/18/11.

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	**Federal Register** citation
	—Southwest Institute of General Designing and Assembly; —Southwest Institute of Machining Technology; —Southwest Institute of Materials; —Southwest Institute of Nuclear Physics and Chemistry (a.k.a., China Academy of Engineering Physics (CAEP)'s 902 Institute); —Southwest Institute of Research and Applications of Special Materials Factory; —Southwest Institute of Structural Mechanics; (all of preceding located in or near Mianyang, Sichuan Province); — Chengdu Electronic Science and Technology University (CUST); —The High Power Laser Laboratory, Shanghai; —The Institute of Applied Physics and Computational Mathematics, Beijing; —University of Electronic Science and Technology of China, 901 Institute, (No. 4, 2nd Section, North Jianshe Road, Chengdu, 610054); *and* —901 Institute.	.		
*	* * *	*	*	*
IRAN	* * *	*	* *	*
	NBC Navegan Bar Co. Ltd., a.k.a., NBC Navegan Bar International Transport Co. Ltd., #135 Khorramshahr Ave., Tehran 15338–64163, *and* 101, Kohrramshahr Ave., Tehran 15338–64163.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	73 FR 54503, 9/22/08. 76 FR [INSERT FR PAGE NUMBER], 4/18/11.
	* * *	*	* *	*
*	* * *	*	*	*
UNITED ARAB EMIRATES.	* * *	*	* *	*
	Abubakr Abuelazm, Dubai, U.A.E., 500100 (See alternate address under Kuwait).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	73 FR 54509, 9/22/08. 76 FR [INSERT FR PAGE NUMBER], 4/18/11.
	Advanced Technology General Trading Company, a.k.a, Advanced Technologies Emirates FZ–LLC, Office #124 1st Floor, Building #3, Dell Building, Sheikh Zayed Road, Dubai Internet City, Dubai, U.A.E. (See alternate address under Kuwait).	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial.	73 FR 54509, 9/22/08. 73 FR 74001, 12/5/08. 74 FR 35797, 7/21/09. 76 FR [INSERT FR PAGE NUMBER], 4/18/11.
	* * *	*	* *	*
	Farrokh Nia Yaghmaei, a.k.a, Farokh Nia Yaghmaei, Flat 401—Bin Yas Center—Al Maktum Road, P.O. Box 42340, Dubai, U.A.E.; and Shops 3–4, Sharafia Ahmed Ali Building, al-Nakheel, Deira, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	73 FR 54510, 9/22/08. 76 FR [INSERT FR PAGE NUMBER], 4/18/11.
	* * *	*	* *	*
*	* * *	*	*	*

Dated: April 11, 2011.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2011–9181 Filed 4–15–11; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG–2008–0852]

RIN 1625–AA01

Disestablishing Special Anchorage Area 2; Ashley River, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is disestablishing the special anchorage, referred to as Ashley River Anchorage 2, in Charleston, South Carolina. The removal of Ashley River Anchorage 2 would accommodate an expansion of the Ripley Light Yacht Club.

DATES: This rule is effective July 18, 2011.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2008–0852 and are available online by going to *http://www.regulations.gov,* inserting USCG–2008–0852 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Lieutenant Julie Blanchfield, Sector Charleston Office of Waterways Management, Coast Guard; telephone 843–740–3184, e-mail *Julie.E.Blanchfield@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On June 5, 2009, we published a notice of proposed rulemaking (NPRM) entitled Disestablishing Special Anchorage Area 2; Ashley River, Charleston, SC in the **Federal Register** (74 FR 27000). We received six submissions, with a total of 24 comments on the proposed rule. No public meetings were requested, and a public meeting was not held.

Basis and Purpose

Under 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 33 CFR 1.05–1; and the Department of Homeland Security Delegation No. 0170.1, the Coast Guard may establish special anchorage areas. A special anchorage area is a designated water area within which vessels sixty-five feet (20 meters) or less in length are not required to: (1) Sound signals required by Rule 35 of the Inland Navigation Rules (33 U.S.C. 2035); or (2) exhibit the white anchor lights or shapes required by Rule 30 of the Inland Navigation Rules (33 U.S.C. 2030).

Ashley River Properties and the Ripley Light Yacht Club submitted a permit application to the Army Corps of Engineers to construct an additional 200 slips for pleasure craft at the Ripley Light Yacht Club in Charleston, South Carolina. The proposed expansion would encompass most of the area currently designated as Ashley River Anchorage 2. Removal of Ashley River Anchorage 2 would be necessary before the Ripley Light Yacht Club expansion can commence. There are, however, several other locations where vessels currently anchored at Ashley River Anchorage 2 may relocate.

Background

In 1983, the Port of Charleston had no designated special anchorage areas. Subsequently, two anchorage areas were designated. However, no distinction was made between anchorage for commercial and recreational vessels; either type of vessel could anchor in the two designated anchorages. These two anchorage areas did not provide a sufficient area for large commercial vessels, and they did not prevent both large commercial vessels and small recreational vessels from competing for the same anchorage grounds.

In 1984, the Coast Guard published a final rule (49 FR 26587) establishing the four currently designated commercial anchorage areas in the Port of Charleston under 33 CFR 110.173. The Coast Guard also established a special anchorage area adjacent to the Charleston Peninsula on the Ashley River. This special anchorage area on the Ashley River existed until the Coast Guard issued a final rule in 1996 (61 FR 40993) converting the special anchorage area into two special anchorage areas: Ashley River Anchorage 1 and Ashley River Anchorage 2. The special anchorage area was converted to accommodate an expansion to the George M. Lockwood Municipal Marina, currently known as The City Marina. Ashley River Anchorage 2 is the smaller of the two special anchorage areas established in 1996.

In 2008, Ashley River Properties and the Ripley Light Yacht Club submitted a permit to the Army Corps of Engineers to construct 200 additional boat slips at the Ripley Light Yacht Club. The proposed expansion encompasses most of the area currently designated as Ashley River Anchorage 2. The Ripley Light Yacht Club expansion will accommodate significantly more vessels than can currently safely anchor in Ashley River Anchorage 2.

The Ripley Light Yacht Club intends to reserve several of the 200 additional slips for transient recreational boaters. Additionally, transient slips are available at the Ripley Light Yacht Club, The City Marina, and Anchorage 1 remains a viable and convenient location for recreational vessels to anchor. Finally, recreational vessels may anchor in other areas of the Port of Charleston so long as they comply with applicable Navigation Rules and do not pose a navigational hazard while anchored.

Discussion of Comments and Changes

The Coast Guard received six submissions, containing a total of 24 comments, regarding the NPRM.

Abandoned and Sunken Vessels

One comment stated that due to the considerable amount of abandoned and sunken vessels within the larger remaining anchorage, Ashley River Anchorage 1 will not be able to accommodate vessels currently anchored in Ashley River Anchorage 2. Three comments recommended Ashley River Anchorage 2 not be disestablished until abandoned and sunken vessels in the two special anchorage areas were removed. The Coast Guard understands that Ashley River Properties will remove all abandoned and sunken vessels in both special anchorage areas prior to commencing the Ripley Light Yacht Club expansion. The removal of abandoned and sunken vessels would provide additional space in Ashley River Anchorage 1. After abandoned and sunken vessels have been removed from Ashley River Anchorage 1, Ashley River Anchorage 1 will be able to accommodate all of the vessels currently in Ashley River Anchorage 2. Additionally, this rule does not require vessels to leave the location where they are currently anchored. This rule merely

disestablishes Ashley River Anchorage 2. Vessels may still remain anchored in their current location so long as they comply with applicable Navigation Rules and do not pose a navigational hazard while anchored. Therefore, the Coast Guard made no changes to the final rule based on these comments.

One comment suggested that by disestablishing Ashley River Anchorage 2, the Coast Guard would be encouraging the abandonment of vessels in alternate locations. The Coast Guard does not establish special anchorage areas to facilitate the abandonment of vessels, nor should special anchorage areas be used in such a manner. Additionally, there are several other locations where vessels currently anchored at Ashley River Anchorage 2 may relocate, including Ashley River Anchorage 1. Therefore, the Coast Guard made no changes to the final rule based on this comment.

Two comments expressed concern that: (1) Some persons who currently anchor their vessels at Ashley River Anchorage 2 may not be able to afford to pay for a slip rental in the Port of Charleston; (2) there are few inexpensive places in the Charleston area to anchor; and (3) Ashley River Anchorages 1 and 2 should be protected. The Coast Guard is not reducing the number of free or low-cost anchoring locations by removing Ashley River Anchorage 2. The Coast Guard understands that, as part of the Ripley Light Yacht Club expansion project, Ashley River Properties will be removing abandoned and sunken vessels from both special anchorage areas. Removal of these abandoned and sunken vessels in Ashley River Anchorage 1 will provide additional space for those vessels currently anchored at Ashley River Anchorage 2. Moreover, vessels may still anchor in other areas in the Port of Charleston at no cost so long as they comply with applicable Navigation Rules and do not pose a navigational hazard while anchored. Therefore, the Coast Guard does not believe that disestablishing Ashley River Anchorage 2 will prevent mariners from anchoring their boats nearby. There are several nearby locations where vessels currently anchored in Ashley River Anchorage 2 may relocate, including Ashley River Anchorage 1. Therefore, the Coast Guard made no changes to the final rule based on these comments.

One comment stated that Ashley River Anchorage 1 is much more exposed to prevailing wind and weather than Ashley River Anchorage 2 and, therefore, is more suitable to larger vessels than Ashley River Anchorage 2. The Coast Guard disagrees with this comment. Ashley River Anchorage 1 is not much more exposed to prevailing wind and weather than Ashley River Anchorage 2. In fact, the two anchorages are within 200 yards of one another. Therefore, the Coast Guard made no changes to the final rule based on this comment.

Two comments stated that the area between Ripley Light Yacht Club and the Ashley River Marina will become overly congested by vessel traffic because of the Ripley Light Club expansion. The Coast Guard believes that disestablishing Ashley River Anchorage 2 will not increase vessel congestion in this area. The removal of Ashley River Anchorage 2 and the abandoned and sunken vessels contained in the anchorage will actually increase space for vessels to maneuver. Therefore, the Coast Guard made no changes to the final rule based on these comments.

Ripley Light Yacht Club Marina Expansion

Two comments stated that because the proposed expansion extends into the anchorage, the construction permit should have been denied. The Coast Guard does not have authority to approve or disapprove the Ripley Light Club expansion, and the Ripley Light Yacht Club marina expansion permitting process is not within the scope of this final rule. Comments regarding the issuance of the Ripley Light Yacht Club marina expansion permit should be submitted to Federal, State, and local agencies handling the permit application, including the Army Corps of Engineers and the South Carolina Office of Coastal Resource Management. Therefore, the Coast Guard made no changes to the final rule based on these comments.

One comment stated that the Ripley Light Yacht Club is not similar to other yacht clubs and is more like a business. The name and business practices of the Ripley Light Yacht Club are outside the scope of this rulemaking. Therefore, the Coast Guard made no changes to the final rule based on this comment.

One comment stated that the proposed rule benefits the private financial gain of the developer at the expense of numerous small entities. The Coast Guard disagrees that disestablishing Ashley River Anchorage 2 would impose costs on small entities. There are several nearby locations where vessels currently anchored in Ashley River Anchorage 2 may relocate at no additional cost.

One comment stated that the developer has no riparian rights to the land beneath Ashley River Anchorage 2, and that the proposed rule would give Federal property to a private entity. This comment is outside the scope of the final rule. By disestablishing Ashley River Anchorage 2, the Coast Guard is not conferring any Federal property rights on any private entity. Therefore, the Coast Guard made no changes to the final rule based on this comment.

One comment stated that an environmental study should be conducted to analyze the environmental effects of the marina expansion. While the permit process for the marina expansion may require an environmental review, the Coast Guard has determined that the disestablishment of the Ashley River Anchorage 2 is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f). The Environment section below discusses this categorical exclusion determination in detail. Therefore, the Coast Guard made no changes to the final rule based on these comments.

One comment stated that under the Background and Purpose and Discussion of Proposed Rule sections of the NPRM, the Coast Guard indicated that the proposed marina expansion will "extend into" Ashley River Anchorage 2, when the expansion actually completely encompasses the existing anchorage. The Coast Guard disagrees with the comment that the expansion will completely encompass Ashley River Anchorage 2. However, the Coast Guard has amended the preamble to state that the expansion will "encompass most of the area currently designated as Ashley River Anchorage 2."

Local Enforcement of Anchorage

One comment suggested the creation of an association of interested citizens that could monitor and assist in maintaining Ashley River Anchorage 2. This comment is outside the scope of the regulation. Therefore, the Coast Guard made no changes to the final rule based on this comment.

Two comments recommended that jurisdiction over Ashley River Anchorage 1 and 2 should be turned over to the local government to establish and enforce. To the extent this comment suggests the creation of local ordinances, the suggestion is outside the Coast Guard's authority, and the Coast Guard does not believe this recommendation affects the disestablishment of Ashley River Anchorage 2. Additionally, a proposal to disestablish Ashley River Anchorage

1 would require a separate rulemaking. At this time, the Coast Guard does not have any intention of disestablishing Ashley River Anchorage 1. Therefore, the Coast Guard made no changes to the final rule based on these comments.

Relocation of the Ashley River Channel

Two comments stated that The City Marina may attempt to have the existing channel relocated westward due to insufficient water depths at The City Marina. As such, The City Marina will soon be submitting a permit that would affect both anchorages. These commenters recommended the Coast Guard abandon this rulemaking until The City Marina submits the permit. The Coast Guard does not believe the proposal by The City Marina should have any impact on disestablishing Ashley River Anchorage 2. While relocation of the channel could impact the location of part of Ashley River Anchorage 1, it should not reduce the overall anchorage space. In any event, the Coast Guard will consider proposals affecting Ashley River Anchorage 1 separately. Therefore, the Coast Guard made no changes to the final rule based on these comments.

Notice and Comments Regarding the Proposed Rule

One comment stated that Marine Safety Information Bulletin (MSIB) 31–09, announcing the proposed rule, was not distributed to every vessel currently moored in Ashley River Anchorage 2 until July 10, 2009. The Coast Guard provided notice of the NPRM by several means. First, on June 1, 2009, the Coast Guard posted MSIB 31–09 on the Internet at *http://homeport.uscg.mil.* Second, on June 1, 2009, the Coast Guard e-mailed MSIB 31–09 to subscribers of a Coast Guard sponsored e-mail list server, which is available for free to the public at *http://cgls.uscg.mil/mailman/listinfo/secchas-msib.* Third, the NPRM was published in the **Federal Register** on June 5, 2009 (74 FR 27000). Fourth, the Coast Guard distributed MSIB 31–09 to all vessels in Ashley River Anchorage 2. Such notification efforts exceed standard outreach efforts for **Federal Register** publications and satisfy the notice requirement set forth in the Administrative Procedure Act (5 U.S.C. 553).

One comment requested that the Coast Guard consider extending the August 4, 2009 deadline for public comments. The Coast Guard did not receive this request to extend the comment period until August 3, 2009, the day prior to the end of the comment period, and did not believe it necessary to extend the comment period.

After considering all the comments, the Coast Guard made no changes to the proposed rule.

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.

Executive Order 12866 and Executive Order 13563

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, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The economic impact of this rule is not significant because of the following reasons: (1) The limited geographic area impacted by disestablishing Ashley River Anchorage 2 will not restrict or otherwise significantly impact the movement or routine operation of a large number of commercial or recreational vessels in the Ashley River; and (2) vessels currently located in Ashley River Anchorage 2 may relocate to Ashley River Anchorage 1, a larger anchorage nearby, or other areas of the Port of Charleston, where they may anchor at no cost, so long as they comply with applicable Navigation Rules and do not pose a navigational hazard while anchored.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of recreational vessels intending to anchor in the Port of Charleston, Ripley Light Yacht Club, and The City Marina. This rule would not have a significant impact on a substantial number of small entities for the following reasons: (1) Ashley River Anchorage 2 is small and cannot accommodate many vessels; (2) recreational vessels that currently anchor at Ashley River Anchorage 2 may anchor at many other nearby locations, including Ashley River Anchorage 1, Ripley Light Yacht Club, or The City Marina, all of which are located nearby; and (3) after the expansion is completed, the Ripley Light Yacht Club will be able to accommodate significantly more transient vessels than could fit in Ashley River Anchorage 2.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the

aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, because it involves disestablishing a special anchorage area. Under figure 2–1, paragraph (34)(f), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.72d to read as follows:

§ 110.72d Ashley River, SC.

All waters on the southwest portion of the Ashley River encompassed within the following points: beginning at 32°46′42.7″ N, 79°57′19.3″ W; thence southwest to 32°46′38.0″ N, 79°57′24.0″ W; thence southeast to 32°46′32.0″ N, 79°57′15.5″ W; thence southeast to 32°46′29.0″ N, 79°57′00.9″ W; thence back to origin following the southwest boundary of the Ashley River Channel. All coordinates are North American Datum 1983.

Dated: March 10, 2011.

William D. Baumgartner,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2011–9255 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket Number USCG–2011–0243]

RIN 1625–AA09

Drawbridge Operation Regulation; Illinois Waterway, Joliet, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Cass Street Drawbridge across the Illinois Waterway, mile 288.1, at Joliet, Illinois. The deviation is necessary to allow participants in an 8K run to cross the bridge. This deviation allows the bridge to be maintained in the closed-to-navigation position for three hours.

DATES: This deviation is effective from 8:30 a.m. to 11:30 a.m. on May 14, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0243 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0243 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Eric A. Washburn, Bridge Administrator, Coast Guard; telephone (314) 269–2378, e-mail *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Illinois Department of Transportation requested a temporary deviation for the

Cass Street Drawbridge, across the Illinois Waterway, mile 288.1, at Joliet, Illinois to remain in the closed-to-navigation position for three hours while an 8K run is held in the city of Joliet, IL. The Cass Street Drawbridge currently operates in accordance with 33 CFR 117.393(c), which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart, except that they need not open from 7:30 a.m. to 8:30 a.m. and from 4:15 to 5:15 p.m., Monday through Saturday.

There are no alternate routes for vessels transiting this section of the Illinois Waterway.

The Cass Street Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 16.6 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: April 7, 2011.

Eric A. Washburn,

Bridge Administrator.

[FR Doc. 2011–9257 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0165]

RIN 1625–AA00

Safety Zone; Ford Estate Wedding Fireworks, Lake St. Clair, Grosse Pointe Shores, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake St. Clair, Grosse Pointe Shores, MI. This zone is intended to restrict vessels from a portion of Lake St. Clair River during the Ford Estate Wedding Fireworks.

DATES: This rule is effective and enforced, at dusk, from approximately 8:30 p.m. through 9:30 p.m. on June 4, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0165 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0165 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail LT Katie Stanko, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9508, e-mail *Katie.R.Stanko@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because waiting for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public from the hazards associated with maritime fireworks displays.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because it would inhibit the Coast Guard from ensuring the safety of vessels and the public during the fireworks display.

Background and Purpose

On June 4, 2011, a private party is holding a land based wedding that will include fireworks launched from a point on Lake St. Clair. This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with that fireworks display. Such hazards include obstructions to the waterway that may cause marine casualties, explosive danger of fireworks, debris falling into the water that may cause death, serious bodily harm or property damage. Establishing a safety zone to control vessel movement around the location of the launch platform will help ensure the safety of persons and property in the vicinity of this event and help minimize the associated risks.

Discussion of Rule

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading, and launching of the Ford Estate Wedding Fireworks Display. The fireworks display will occur between 8:30 p.m. and 9:30 p.m., June 4, 2011.

The safety zone will encompass all waters on Lake St. Clair within a 420 foot radius of the fireworks barge launch site located off the shore of Grosse Pointe Shores, MI at position 42°27′15.06″ N, 082°51′59.01″ W from 8:30 p.m. until 9:30 p.m. on June 4, 2011. All geographic coordinates are North American Datum of 1983 (NAD 83).

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

Regulatory Analyses

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

Regulatory Planning and Review

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

We conclude that this rule is not a significant regulatory action because we

anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone around the launch platform will be relatively small and exist for only a minimal time. Thus, restrictions on vessel movement within any particular area of Lake St. Clair are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in this portion of Lake St. Clair between 8:30 p.m. through 9:30 p.m. on June 4, 2011.

This safety zone will not have a significant economic impact on a substantial number of small entities because vessels can easily transit around the zone. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g) of the Instruction because it involves the establishment of a

temporary safety zone. An environmental analysis checklist and a categorical exclusion determination will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add section § 165.T09–0165 to read as follows:

§ 165.T09–0165 Safety zone; Ford Estate Wedding Fireworks, Lake St. Clair, Grosse Pointe Shores, MI.

(a) *Location.* The safety zone will encompass all U.S. navigable waters on Lake St. Clair within a 420 foot radius of the fireworks barge launch site located off the shore of Grosse Pointe Shores, MI at position 42°27′15.06″ N., 082°51′59.01″ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective and Enforcement Period.* This rule is effective and will be enforced from 8:30 p.m. (local) through 9:30 p.m. on June 4, 2011.

(c) *Regulations.* (1) In accordance with the general regulations in Section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

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

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

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

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

Dated: April 5, 2011.

J.E. Ogden,

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

[FR Doc. 2011–9256 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2010–0909; FRL–9294–9]

Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to sections 110(a)(2)(H) and 110(k)(5) of the Clean Air Act (CAA), EPA is finding that the Utah State Implementation Plan (SIP) is substantially inadequate to attain or maintain the national ambient air quality standards (NAAQS) or to otherwise comply with the requirements of the CAA and issuing a call for the State of Utah to revise its SIP. Specifically, the SIP includes Utah's unavoidable breakdown rule (rule R307–107), which exempts emissions during unavoidable breakdowns from compliance with emission limitations. This rule undermines EPA's, Utah's, and citizens' ability to enforce emission limitations that have been relied on to ensure attainment or maintenance of the NAAQS or meet other CAA requirements. EPA is requiring that the State revise the SIP to remove R307–107 or correct its deficiencies and submit the revised SIP to EPA within 18 months of the effective date of this final rule. If EPA finds that Utah has failed to submit a complete SIP revision as required by this final rule or if EPA disapproves such a revision, such a finding or disapproval will trigger clocks for mandatory sanctions and an obligation for EPA to impose a Federal Implementation Plan (FIP). If EPA makes such a finding or disapproval, mandatory sanctions will apply such that the offset sanction would apply 18 months after such finding or disapproval and highway funding restrictions would apply six months later unless EPA takes action to stay the imposition of the sanctions or to stop the sanctions clock based on the State curing the SIP deficiencies.

In its proposed rulemaking action, EPA requested comment on whether it should exercise its discretionary authority under CAA section 110(m) to impose the highway funding restrictions sanctions in areas of the State that would not be subject to mandatory sanctions. EPA is deferring a decision on whether to impose sanctions under section 110(m) and will consider any comments on the issue of imposing sanctions under section 110(m) if and when we take final action on this issue in the future.

DATES: *Effective Date:* This final rule is effective May 18, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2010–0909. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov,* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Vanessa Hinkle, Air Program, Mailcode 8P–AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6561, or *hinkle.vanessa@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, the following definitions apply:

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

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

(iii) The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

(iv) The initials NO_X mean or refer to nitrogen oxides.

(v) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(vi) The initials PM_{10} mean or refer to particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

(vii) The initials *ppm* mean or refer to parts per million.

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

(ix) The initials SO_2 mean or refer to sulfur dioxide.

(x) The initials *SSM* mean or refer to startup, shutdown, and malfunction.

(xi) The words *State* or *Utah* mean the State of Utah, unless the context indicates otherwise.

(xii) The initials *UBR* mean or refer to the Utah unavoidable breakdown rule, R307–107.

(xiii) The initials *UDAQ* mean or refer to the Utah Division of Air Quality, Utah Department of Environmental Quality.

(xiv) The words *1982 Policy* mean or refer to the September 28, 1982 EPA Memorandum signed by Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation, titled "Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions."

(xv) The words *1983 Policy* mean or refer to the February 15, 1983 EPA Memorandum signed by Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation, titled "Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions."

(xvi) The words *1999 Policy* mean or refer to the September 20, 1999 EPA Memorandum signed by Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, titled "State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown."

Table of Contents

I. Background
II. Final Action
III. Summary of Bases for Finding of Substantial Inadequacy
IV. Issues Raised by Commenters and EPA's Responses
A. Request for Comment Period Extension/Procedural Issues
B. Authority and Basis for a SIP Call
C. Sanctions
D. Time Period for Response to SIP Call
E. Miscellaneous Comments
V. Statutory and Executive Order Reviews

I. Background

On November 19, 2010, we published our proposed rulemaking action in the **Federal Register** (75 FR 70888) in which we proposed to find the Utah SIP substantially inadequate to attain or maintain the NAAQS or to otherwise comply with the requirements of the CAA.[1] We also proposed to issue a SIP call to require the State of Utah to revise the SIP to correct the inadequacies. In our proposal, we stated that, "Utah rule R307–107 contains various provisions that are inconsistent with EPA's interpretations regarding the appropriate treatment of malfunction events in SIPs and which render the Utah SIP substantially inadequate." *Id.* at 70891. We went on to identify specific deficiencies in R307–107 (also known as Utah's unavoidable breakdown rule and sometimes referred to herein as the UBR). *Id.* at 70891–70893. In particular, we explained that the UBR: (1) Does not treat all exceedances of SIP and permit limits as violations; (2) could be interpreted to grant the Utah executive secretary exclusive authority to decide whether excess emissions constitute a violation; and (3) improperly applies to Federal technology-based standards such as New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). We explained why we were proposing to find that these deficiencies in the UBR render the Utah SIP substantially inadequate. *Id.* We proposed a 12-month deadline for the State to respond to a final SIP call.

We also proposed the order and timing of mandatory sanctions under CAA section 179(a) and requested comment on whether we should exercise our discretionary authority to impose highway funding sanctions in all areas of the State.

We requested comments on all aspects of our proposed action by December 20, 2010. We subsequently extended the public comment period through January 3, 2011. See 75 FR 79327 (December 20, 2010).

We received numerous comments. A number of commenters, particularly citizens and environmental groups, supported our proposed action. We also received a number of comments, primarily from State agencies and industrial facilities and groups, that were critical of our proposed action.

II. Final Action

We have considered all comments submitted and prepared responses, which are contained in Section IV of this action, "Issues Raised by Commenters and EPA's Responses." None of the comments has caused us to conclude that our proposal was unreasonable, and we are finalizing our action as proposed, with the exception that we are requiring that the State respond to the SIP call within 18 months rather than 12 months. Specifically, for the reasons described in our notice of proposed rulemaking (see 75 FR 70888) and in this action, EPA finds that the Utah SIP is substantially inadequate to attain or maintain the NAAQS or to otherwise comply with requirements of the CAA due to significant deficiencies created by Utah's unavoidable breakdown rule, R307–107.[2] Utah's rule R307–107 improperly undermines EPA's, Utah's, and citizens' ability to enforce emission limitations that have been relied on in the SIP to ensure attainment and maintenance of the NAAQS or meet other CAA requirements. Pursuant to sections 110(a)(2)(H) and 110(k)(5) of the CAA, EPA is requiring that the State revise the SIP to remove R307–107 or revise it to make it consistent with CAA requirements. Utah must submit a revised SIP responding to this SIP call within 18 months of the effective date of this final rule.

If Utah fails to submit a complete SIP revision that responds to this final SIP call, section 179(a) of the CAA provides for EPA to issue a finding of State failure. Such a finding will start mandatory 18-month and 24-month sanctions clocks and a 24-month clock for promulgation of a FIP by EPA. The two sanctions that apply under CAA section 179(b) are the 2-to-1 emission offset requirement for all new and modified major sources subject to the nonattainment new source review (NSR) program and restrictions on highway funding.

EPA issued an order of sanctions rule in 1994 (see 59 FR 39832 (August 4, 1994), codified at 40 CFR 52.31) but did not specify the order of sanctions where a State fails to submit or submits a deficient SIP in response to a SIP call. However, as we proposed (75 FR 70893–

[1] Our proposal provided detailed background information regarding EPA's CAA interpretations with respect to SIP malfunction provisions, the history of Utah rule R307–107 and relevant SIP actions, and our interactions with the State and others regarding the rule over the years. See 75 FR 70889–891. We direct the reader there for such background information.

[2] We provide a summary of the bases for our finding of substantial inadequacy in Section III of this action, "Summary of Bases for Finding of Substantial Inadequacy."

70894), we have decided that the order of sanctions specified in 40 CFR 52.31 will apply here for the same reasons discussed in the preamble to that rule. Thus, if Utah fails to submit the required SIP revision, or submits a revision that EPA determines is incomplete or that EPA disapproves, the 2-to-1 emission offset requirement will apply for all new sources subject to the nonattainment NSR program 18 months following such a finding or disapproval unless the State corrects the deficiency before that date. The highway funding restrictions sanction will also apply six months after the offset sanction applies unless the State corrects the deficiency before that date. The provisions in 40 CFR 52.31 regarding staying the sanctions clock and deferring the imposition of sanctions will also apply.

Mandatory sanctions under section 179 of the CAA generally apply only in nonattainment areas. By its definition, the emission offset sanction applies only in areas required to have a part D NSR program, typically areas designated nonattainment.[3] Section 179(b)(1) expressly limits the highway funding restriction to nonattainment areas. Additionally, EPA interprets the section 179 sanctions to apply only in the area or areas of the State that are subject to or required to have in place the deficient SIP and for the pollutant or pollutants the specific SIP element addresses. In this case, mandatory sanctions would apply in all areas designated nonattainment for a NAAQS within the State because Utah rule R307–107 applies statewide and applies for all NAAQS pollutants.

In addition to sanctions, if EPA finds that the State failed to submit a complete SIP revision that responds to this SIP call or disapproves such revision, CAA section 110(c) would require EPA to promulgate a FIP no later than two years from the date of the finding or the disapproval if the deficiency has not been corrected.

In its proposed rulemaking action (75 FR 70893–70894), EPA also requested comment on whether it should exercise its discretionary authority under CAA section 110(m) to impose the highway funding restrictions sanction in areas of the State that would not be subject to mandatory sanctions—*i.e.,* areas other than nonattainment areas. EPA is not finalizing action on the use of such discretionary authority in this action. If EPA acts on the use of discretionary sanctions at a later date, it will fully respond to relevant comments submitted in response to the November 19, 2010 notice of proposed rulemaking.

III. Summary of Bases for Finding of Substantial Inadequacy

This section provides a brief summary of the bases for our finding of substantial inadequacy. For further detail, please refer to our notice of proposed rulemaking (75 FR 70888) and our response to comments.

1. R307–107–1 provides an exemption from emission limits in the Utah SIP and SIP-based permits for exceedances of such limits caused by an unavoidable breakdown—"emissions resulting from unavoidable breakdown will not be deemed a violation of these regulations." This generic exemption, applicable to all Utah SIP limits, precludes any enforcement when there is an unavoidable breakdown. Our interpretation of the CAA is that an exemption from injunctive relief is never appropriate, and that an exemption from penalties is only appropriate in limited circumstances.[4] Contrary to CAA section 302(k)'s definition of emission limitation, the exemption in the UBR renders emission limitations in the Utah SIP less than continuous and, contrary to the requirements of CAA sections 110(a)(2)(A) and (C), undermines the ability to ensure compliance with SIP emissions limitations relied on to achieve the NAAQS and other relevant CAA requirements at all times. Therefore, the UBR renders the Utah SIP substantially inadequate to attain or maintain the NAAQS or to comply with other CAA requirements, such as CAA sections 110(a)(2)(A) and (C) and 302(k), CAA provisions related to prevention of significant deterioration (PSD) and nonattainment NSR permits (sections 165 and 173), and provisions related to protection of visibility (section 169A).

2. R307–107–1 also applies to Federal technology-based standards like the NSPS and NESHAPS that Utah has incorporated by reference to receive delegation of Federal authority. To the extent any exemptions from these technology-based standards are warranted for malfunctions, the Federal standards contained in EPA's regulations already specify the appropriate exemptions. No additional exemptions (or criteria for deciding whether an applicable exemption applies) are warranted or appropriate. Thus, the Utah SIP is substantially inadequate because R307–107–1 improperly provides an exemption and criteria not contained in and not sanctioned by the delegated Federal standards.

3. R307–107–2 requires the source to submit information regarding an unavoidable breakdown to the executive secretary of Utah's Air Quality Board (UAQB) and indicates that the information "shall be used by the executive secretary of the UAQB in determining whether a violation has occurred and/or the need of further enforcement action." This provision appears to give the executive secretary exclusive authority to determine whether excess emissions constitute a violation and thus to preclude independent enforcement action by EPA and citizens when the executive secretary makes a non-violation determination. This is inconsistent with the enforcement structure under the CAA, which provides enforcement authority not only to the States, but also to EPA and citizens. Because a court could interpret section R307–107–2 as undermining the ability of EPA and citizens to independently exercise enforcement discretion granted by the CAA, it is substantially inadequate to comply with CAA requirements related to enforcement. Because it undermines the envisioned enforcement structure, it also undermines the ability of the State to attain and maintain the NAAQS and to comply with other CAA requirements related to PSD, visibility, NSPS, and NESHAPS. Potential EPA and citizen enforcement provides an important safeguard in the event a State cannot or does not enforce CAA violations and also provides additional incentives for sources to design, operate, and maintain their facilities so as to meet their emission limits. Thus, R307–107–2 renders the SIP substantially inadequate to attain or maintain the NAAQS or otherwise comply with the CAA.

IV. Issues Raised by Commenters and EPA's Response

A. Request for Comment Period Extension/Procedural Issues

(a) Comment: Two comment letters requested an extension of the comment period of up to 60 days. Other commenters did not specifically request an extension, but stated that they believed the comment period was too short. Some commenters complained that the proposal was issued without stakeholder input.

Response: We considered the requests for an extension of the comment period and extended the original 30-day public comment period from December 20,

[3] An exception to this, not relevant here, is areas located in the Ozone Transport Region, which are required to have a part D NSR program regardless of the area's designation. See CAA section 184(b)(2).

[4] As we explain in our response to comments, the UBR lacks criteria that are sufficiently detailed or robust to ensure that penalties are available at all appropriate times.

2010 to January 3, 2011 (see 75 FR 79327 (December 20, 2010)), providing a total of 45 days to submit comments. The comment period was sufficient to provide a reasonable opportunity to comment on our proposed action given its scope. We note that section 307(h) of the CAA specifies a 30-day period as a minimum comment period for rulemaking actions under the CAA, except for certain specified provisions (all of which waive notice-and-comment rulemaking requirements). We typically provide a 30-day comment period for SIP-related actions. Neither the CAA nor the Administrative Procedure Act requires a stakeholder process before or during rulemaking to issue a SIP call.

(b) Comment: A commenter asserts that EPA's notice is defective because it fails to provide interested parties with sufficient notice of facts, policies and case law relevant to the proposed finding. Interested parties cannot understand the bases for EPA's proposed rule and thus cannot participate and comment in a meaningful way. EPA needs to correct the deficiencies in the notice and re-propose.

Response: As described more fully elsewhere in our response to comments, we explained the bases for our finding of substantial inadequacy and SIP call in our proposed rulemaking action. See 75 FR 70891–70893.

(c) Comment: A commenter asserts that it cannot provide meaningful comments and analysis of the proposed rule because EPA has not responded to the commenter's appeal seeking documents under the Freedom of Information Act (FOIA).

Response: We disagree that our actions under the FOIA are relevant to the validity of our rulemaking action. In this case, we clearly explained the bases for our proposed action, and made available in our rulemaking docket all documents we considered in issuing the proposal. The commenter had the same reasonable opportunity to comment on our proposal as any other commenter and provided substantive comments.

We note that we responded to the commenter's FOIA request on June 7, 2010, providing three compact discs containing over 1,000 pages of documents. We only withheld documents we determined were privileged (and thus exempt from disclosure).

B. Authority and Basis for a SIP Call

(a) Comment: The proposal is inconsistent with section 110 of the CAA. Commenters assert that EPA's authority to issue a SIP call under CAA section 110(k)(5) is limited to if the Administrator finds the applicable implementation plan for an area is substantially inadequate to attain or maintain the relevant NAAQS or to otherwise comply with any requirement of that chapter. Commenters assert that EPA has made no showing or disclosure of relevant facts that the UBR is substantially inadequate to protect the NAAQS with respect to CAA sections 110(a)(2)(H) and 110(k)(5). Commenters state that the finding of substantial inadequacy must be clearly stated and that the Administrative Record must present facts which support the SIP call. Commenters state that EPA's docket did not identify any measured or modeled impact on attainment or maintenance of a NAAQS due to excess emissions resulting from an unavoidable breakdown. Further, EPA did not provide any empirical information to support its reasoning as to why the rule is not working.

Response: The SIP call is consistent with CAA sections 110(a)(2)(H) and 110(k)(5). We proposed to find the UBR substantially inadequate in our NPR and are finalizing that determination here. We explained the bases for our proposed finding. See 75 FR 70891–70893. As we indicated in our proposal, SIPs, including the Utah SIP, rely on adoption and enforcement of emission limits to attain and maintain the NAAQS, protect PSD increments, protect visibility in national parks and wilderness areas, and meet other CAA requirements. See 75 FR 70891. The integrity of the SIP is maintained and protection is ensured as long as the limits are met. Consistent with this premise, the CAA and our regulations require that SIP limits be enforceable. For example, as noted in our proposal (see 75 FR 70892), CAA section 110(a)(2)(A) requires each SIP to include enforceable emission limitations necessary or appropriate to meet the CAA's applicable requirements. CAA section 110(a)(2)(C) requires that each SIP include a program to "provide for the enforcement of the measures" described in section 110(a)(2)(A). Section 302(k) defines emission limitation as a requirement established by a State or EPA that "limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis." These requirements are intended to ensure attainment and maintenance of the NAAQS, protection of increments, and protection of visibility at all times, not just occasionally or intermittently. The enforceability of the SIP is fundamental to the SIP's adequacy under the CAA.

The UBR provides an exemption from emission limits in the Utah SIP (and permits) for excess emissions caused by an unavoidable breakdown—"emissions resulting from unavoidable breakdown will not be deemed a violation of these regulations." See R307–107–1. Our longstanding view is that all exceedances are violations and must be treated as such by the SIP. See, *e.g.,* our 1982, 1983, and 1999 Policies; 42 FR 58171 (November 8, 1977). This treatment is necessary because it encourages sources to act responsibly in taking necessary measures to ensure compliance with emissions limits, preserves the potential for injunctive relief, preserves the potential for penalties, except in limited circumstances, and is consistent with the notion that protection of health under the CAA is not a sometime requirement. It is also consistent with CAA 302(k)'s definition of emission limitation as a requirement limiting emissions on a continuous basis. The UBR precludes any enforcement when there is an unavoidable breakdown. It thus renders emission limitations in the Utah SIP less than continuous and, contrary to the requirements of sections 110(a)(2)(A) and (C), undermines the ability to ensure compliance with emissions limitations and the NAAQS and other relevant CAA requirements at all times. Therefore, the UBR renders the Utah SIP substantially inadequate to attain or maintain the NAAQS or to comply with other CAA requirements.

We also explained in our proposal that R307–107–2 appears to give the executive secretary of the UAQB exclusive authority to determine whether excess emissions have been caused by an unavoidable breakdown and, thus, whether they constitute a violation. R307–107–2 provides that information submitted by a source "shall be used by the executive secretary in determining whether a violation has occurred and/or the need of further enforcement action." We explained that this provision is inconsistent with the enforcement structure of the CAA, which provides independent authority to EPA and citizens to enforce SIP and other CAA emission limits. See 75 FR 70892. We concluded that, because a court could interpret R307–107–2 as undermining the ability of EPA and citizens to independently exercise enforcement discretion granted by the CAA, it is inconsistent with CAA requirements related to enforcement and, thus, renders the SIP substantially inadequate. Preclusion of EPA and citizen enforcement could make it impossible to penalize source noncompliance (where the State may have erroneously concluded that

exceedances were caused by an unavoidable breakdown) or gain source compliance through injunctive relief. Also, potential preclusion of EPA and citizen enforcement reduces the incentive for sources to comply because it reduces the likelihood of independent evaluation of unavoidable breakdown claims by a court in an enforcement action brought by EPA or citizens.

The thrust of several comments is that we have not presented facts or empirical evidence that the UBR is not working or that shows any measured or modeled impact on attainment or maintenance of a NAAQS due to excess emissions resulting from an unavoidable breakdown. As we indicated in our proposal (see 75 FR 70892), we need not show a direct causal link between any specific unavoidable breakdown excess emissions and violations of the NAAQS to conclude that the SIP is substantially inadequate. It is our interpretation that the fundamental integrity of the CAA's SIP process and structure is undermined if emission limits relied on to meet CAA requirements can be exceeded without potential recourse by any entity granted enforcement authority by the CAA. We are not restricted to issuing SIP calls only after a violation of the NAAQS has occurred or only where a specific violation can be linked to a specific excess emissions event. It is sufficient that emissions limits to which the unavoidable breakdown exemption applies have been, are being, and will be relied on to attain and maintain the NAAQS and meet other CAA requirements. Nor are we required to wait for a judge to rule in a specific enforcement action that R307–107–2 has a preclusive effect on EPA or citizen enforcement to determine that the provision is inconsistent with the CAA and renders the SIP substantially inadequate.[5]

Nonetheless, we note the following:

1. Several counties along the Wasatch Front in Utah (which includes the largest population centers in the State) are designated nonattainment for PM_{10}, $PM_{2.5}$, and SO_2, and some have recorded violations of the 2008 0.075 ppm ozone NAAQS as well. The Wasatch Front is subject to severe wintertime inversions, and several commenters noted that Salt Lake County has at times experienced some of the worst air quality in the country. Exceedances of emission limitations due to unavoidable breakdowns increase pollutant levels in the air in these nonattainment areas, exacerbating pollution there.[6]

2. Our experience related to refineries, power plants, and other sources indicates that potential emissions during malfunctions when normal processes or pollution controls are bypassed can be very high, far exceeding SIP limits. For example, data submitted by Holly Refining (Holly) in Woods Cross, Utah, to the State of Utah indicate that Holly flared nearly 11,000 pounds of SO_2 in a 9-hour period during a claimed breakdown event in June 2006 and thousands of pounds during other claimed breakdown events of varying duration (some on the order of one hour) between 2006 and 2010. By way of comparison, the January 12, 2010 permit limit for Holly's SRU tail gas incinerator is 1.6 tons (3,200 pounds) of SO_2 per day.[7] During malfunctions, refineries in the Billings, Montana, area sometimes flared thousands of pounds of SO_2 over a two- or three-hour period, whereas the State had modeled attainment of the 3-hour SO_2 NAAQS based on a routine flare emissions limit of 150 pounds per three hours. If Montana had modeled the higher emissions, other emission limits would have had to have been greatly curtailed for the area to demonstrate attainment of the NAAQS. Our experience indicates that the flare emissions at Holly and in Montana are not unique. See, *e.g.,* EPA Enforcement Alert, Volume 3, Number 9, October 2000, "Frequent, Routine Flaring May Cause Excessive, Uncontrolled Sulfur Dioxide Releases," which we have included in the docket for this action. Similarly, our experience indicates that power plant emissions during malfunctions can greatly exceed emissions during routine operations.

3. A report by the Environmental Integrity Project, which we included in the record for our notice of proposed rulemaking, also indicates that malfunction emissions can dwarf SIP and permit emissions limits. See "Gaming the System," August 2004, docket no. EPA–R08–OAR–2010–0909–0042, pages 2, 5–9. See also, EPA Enforcement Alert cited above, p. 2.

We also proposed other bases for our finding of substantial inadequacy. As we indicated in our notice of proposed rulemaking, the UBR not only applies to SIP limits, but also to permit limits and national technology-based standards like the NSPS and NESHAPS. See 75 FR 70892.

This means a source could use the provisions of R307–107 to claim an exemption from best available control technology (BACT) or lowest achievable emission rate (LAER) limits in a major source permit. We have consistently interpreted the Act to not allow for outright exemptions from BACT limits, and the same logic applies to LAER limits. See, *e.g.,* 1977 memorandum entitled "Contingency Plan for FGD Systems During Downtime as a Function of PSD," from Edward E. Reich to G.T. Helms and January 28, 1993 memorandum entitled "Automatic or Blanket Exemptions for Excess Emissions During Startup and Shutdowns under PSD," from John B. Rasnic to Linda M. Murphy. As noted, in order to ensure non-degradation of air quality at all times under the PSD program and protection of the NAAQS at all times, it is necessary for a source to comply with its permit limits at all times.

To the extent any exemptions from the NSPS or NESHAPS are warranted, the Federal standards contained in EPA's regulations already specify the appropriate exemptions. See, *e.g.,* 40 CFR 60.48Da(c).[8] No additional exemptions or criteria are warranted or appropriate. See, *e.g.,* 40 CFR 60.10(a); 40 CFR 63.12(a)(1); and the 1999 Policy, Attachment, at 3.[9] Furthermore, in *Sierra Club* v. *EPA,* 551 F.3d 1019 (DC Cir. 2008), the DC Circuit determined that exemptions from compliance with CAA section 112 Maximum Achievable Control Technology (MACT) standards during periods of SSM were inconsistent with CAA section 302(k), which requires continuous compliance with emission limits. Thus, R307–107–1 is substantially inadequate because it improperly provides an exemption and grants discretion to the Utah executive secretary not contained in and not sanctioned by the delegated Federal standards.

[5] EPA has previously issued SIP calls to correct deficiencies related to SIP enforceability. For example, EPA issued SIP calls in the 1990s to require States to revise their SIPs to allow for use of any credible evidence in enforcement actions with respect to SIP emissions limits. See 62 FR 8314, 8327 (February 24, 1997).

[6] In 2005, the State submitted a maintenance plan for PM_{10} for Salt Lake County. The State's dispersion modeling, which we proposed to disapprove because of flaws, projected values very close to the 150 $\mu g/m^3$ 24-hour NAAQS at the North Salt Lake monitor. If the State had used assumptions we had proposed, the projected values would have been higher. Malfunction emissions are of particular concern where modeling predicts values just under the NAAQS.

[7] In its 2005 SIP submittal for PM_{10}, the State proposed a combined SO_2 emission limit for Holly, which included all external combustion process equipment and all gas-fired compressor drivers, of 4.7 tons per day.

[8] Some NSPS do not provide any relief during SSM. For example, the SO_2 and NO_X limits under part 60, subpart Db, apply at all times. See 40 CFR 60.45b(a) and 60.46b(a).

[9] As EPA noted in the 1999 Policy, "to the extent a state includes NSPS or NESHAPS in its SIP, the standards should not deviate from those that were federally promulgated. Because EPA set these standards taking into account technological limitations, additional exemptions would be inappropriate."

(b) Comment: Commenters state that EPA is incorrect in its interpretation and reliance on a number of court decisions used in part to justify the SIP Call. Commenters indicate that *Michigan DEQ* v. *Browner* and *Arizona Public Service Co.* v. *EPA* are not relevant. Commenters state that EPA fails to mention other cases, such as *Sierra Club* v. *Georgia Power,* which commenters allege are more on point and do not support EPA's proposed SIP call. Commenters also criticize EPA's citation of *Sierra Club* v. *EPA,* and claim that EPA's "broad interpretation" is at odds with a July 2009 letter from Adam Kushner to industry.

Response: Our action is based on our longstanding interpretation of the CAA, which is reflected in our 1999 and earlier policy statements, among other locations. As we noted in our proposal (see 75 FR 70890), *Arizona Public Service Co.* v. *EPA,* 562 F.3d 1116, 1129 (10th Cir. 2009) held that our 1999 Policy was a "reasonable interpretation of the Clean Air Act." The court in *Michigan DEQ* v. *Browner,* 230 F.3d 181, 186 (6th Cir. 2000) similarly found that EPA's interpretation of section 110, as explained in the 1982 and 1983 Policies, was reasonable and held that "EPA reasonably concluded that Michigan's proposed SIP revision did not meet the requirements of the CAA."

Contrary to commenters' arguments, these cases are relevant to our action. The courts agreed with EPA that it is not appropriate under CAA section 110 to provide or approve an outright exemption from SIP emission limitations, and the *Michigan DEQ* court upheld EPA's determination that Michigan's defective SSM revisions did not meet the requirements of the CAA.

Commenters suggest that these cases are irrelevant because they didn't involve a SIP call. However, if, as these courts held, EPA's interpretation is reasonable—that a malfunction provision that provides an exemption from an emission limit does not meet the minimum requirements of CAA section 110—then logic leads to the conclusion that the provision is substantially inadequate to meet section 110's requirements with respect to SIP compliance and enforceability.

EPA's past approval of a provision that fails to meet the minimum requirements of the Act does not render the provision compliant, something EPA plainly acknowledged in its various policy statements over the years. The SIP call provisions of the Act provide EPA with one of the only means to revisit SIP decisions that may have been wrong or ill-considered, or that have been brought into greater focus with the passage of time and development of relevant knowledge and case law.

Contrary to commenters' assertion, we did refer to *Sierra Club* v. *Georgia Power Co.* in our proposal at 75 FR 70892, n. 7, but inadvertently omitted the case name. We disagree that the case "is more analogous" or "contradicts EPA's current interpretation." The case merely held that EPA's 1999 policy did not change the existing Georgia SIP, a proposition we agree with and have acted in accordance with here. See EPA's December 5, 2001 clarification of the 1999 Policy, which is in the docket. If we thought the policy trumped the approved SIP, there would be no need to issue a SIP call now. As *Sierra Club* v. *Georgia Power Co.* suggested, we are issuing a SIP call to ensure that the Utah SIP meets the minimum requirements of the CAA. See 443 F.3d 1346, 1355 (11th Cir. 2006).

Regarding *Sierra Club* v. *EPA,* 551 F.3d 1019 (DC Cir. 2008), while we did not cite the case as the main basis for our SIP call, we remain convinced it is relevant even though it addressed the hazardous air pollutant (HAP) regulations. In particular, the court significantly relied on section 302(k)'s definition of emission standard (as a requirement that limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis) to reach its ultimate holding disallowing EPA's exceptions from the MACT standards and attempted reliance on the general duty to minimize emissions. As with MACT standards, there is no indication that Congress intended compliance with NAAQS, or compliance with emission limits relied on to attain and maintain the NAAQS, be anything less than continuous. Also, we disagree with the comment that the UBR does not provide an express exemption from SIP and other emission limits. The UBR states that "emissions resulting from an unavoidable breakdown will not be deemed a violation of these regulations." This is an exemption. The provisions in the UBR requiring that an owner/operator take "reasonable" measures to reduce emissions resulting from an unavoidable breakdown are analogous to the general duty provisions in EPA's MACT provisions. The *Sierra Club* court found these general duty requirements were not a substitute for a 112 emission standard. Here, we find the emissions minimization requirements in the UBR are not a substitute for continuously applicable emission limitations that support attainment and maintenance of the NAAQS, and protection of PSD increments and visibility.

We also disagree that our views contradict the views Adam Kushner (EPA's Director of the Office of Civil Enforcement) expressed in his July 2009 letter to industry representatives. Mr. Kushner was delineating which MACT standards were directly affected by the court's ruling and how they would be affected. Mr. Kushner was not expressing an opinion about the import of the Court's decision for other types of emission standards and limitations. We also find noteworthy the following language from Mr. Kushner's letter: "Although these provisions [source-category specific SSM provisions] will remain in effect following the issuance of the mandate in *Sierra Club,* EPA recognizes that the legality of such source category-specific SSM provisions may now be called into question, and EPA intends to evaluate them in light of the court's decision." EPA has since revised or proposed to revise several MACT standards with source-specific malfunction provisions to eliminate the exemptions from compliance during periods of malfunction. See, *e.g.,* 76 FR 15608 (March 21, 2011); 75 FR 54970 (September 9, 2010); 75 FR 65068 (October 21, 2010).

(c) Comment: EPA lacks the regulatory authority to make a SIP call based on policy or guidance that has not become applicable law. The 1999 Policy EPA cites as justification for the SIP Call has never been subjected to the legal requirements of notice and public rulemaking under the Administrative Procedures Act. In addition, commenters assert that if EPA were authorized to regulate through policy, it would be inappropriate in this case because the 2001 Policy [10] clarifies that the 1999 Policy was not intended to alter the status of any existing malfunction, startup, or shutdown provisions in a SIP that had been approved by EPA.

Response: The 1999 Policy reflects our interpretation of the CAA. We have not treated it as binding on the States or asserted that it changed existing SIP provisions. Instead, we have done what commenters argue is necessary—we have engaged in notice and comment rulemaking to determine whether a SIP call is appropriate in this case. Through this rulemaking action, we have evaluated provisions of the Utah SIP to determine whether they are consistent with our interpretation of the CAA as reflected in our policies. We provided commenters with the opportunity to

[10] "Re-Issuance of Clarification—State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunction, Startup, and Shutdown," Eric Schaefer and John Seitz, December 5, 2001.

comment on the proposed SIP call and our basis for it, and are only finalizing the SIP call after carefully considering commenters' comments.[11] To the extent some commenters may be arguing that we must conduct national rulemaking on our policy before we can conduct SIP call rulemaking with respect to a specific State malfunction provision, we find no basis for this assertion in the CAA. We have evaluated the UBR, found it substantially inadequate as specified in the CAA, and issued a SIP call as required. The process we have followed and the substance of our action are reasonable.

Commenters emphasize our failure to specifically cite our December 5, 2001 clarification to the 1999 Policy, in which we indicated that the 1999 Policy was not intended to "alter the status of any existing malfunction, startup or shutdown provision in a SIP that has been approved by EPA."[12] The 2001 clarification merely states the obvious well-understood principle—that an approved SIP remains the approved SIP unless or until EPA undertakes rulemaking action to revise the SIP. See *General Motors* v. *United States,* 496 U.S. 530, 540–541 (1990). In other words, the 1999 Policy did not modify existing SIP provisions. Here, "in the context of future rulemaking" as contemplated by the 2001 clarification, we have considered "the Guidance and the statutory principles on which the Guidance is based." See December 5, 2001 clarification.

One commenter argues that the 2001 clarification "clarifies the 1999 Policy does not apply to" the UBR. On the contrary, because the UBR addresses the treatment of excess emissions resulting from an unavoidable breakdown, EPA's interpretations reflected in the 1999 Policy are clearly relevant. Also, nothing in the 2001 clarification rejected EPA's statement in the 1999 Policy that all EPA Regions "should review the SIPs for their states in light of this clarification and take steps to insure that excess emissions provisions in these SIPs are consistent with the attached guidance." As provided above, the sole purpose of the 2001 clarification was to expressly state that the policy—standing alone—did not serve to change the terms of an approved SIP.

(d) Comment: EPA's proposed SIP call is justified regardless of its reliance on guidance. Commenter explains that Utah's SIP cannot possibly assure the NAAQS and other CAA requirements will be met if the SIP allows a blanket exemption from emission limits, particularly because the effectiveness of Utah's SIP is premised upon compliance with emission limits.

Response: Our SIP call relies on our interpretations of the CAA as reflected in numerous policy statements and actions over the years. Otherwise, we agree with the commenter.

(e) Comment: Commenters assert that EPA's SIP call is inconsistent when compared with other EPA SSM polices such as those for NSPS in 40 CFR 60.8(c).

Response: Emission limitations in SIPs must ensure ambient levels of criteria pollutants that attain and maintain the NAAQS. For purposes of demonstrating attainment and maintenance, States assume source compliance with emission limitations at all times. Thus, provisions that exempt compliance during SSM undermine the integrity of the SIP. This principle underlies EPA's interpretations regarding SIP SSM provisions as reflected in our various policy statements over the years. For example, in our 1999 Policy we stated the following:

> "EPA has a fundamental responsibility under the Clean Air Act to ensure that SIPs provide for attainment and maintenance of the national ambient air quality standards ("NAAQS") and protection of PSD increments. Thus, EPA cannot approve an affirmative defense provision that would undermine the fundamental requirement of attainment and maintenance of the NAAQS, or any other requirement of the Clean Air Act. See sections 110(a) and (l) of the Clean Air Act * * * Accordingly, an acceptable affirmative defense provision may only apply to actions for penalties, but not to actions for injunctive relief.
>
> * * * * *
>
> Generally, since SIPs must provide for attainment and maintenance of the national ambient air quality standards and the achievement of PSD increments, all periods of excess emissions must be considered violations. Accordingly, any provision that allows for an automatic exemption for excess emissions is prohibited.
>
> * * * * *
>
> Automatic exemptions might aggravate ambient air quality by excusing excess emissions that cause or contribute to a violation of an ambient air quality standard."

Similarly, in our 1982 Policy, we stated the following:

> "The rationale for establishing these emissions as violations, as opposed to granting automatic exemptions, is that SIPs are ambient-based standards and any emissions above the allowable may cause or contribute to violations of the national ambient air quality standards."

Thus, EPA has long said that automatic exemptions from SIP emission limits are not appropriate because the SIPs are for the purpose of ensuring health-based standards are met and maintained.[13]

NSPS and other technology-based standards, on the other hand, do not have to ensure attainment of the NAAQS. Instead, CAA section 111(a)(1) provides that a new source "standard of performance" must reflect "the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements)" EPA determines has been "adequately demonstrated." Thus, historically, EPA has held different interpretations regarding the proper treatment of excess emissions during SSM under health-based standards addressed in SIPs and the NSPS technology-based standards.[14] In the SIP context, and in the context of SIP-based permits, EPA's interpretation of the CAA is reasonable, and it is reasonable for EPA to require that Utah revise the UBR or remove it from the SIP.

(f) Comment: The Utah UBR has been federally-approved in the SIP for over 30 years. Based on empirical UDAQ monitoring since that approval, the Utah UBR has not contributed to a NAAQS exceedance.

Response: As indicated above, we disagree that the commenters' suggested test—whether there is demonstrated proof that a specific excess emission event allowed under the UBR has contributed to a specific monitored

[11] We have applied the interpretation reflected in our policies in a number of other rulemaking actions. See, *e.g.,* the Billings/Laurel Federal Implementation Plan, 73 FR 21418 (April 21, 2008); approvals of Colorado SSM rules, 71 FR 8958 (February 22, 2006) and 73 FR 45879 (August 7, 2008); partial approval and partial disapproval of Texas SSM rules, 75 FR 26892 (May 13, 2010) and 75 FR 68989 (November 10, 2010); disapproval of Michigan SSM rules, 63 FR 8573 (February 20, 1998); approval of Maricopa County, Arizona SSM rules, 67 FR 54957 (August 27, 2002).

[12] We included the 2001 clarification in the docket for our proposal but did not cite it specifically.

[13] The 1999 Policy defines "automatic exemption" as "a generally applicable provision in a SIP that would provide that if certain conditions existed during a period of excess emissions, then those exceedances would not be considered violations." The UBR provides such an automatic exemption: "Except as otherwise provided in R307–107, emissions resulting from an unavoidable breakdown will not be deemed a violation of these regulations." In this notice, we also refer to this as an outright exemption or an exemption.

[14] As we noted in our proposal and elsewhere in this action, however, the 2008 *Sierra Club* case held that EPA rules exempting major sources from technology-based NESHAP standards during SSM periods violated the CAA's requirement in section 112 that some standard meeting that provision's substantive requirements apply continuously. *Sierra Club* v. *EPA,* 551 F.3D 1019, 1028 (DC Cir. 2008).

NAAQS exceedance—is the test we must use. As stated above, for purposes of demonstrating attainment and maintenance of the NAAQS (and for protecting PSD increments and visibility), States assume source compliance with SIP emission limitations at all times.[15] Thus, it is reasonable to insist that the SIP not interfere with or undermine the ability to enforce compliance with SIP limitations at all times. The UBR fails this test for the reasons already stated.

In addition, even if the commenters were correct that the sole reasonable test is whether the UBR has contributed to a monitored exceedance of the NAAQS, we cannot discern whether commenters are saying there has never been a breakdown event on a day when a monitor has exceeded a NAAQS. (The commenters submitted no data regarding claims under the UBR.) However, based on monitored violations of the NAAQS, Utah has had areas designated nonattainment for various pollutants over the course of many years and continues to have nonattainment areas for $PM_{2.5}$, PM_{10}, and SO_2. Areas in Utah will likely be designated nonattainment for ozone again in the future. As noted in a prior response, malfunction-based emissions at stationary sources can lead to large emissions in a short period of time, and it is reasonable to conclude that excess emissions during malfunctions have contributed and/or have the potential to contribute to NAAQS exceedances and violations in the urbanized areas of Utah.[16] If EPA promulgates new, more stringent NAAQS, the potential for NAAQS exceedances and violations only increases.

Several commenters emphasize that the UBR has been in the SIP for more than 30 years and that EPA has approved it more than once. We first approved the UBR in 1980 only after stating in our 1979 proposed rulemaking action that we could not fully approve the UBR "because it exempts certain excess emissions from being violations of the Air Conservation Regulations" and only after opining that exemptions granted under the UBR would not apply as a matter of Federal law. See 44 FR 28688, 28691 (May 16, 1979).

Second, our approval of the UBR preceded the 1982 and 1983 Policies. These memoranda to EPA's Regional Administrators were issued in response to requests for clarification of EPA's policy regarding excess emissions during SSM. Presumably, these memoranda were issued because previously there had been some confusion about EPA's interpretation of the CAA on this issue. A comparison of the UBR to these policies reveals that the UBR did not and does not comport with the interpretation reflected in the policies. For example, the 1982 Policy states that EPA can approve SIP revisions that incorporate an "enforcement discretion approach" that requires the State agency to treat all excess emissions due to malfunctions as violations and commence a proceeding to notify the source of its violation. Then the State agency would determine whether to initiate an enforcement action based on specific, detailed criteria contained in the 1982 Policy. The UBR does not treat all excess emissions as violations, does not require the State to initiate a proceeding to notify the source of its violation, and does not contain the criteria consistent with those contained in the 1982 Policy. The 1982 Policy stated, "Where the SIP is deficient, the SIP should be made to conform to the present policy." Contrary to the 1982 Policy's directive, the SIP was not made to conform to the 1982 Policy.

We approved a revised version of the UBR in 1994 with no preamble discussion except to note that the Utah air rules had been renumbered and new requirements had been added to the SIP. See 57 FR 60149 (December 18, 1992) and 59 FR 35036 (July 8, 1994). There is no indication that EPA evaluated the substance of the UBR or any of the other re-numbered provisions that were already included as part of the approved SIP. *Id.* We also note that the 1994 approval preceded our 1999 Policy, which re-alerted EPA regional offices to the issues regarding SIP SSM rules, acknowledged that some existing SIPs included deficient SSM provisions, and directed the Regions to review the SIPs and seek to correct such provisions.

Subsequent to EPA's issuance of the 1999 Policy, we approved another renumbering of the Utah SIP, including a renumbering of the UBR. Again, EPA did not consider the substance of the UBR, but did expressly reference EPA's ongoing concerns with SIP rules and specifically noted that Utah had committed to address those concerns, which included concerns with the UBR. We indicated that we would "continue to require the State to correct any rule deficiencies despite EPA's approval" of the recodification. See 70 FR 59681, 59683 (October 13, 2005).

In other words, we indicated in the 1979 proposal that preceded our 1980 approval that we could not fully approve the UBR because it provided exemptions from violations, and in our subsequent actions, we did not reanalyze the adequacy of the rule. However, we did indicate in our most recent re-numbering approval our intent to require the State to correct the deficiencies in the UBR.

Furthermore, since EPA issued the 1999 Policy, we have been working with Utah in an attempt to change the UBR on a cooperative basis. As noted in our proposal, Utah acknowledged that the provision could benefit from clarification and initiated rulemaking toward that end. In an April 18, 2002 letter, Utah also specifically committed to address our concerns with the rule. See 75 FR 70891. However, Utah never completed a change to the UBR despite our substantial efforts to help Utah develop a revised rule that would meet CAA requirements. *Id.* The delay that has resulted from our attempt to reach a consensus-based solution does not diminish our authority to issue a SIP call.

(g) Comment: Commenter asserts that "there must be evidence of new information that would explain how Utah's SIP has somehow been transformed from adequate to substantially inadequate." Commenter cites *Clean Air Implementation Project* v. *EPA,* 150 F.3d 1200, 1207 (DC Cir. 1998) for this proposition. Commenter asserts that no such information has been provided.

Response: Commenter's interpretation would preclude EPA from changing its interpretations and conclusions over time or from determining that prior approvals were a mistake, and issuing a SIP call on such bases. CAA sections 110(a)(2)(H) and 110(k)(5) do not constrain us in that way, and *Clean Air Implementation Project* v. *EPA* did not hold that a SIP previously found by EPA to be adequate could not be subsequently found to be inadequate absent evidence of new information. On the contrary, the case did not involve a challenge to a SIP call at all, and the statements the commenter refers to were dicta involving a completely different set of facts.[17]

[15] We note that dispersion modeling, based on SIP emission limitations, is often required to demonstrate attainment and maintenance of the NAAQS because modeling can predict pollutant levels at receptor locations throughout an area, whereas monitors are limited in number and location. See, *e.g.,* 40 CFR 51.112; 40 CFR part 51, appendix W.

[16] Based on data in EPA's Air Quality System database for the years 2005 through 2010, there were 171 days during which the $PM_{2.5}$ NAAQS was exceeded at a monitor in Utah and 154 days during which the 2006 ozone NAAQS was exceeded at a monitor in Utah.

[17] *Clean Air Implementation Project* v. *EPA* addressed a challenge to EPA's credible evidence rule and held that the challenge was not ripe for decision.

As a practical matter, our past decisions are not infallible. They reflect a decision made at a particular point in time by a particular set of individuals based on a particular understanding (or misunderstanding) of facts, policy, and law. Our 1999 Policy expressly recognizes this: "A recent review of SIPs suggests that several contain provisions that appear to be inconsistent with this policy, either because they were inadvertently approved after EPA issued the 1982–1983 guidance or because they were part of the SIP at that time, and have never been removed." 1999 Policy at 1. Further, the 1999 Policy advised all Regions to review the SIPs for their States in light of the clarification and take steps to insure that excess emissions provisions in these SIPs are consistent with the policy. *Id.* at 4. Similarly, EPA's 1982 Policy explained that the Agency, because it had been inundated with proposed SIPs in the early 1970's and had limited experience processing them, had not given sufficient attention to the "adequacy, enforceability, and consistency" of SSM provisions. Thus, "many SIPs were approved with broad and loosely-defined provisions to control excess emissions." 1982 Policy at 1.

The 1999 Policy can be viewed as refreshing EPA's institutional memory. It reiterated and clarified EPA's longstanding interpretation and provided direction to EPA's regional offices to review SIPs from their respective States. This caused EPA Region 8 to review SIPs for Utah and the other States within the region. As noted in our proposal, several Region 8 States have submitted revisions to their SSM rules in response to our review, and EPA has approved revised rules for Colorado and Wyoming. See 75 FR 70890. Our review of the Utah rule revealed that it was inconsistent with CAA requirements, and we initiated sustained efforts to get the State to revise the rule. The State did not revise the rule. See 75 FR 70890–70891.

A review of facts here indicates that EPA's 1980 approval of the UBR was ill-considered because even then our basic interpretation that all excess emissions must be treated as violations applied. As discussed in our proposal for this action, EPA said in its 1979 proposal on the UBR that EPA "may not fully approve Regulation 4.7 because it exempts certain excess emissions from being violations of the Air Conservation Regulations" but then proposed to approve the UBR anyway. Clearly, the regulation did not comport with EPA's interpretations regarding SSM provisions in SIPs. However, with almost no explanation, EPA justified its approval based on a conclusion that any exemptions granted by Utah "are not applicable as a matter of federal law." See 44 FR 28691. This did not obviate the deficiency in the UBR. Also, EPA's interpretation of that time—that exemptions granted by Utah would not affect Federal enforcement—could be questioned and rejected in court. While some commenters state that EPA's enforcement discretion would not be affected by the Utah executive secretary's decision, others offer no such concession. See, *e.g.,* Utah Manufacturers Association, *et al.,* comment letter at 5 versus Utah Industry Environmental Coalition, *et al.,* comment letter at 14, which are in the docket for this action. Furthermore, Phillips Petroleum asserted in a 1997 EPA enforcement action that Utah's non-violation determinations under the UBR were binding on EPA.[18]

While we disagree with the commenter that a SIP call is only allowed where there is new external information that the SIP is invalid,[19] facts since our 1980 approval, such as arguments made in enforcement cases contrary to EPA's interpretation, would certainly qualify as new information justifying a SIP call. Among other things, the UBR is substantially inadequate because it is burdened by the uncertainty of whether EPA or citizens may pursue independent enforcement where the Utah executive secretary decides an excess emission is not a violation.

(h) Comment: Commenters state that EPA mischaracterizes the Utah UBR in that Utah's rule does not allow for outright exemptions from BACT or LAER limits, and does not undermine protection of the NAAQS, PSD increments, or visibility.

Response: We do not agree. Under the UBR, excess emissions resulting from unavoidable breakdowns are not violations. We consider that an outright exemption, which prevents enforcement action where, for example, it may be needed to protect the NAAQS. The commenter's premise—that unavoidable breakdowns will occur regardless of the rule—assumes a continued right to pollute regardless of whether such emissions might undermine the very purpose of the SIP—attainment and maintenance of the NAAQS. It also assumes that the UBR provides adequate incentives to avoid malfunctions and protect the NAAQS. We do not agree. See our other responses.

(i) Comment: A commenter argues that the UBR does not preclude injunctive relief. The commenter cites UDAQ's ability to pursue injunctive relief if it decides the excess emissions were not caused by an unavoidable breakdown.

Response: The commenter says nothing about EPA or citizen authority where UDAQ decides, erroneously or not, that the excess emissions were caused by an unavoidable breakdown, or where the excess emissions were in fact caused by an unavoidable breakdown as defined in the UBR. It is our interpretation that injunctive relief must be preserved regardless of the State determination and regardless of the cause of the exceedance. Protection of the NAAQS should not be subservient to a source's desire to continue operating as it has, or its "need" to continue polluting. As we have explained in our various policy statements over the years, all exceedances must be treated as violations to allow protection of the NAAQS, and no defense to injunctive relief is appropriate. See the 1982, 1983, and 1999 Policies.

Also, as to UDAQ's enforcement discretion, we find it likely that the UBR would prevent the State from obtaining injunctive relief where the breakdown meets the criteria in the UBR to be classified as unavoidable.

(j) Comment: Commenters state that contrary to EPA's assertion, the discretion afforded the UDAQ executive secretary under the unavoidable breakdown rule does not limit EPA's ability to overfile or a third party's ability to file a citizen's suit. Another commenter states that EPA lacks a reasonable basis to presume "uncertainty" about reserved enforcement authority.

Response: The UBR language in question reads: "The submittal of such information shall be used by the executive secretary in determining whether a violation has occurred and/or the need of further enforcement action."

[18] In 1997, EPA initiated an enforcement action against the Phillips Petroleum refinery in Davis County, Utah when the State declined to pursue enforcement. Among other things, EPA alleged that Phillips had violated its one-hour emission limit contained in the Utah SIP for the Salt Lake County PM_{10} nonattainment area. The State, with little or no apparent analysis, decided that all or nearly all of the more than 1,000 exceedances EPA cited in its complaint against Phillips were caused by unavoidable breakdowns and were not violations under the UBR. Phillips alleged in pleadings that the State's decision precluded EPA enforcement as a matter of law. We disagreed with the State's decision and with Phillips' arguments, but the court never decided the issue because a settlement was reached. We have included in the docket for this action various pleadings and documents from the Phillips enforcement case that reflect the facts cited herein.

[19] We also may have been justified using our authority under 110(k)(6) to revise the rule, but have decided the better course here is to provide the State the opportunity to revise the SIP through the SIP call process.

The plain language appears to grant the executive secretary the authority to determine whether excess emissions constitute a violation or not. Our approval of that language could be construed by a court as ceding that authority to the State. A court could conclude that it should not resort to the interpretation we offered with our 1980 approval—that an exemption granted by the Utah executive secretary would not apply as a matter of Federal law—because the language of the regulation is clear on its face.[20] Also, we did not repeat our 1980 interpretation in subsequent approvals. In addition, representations made by the commenters here would not bind them or other entities in subsequent enforcement actions.

The State suggests that it would not "forget EPA's interpretation of the law." But, in its comments, the State does not say it agrees with EPA's interpretation or that it or another entity would not argue against EPA's interpretation in an enforcement action. As noted, at least one defendant—Phillips Petroleum—has already argued against our 1980 interpretation. To our knowledge, the State has never provided an interpretation that the UBR was not intended to and does not have a preclusive effect on EPA or citizen enforcement.

At best, the UBR language is ambiguous, and in the face of this ambiguity, a court could defer to the State's interpretation, whose interpretation of the rule is currently unknown. Ambiguous language can undermine the purpose of the SIP and compliance with CAA requirements.[21]

The commenters would have us remain silent in face of the uncertainty caused by the UBR language. The reasonable course is to require the State through our SIP call authority to change the UBR to remove its potential impediment to our and citizens' exercise of our independent enforcement authority under CAA sections 113 and 304.[22] The UBR's threat to our and citizens' independent enforcement authority under the CAA renders the SIP substantially inadequate.

The State suggests that our action is unreasonable because it has taken us so long to recognize and address the problem. As we noted above, issuance of the 1999 Policy spurred our re-examination of the Utah SIP. In particular, the 1999 Policy clarified that SIPs should not include provisions whereby a State's enforcement decision would "bar EPA's or citizens' ability to enforce applicable requirements." 1999 Policy at 3. The Phillips Petroleum case also influenced us. The State does not mention that we attempted to address our concerns cooperatively with the State since shortly after the 1999 Policy was issued, and for many years thereafter.

(k) Comment: One commenter suggests that the potential preclusive effect of the executive secretary's violation/non-violation determinations under the UBR may be "in keeping with the role given to states in SIP matters."

Response: We disagree. Sections 113 and 304 of the Act clearly provide independent enforcement authority to EPA and citizens. While section 304 limits citizens' authority where a State or EPA "has commenced and is diligently prosecuting a civil action," nothing in the CAA suggests that Congress intended or required States to have exclusive authority to determine whether an exceedance constitutes a violation. Nor is there any rational reason EPA should be relegated, as the commenter suggests, to an action under section 113(a)(2) of the Act—to essentially wait for "widespread" dereliction of duty on Utah's part—to correct this problem in the UBR. Our use of SIP call authority to correct the problem is reasonable. We have responsibility to implement and interpret the CAA, and we reject the commenter's interpretation that the "balance of authority in Utah's SIP and the UBR is in keeping with the role given to states in SIP matters." Contrary to the commenter's suggestion, we are not required to wait for a court to determine in the context of an enforcement action whether the potential preclusive effect of the UBR language is consistent with the CAA. Congress did not hamstring us in that way; instead it provided us with authority to issue a SIP call to address substantial inadequacies in the SIP.

(l) Comment: Commenters argue that EPA's preferred approach would have no impact on emissions because unavoidable breakdowns are by their nature unavoidable regardless of the rule governing such events.

Response: First, as we explain above, the UBR precludes injunctive relief when the excess emissions fall within the UBR's coverage. As we have explained, this is inconsistent with the CAA. Commenters do not address this, but instead appear to assume the need to pollute trumps protection of the NAAQS.

Second, how "unavoidable" is defined makes a difference. Depending on the definition, different incentives with respect to design, operation, and maintenance are created. We find that the criteria contained in the UBR are not as extensive or rigorous as the criteria in the 1999 Policy for asserting an affirmative defense to penalty actions. For example, the UBR indicates that breakdowns caused by "poor maintenance" or "careless operation" or "any other preventable upset condition or preventable equipment breakdown" shall not be considered unavoidable breakdowns. Unlike the UBR, the 1999 Policy specifically addresses potential design flaws in addition to issues with maintenance and operation: "The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance." The lack of specificity in the UBR could lead a court to conclude that the rule was not intended to reach back to the design of the facility or its control equipment. In addition, the UBR does not indicate who has the burden of proof regarding claims of unavoidable breakdown. The 1999 Policy clearly provides that the source has the burden to prove the elements of the affirmative defense to penalties.

Third, who decides whether a breakdown qualifies as unavoidable makes a difference. As we have indicated, the UBR appears to give the Utah executive secretary exclusive authority to determine whether a violation has occurred—*i.e.,* whether a breakdown was an unavoidable breakdown. As noted, potential preclusion of EPA and citizen enforcement reduces the incentive for sources to improve their design, maintenance, and operation practices.

(m) Comment: Commenters assert that Utah's Unavoidable Breakdown Rule is generally consistent with EPA's criteria in the 1999 Policy and provide their own side-by-side comparison of the

[20] See, *e.g., U.S.* v. *Ford Motor Co.,* 736 F.Supp. 1539 (W.D. Mo. 1990) and *U.S.* v *General Motors Corp.,* 702 F.Supp. 133 (N.D. Texas 1988) (EPA could not pursue enforcement of SIP emission limits where States had approved alternative limits under procedures EPA had approved into the SIP); *Florida Power & Light Co.* v. *Costle,* 650 F.2d 579, 588 (5th Cir. 1981) (EPA to be accorded no discretion in interpreting State law). While we do not agree with the holdings of these cases, we think the reasonable course is to eliminate any uncertainty about reserved enforcement authority by requiring the State to revise or remove the unavoidable breakdown rule from the SIP.

[21] In approving Colorado's affirmative defense rule for startup and shutdown, we specifically disapproved one section of the rule that we felt could have been construed to cede authority to Colorado to determine whether a source had established the elements of the affirmative defense. 71 FR at 8959 (February 22, 2006).

[22] The UBR could be easily revised to address the problem. The sentence in question could be changed to read, "The submittal of such information shall be used by the executive secretary in determining whether to pursue enforcement action."

1999 Policy's affirmative defense provisions to the relevant provisions in Utah's Unavoidable Breakdown Rule. Commenters state that this comparison shows the criteria contained in the 1999 Policy are addressed "in all material respects" by the Utah UBR, and that it is therefore difficult to understand EPA's conclusion of substantial inadequacy.

Response: The commenters have not alleviated our concerns. In our proposal and elsewhere in this notice, we identify fundamental flaws in the UBR that render the UBR substantially inadequate regardless of the criteria for determining whether a breakdown is unavoidable.

We also disagree with the commenters that the criteria are equivalent. We find that the UBR lacks the specificity contained in the 1999 Policy. For example, the 1999 Policy indicates that the source needed to use off-shift labor and overtime, to the extent practicable, to make repairs and needed to make repairs expeditiously when it knew or should have known that emissions limits were being exceeded. This specificity helps define the more general admonition in the policy that the source needs to employ good practices for minimizing emissions. We have already noted that the UBR criteria do not appear to address proper design of the facility, and they do not require reporting of all breakdowns. Also, the UBR does not require that the owner or operator document its actions in response to the breakdown with signed, contemporaneous operating logs.

Finally, we note that one significant difference between the affirmative defense described in the 1999 Policy and the UBR is that the affirmative defense recognizes that a violation of the emissions standard has occurred and provides relief only for actions for penalties. The UBR provides that the excess emissions are excused and would prohibit any action for penalties and any action for injunctive relief.

(n) Comment: The terms of the UBR are analogous to the criteria that EPA's 1982 and 1983 policies provided for analyzing whether a malfunction ought to spur enforcement action under the enforcement discretion approach. The UBR does not provide an automatic exemption as described in those policies.

Response: See our previous response. Also, assuming the comment regarding the criteria is relevant, we disagree with the commenter. The UBR is inconsistent with the 1982 and 1983 Policies in several respects. Specifically, the 1983 Policy states that "EPA can approve SIP revisions which incorporate the 'enforcement discretion approach.' Such an approach can require the source to demonstrate to the appropriate State agency that the excess emissions, **though constituting a violation**, were due to an unavoidable malfunction. **Any malfunction provision must provide for the commencement of a proceeding to notify the source of its violation and to determine whether enforcement action should be undertaken for any period of excess emissions**." (Emphasis added). The UBR does not require the State to initiate a proceeding to notify the source of its violation. Moreover, contrary to the foregoing, the UBR specifically provides that the executive secretary may decide that the excess emissions are not a violation, which could preclude enforcement action by EPA or citizens as well as injunctive relief. Finally, the 1999 Policy clarified the meaning of the term "automatic exemption." As we explain elsewhere, the UBR clearly provides an automatic exemption.

(o) Comment: EPA fails to acknowledge Utah Rule R307–107–1, 'Application', which states "Breakdowns that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered unavoidable breakdown." Therefore, commenters state EPA's complaint claiming that "the rule's exemption reduces a source's incentive to design, operate, and maintain its facility to meet emission limits at all times" is without merit.

Response: We disagree. First, the quoted language is part of the criteria contained in the UBR. See our responses to comments comparing the criteria of the UBR to the criteria contained in our SSM policies. Second, considered as a whole, we conclude that the UBR reduces a source's incentive to meet its emission limits at all times. We have explained the basis for our view in our responses to previous comments. In particular, the rule appears to give the executive secretary exclusive authority to decide whether a breakdown meets the criteria under the UBR and thus, whether an exceedance is a violation.

(p) Comment: Commenters assert that EPA's SIP call is inconsistent with the Federal-State partnership as contemplated in the CAA. Commenters state that the CAA does not contemplate mandates to require a State to modify its SIP, without regard to environmental or air quality benefits, simply because EPA has a particular policy it wants to advance.

Response: We are not acting at odds with the CAA's contemplated Federal-State partnership. The CAA establishes minimum requirements for SIPs and does not, as the commenters indicate, limit EPA's action to simply reviewing a SIP to determine whether it will provide for attainment and maintenance of the Act. Section 110(a)(2) provides a specific list of obligations that a State must meet and we are acting to ensure the Utah SIP meets those minimum requirements. In particular, we are acting to ensure that SIP emission limits, and related permit limits, which are for the purpose of attaining and maintaining the health-based air quality standards, protecting increments, and improving visibility in national parks and wilderness areas, can be enforced at all times as contemplated by sections 110 and 302 of the Act. We are also acting to ensure that Utah's SIP does not undermine delegated national standards like NSPS and NESHAPS.

(q) Comment: It is left to the states, and not EPA, to choose how they will achieve assigned emission reduction levels. Section 110 allows for a SIP call only if the state is not achieving NAAQS. As long as a state achieves the applicable air quality standards, Congress did not intend EPA to require a plan revision merely because it disagrees with the measure that a state implements.

Response: We are not interfering with Utah's selection of SIP emissions limits. We are acting to ensure that one element of the SIP—the UBR—is modified or removed so that it does not interfere with one of the minimum requirements of the CAA—that the SIP limits relied on to attain and maintain the NAAQS, protect increments, and protect visibility apply and be enforceable at all times. Furthermore, in the context of NSPS and NESHAPS, to which the UBR also applies, it is up to EPA to select emission limits (and any exemptions), not the State.

We disagree that section 110 only allows a SIP call if the State is not achieving the NAAQS. One commenter cites *Virginia* v. *EPA,* 108 F.3d 1397, 1410 (DC Cir. 1997) to support its view, but that court was addressing whether EPA could impose specific control requirements through its NO_X SIP call and did not reach the holding the commenter alleges. Such a holding would be inconsistent with the plain language of section 110 and the legislative history. Congress specifically amended CAA section 110(a)(2)(H) in 1977 to add the phrase, "or to otherwise comply with any additional requirements established under this chapter" to the language, "is substantially inadequate to attain the national ambient air quality standard." CAA section 110(k)(5), added in 1990, is

in accord. In other words, there are other instances in which a SIP call may be issued. Fundamentally, SIP limits must be enforceable and apply continuously to meet CAA requirements (CAA sections 110(a)(2)(A) and (C) and 302(k)), and where these requirements are not met, a SIP call is warranted.

Furthermore, as noted already, a number of areas in Utah are designated nonattainment and have violated, or are violating various NAAQS.

(r) Comment: Some commenters assert that allowing EPA to proceed with a SIP call here in the absence of data showing the UBR has caused specific NAAQS violations could set the stage for unfettered, arbitrary EPA SIP calls with respect to any number of state rules. A commenter asserts that EPA's SIP call runs counter to past EPA SIP calls. Another asserts that EPA erroneously finds that the SIP call does not have Federalism implications. A commenter references an EPA action under CAA section 110(k)(6) with respect to a Nevada malfunction rule to argue that the SIP call is arbitrary.

Response: We explain above why we think we have a valid basis for the SIP call. We note that we have rarely issued SIP calls, but in any event, the commenters' fears about potential future EPA SIP calls are irrelevant to this action. The question is whether we have reasonably concluded that the UBR renders the Utah SIP substantially inadequate as provided under 110(k)(5). We conclude we have. Whether other SIPs or SIP rules are substantially inadequate will depend on the language of those rules and facts relevant to them. The comment that this SIP call is inconsistent with past EPA SIP calls is also inaccurate. While in some cases EPA has issued SIP calls to address specific violations of the NAAQS, EPA has also issued a SIP Call notifying certain States that their SIPs were inadequate to comply with sections 110(a)(2)(A) and (C) of the CAA because the SIPs could be interpreted to limit the types of evidence or information that could be used for determining compliance with and establishing violations of emissions limits. See 62 FR 8314, 8327 (February 24, 1997); October 20, 1999 letter from William Yellowtail to Governor Marc Racicot. We stand by our conclusion that the SIP call does not have Federalism implications within the meaning of Executive Order 13132; we are issuing a SIP call as required by sections 110(a)((2)(H) and 110(k)(5) of the CAA, following a finding of substantial inadequacy. Finally, regarding the vague reference (without citation) to EPA Region 9's proposal to address issues with the Nevada SIP using the authority of CAA section 110(k)(6) (not section 110(a)(2)(H) or 110(k)(5)), we are unable to ascertain the relevance. Section 110(k)(6) provides an additional tool to ensure that SIPs are consistent with the requirements of the Act, and whether it could have been used in this instance does not implicate whether sections 110(a)(2)(H) and 110(k)(5) are appropriate tools to use. To the extent the commenter is suggesting that our SIP call is arbitrary because EPA Region 9 has not finalized its proposed 110(k)(6) action, we respectfully disagree.

(s) Comment: Utah's UBR is "clearly less stringent than the CAA and EPA rules and guidance."

Response: We agree that the UBR does not meet minimum CAA requirements and thus is substantially inadequate.

C. Sanctions

(a) Comment: Commenter asserts that EPA fails to meet the requirements to impose mandatory sanctions under the CAA because sanctions can only be triggered by a "finding of substantial inadequacy." The commenter also asserts that sanctions are unwarranted because Utah has always acted in good faith to involve all stakeholders, including EPA, in an attempt to craft a clarified rule. The commenter expresses concern that sanctions would harm Utah's economy in these difficult economic times and indicates that EPA" should be circumspect in brandishing its sanctions club."

Response: This rulemaking action finalizes our finding of substantial inadequacy under CAA section 110(k)(5), and the State is required to submit a SIP revision in response to the finding of substantial inadequacy. If the State fails to submit the required SIP, the 18-month period before mandatory sanctions apply under section 179 will be triggered.

Under CAA section 179, whether or not Utah has acted in good faith to change the UBR is irrelevant; we lack authority to forestall the mandatory sanctions if EPA determines Utah has failed to respond to the SIP call or submits an incomplete or disapprovable SIP. Utah, however, has the power to avoid sanctions and any economic impacts to the State by submitting an approvable SIP addressing our SIP call. We have provided additional time, at the State's request, for the State to make its submission. Finally, as we noted in our proposal, other States in the Region have changed their SSM rules and gained EPA's approval.

(b) Comment: If EPA were to impose statewide sanctions, it would violate 40 CFR 52.30(b) if the criteria of 40 CFR 52.30(c) are met by one or more political subdivisions within the State.

Response: No commenter has suggested that a political subdivision within Utah meets the criteria of 40 CFR 52.30(c). However, as described in the "Final Action" section of this action, we are deferring a decision on whether to impose sanctions under section 110(m) and will consider any comments on the issue of imposing sanctions under section 110(m) if and when we take final action on this issue in the future.

(c) Comment: EPA's discretion under the CAA "must not be unreasonable or arbitrary. Since the EPA has not identified any reasons upon which consideration of statewide sanctions was based, the EPA has not provided adequate notice to the public of whether the exercise of discretionary authority under CAA Section 110(m) is appropriate in this case."

Response: While we provided a reason in our proposal—namely, that the UBR applies statewide—we are deferring a decision on whether to impose discretionary sanctions.

(d) Comment: Transportation and mobile sources should not be punished for a rule governing industry operations. The commenter therefore recommends that EPA "include a 'Protective finding' in the SIP call for mobile sources," which "would prevent the automatic 'freeze' of conformity and allow for operations to continue for at least two years after an EPA disapproval takes effect." Another commenter expresses concern that sanctions would negatively impact transit services.

Response: EPA does not intend to "punish" anyone. The purpose of sanctions is to encourage corrective action by the State. The applicable sanctions are specified by Congress, not EPA. As noted above, sanctions can be avoided altogether by Utah's timely submission of an approvable revision to the SIP. Regarding the suggestion that we provide a protective finding, our interpretation is that disapproval of any rule submitted in response to this SIP call would not result in a conformity freeze because the revision at issue is not a control strategy SIP revision governed by 40 CFR 93.120. The metropolitan planning organization could continue to make conformity determinations even after such a disapproval. Also, for the same reason, even if highway sanctions are triggered by future disapproval of a revised breakdown rule, a conformity lapse would not occur because we would not be disapproving a control strategy SIP revision. If highway sanctions are triggered, certain projects, such as transit projects and highway safety and

maintenance projects, could still go forward. See 61 FR 14363 (April 1, 1996), which contains the Federal Highway Administration's sanction exemption criteria policy.

(e) Comment: EPA sanctions on transportation funding might slow improvements to transportation projects across Utah, potentially resulting in diminished air quality in both attainment and nonattainment areas across the state. Sanctions on transportation funding might also stifle growth.

Response: See our previous responses. As noted, the sanctions would be mandatory in certain areas. The sanctions can be avoided through appropriate State action, and certain projects can proceed even if highway sanctions are triggered. As noted, we are deferring a decision on whether to impose discretionary sanctions under CAA section 110(m).

(f) Comment: EPA should not impose statewide sanctions, because this would punish portions of the state that are in compliance with the CAA.

Response: As noted, we are deferring a decision on whether to impose the sanctions under CAA section 110(m).

(g) Comment: Applying sanctions only in nonattainment areas rather than statewide would be inconsistent with the CAA, as the intent of the CAA "is not simply to attain the NAAQS and other CAA requirements, but to maintain compliance."

Response: As noted, we are deferring a decision regarding the application of sanctions statewide. However, we note that the CAA provides us with discretion to expand the scope of the sanctions; it does not require we do so.

(h) Comment: EPA should apply sanctions if Utah fails to correct the UBR.

Response: As noted, mandatory sanctions will apply if the relevant triggering events occur. We are deferring a decision regarding the application of discretionary sanctions. See the "Final Action" section of this action, above.

D. Time Period for Response to SIP Call

(a) Comment: Utah requests that EPA grant the entire 18 months allowed by section CAA 179(a). Twelve months is an extremely short time to gather stakeholders, build consensus, draft a proposed rule, and allow for public participation, especially considering the considerable workload UDAQ faces aside from this SIP Call. Utah states that a response time of less than 18 months may cause a change in the prioritization and possibly compromise other air quality efforts by the State including the development of its Regional Haze Rule, the development of its $PM_{2.5}$ SIP revision, and efforts to meet the lower ozone standard. Another commenter believes that 12 months is an appropriate response period, while another argues for six months.

Response: In our proposed rulemaking action (see 75 FR 70893), we proposed that 12 months would be an appropriate length of time for Utah to respond to this SIP call. We viewed this as an acceptable time frame given the history with the State of Utah regarding the UBR and the time it has taken other States to submit SIPs addressing SSM rules. We have considered the State's comments and appreciate the resource burden a 12-month time frame would pose for UDAQ in view of the State's current work with its Regional Haze SIP revision, the development of its $PM_{2.5}$ attainment SIP revision (for three $PM_{2.5}$ nonattainment areas), and the potential for additional resource requirements to meet EPA's forthcoming reconsidered 8-hour ozone NAAQS. We also conclude that six months may not provide the State with sufficient time to revise the rule and still provide a reasonable opportunity for public input. Therefore, as CAA section 110(k)(5) grants EPA the authority to establish "reasonable deadlines" up to 18 months for a State to respond to a SIP call, and in view of the resource requirements that this SIP call will impose on the State in addition to those noted above, we have decided to grant the full 18 months for response as allowed by the CAA. We consider this a reasonable time period for the State to revise the rule, provide for public input, process the SIP revision through the State's procedures, and submit the SIP revision to us. We encourage the State to work with us on appropriate rule language and to submit the SIP revision as soon as possible.

E. Miscellaneous Comments

(a) Comment: The commenters support EPA's action, and believe the action benefits the health and well-being of Utah citizens.

Response: We acknowledge receipt of the comment and the support for our proposal.

(b) Comment: Utah's UBR does not give industry incentive to design, operate and maintain equipment to meet emission limits at all times.

Response: We agree.

(c) Comment: The Utah UBR prevents the opportunity for citizen enforcement or injunctive relief.

Response: We agree that the UBR may preclude citizen enforcement or injunctive relief.

(d) Comment: EPA has notified Utah of the need to change their UBR on many occasions.

Response: We agree.

(e) Comment: SSM plans should be part of Title V permits so that information such as emission limits will be available to the public.

Response: This comment is not directly relevant to our action today, which does not address the treatment of SSM plans in Title V permits.

(f) Comment: EPA should include Utah R307–415–(7)(g) "Startup Shut down and Malfunction" in its analysis.

Response: Our review indicates that Utah rule R307–415–(7)(g) is part of Utah's Title V operating permit regulations and is titled "Permit Revision: Reopening for Cause." Utah's Title V regulations are separate from and not approved as part of the SIP. Thus, our SIP call authority is not applicable to those regulations. We were unable to find any discussion of startup, shutdown, or malfunction in R307–415–(7)(g) and, thus, are unable to respond more extensively to the comment.

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

This action only requires the State of Utah to revise Utah rule R307–107 to address requirements of the CAA. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because this action does not impose any requirements on small entities.

Since the only costs of this action will be those associated with preparation and submission of the SIP revision, EPA has determined that this action does not include a Federal mandate that may result in expenditures of $100 million or more to either State, local, or Tribal governments in the aggregate, or to the private sector in any one year. Accordingly, this action is not subject to the requirements of sections 202 or 205 of the unfunded mandates reform act (UMRA).

In addition, since the only regulatory requirements of this action apply solely to the State of Utah, this action is not subject to the requirements of section

203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

Since this action imposes requirements only on the State of Utah, it also does not have Tribal implications. It will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action also does not have Federalism implications because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will simply maintain the relationship and the distribution of power and responsibilities between EPA and the States as established by the CAA. This SIP call is required by the CAA because EPA has found the current SIP is substantially inadequate to attain or maintain the NAAQS or comply with other CAA requirements. Utah's direct compliance costs will not be substantial because the SIP call requires Utah to submit only those revisions necessary to address the SIP deficiencies and applicable CAA requirements.

EPA interprets Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard, but instead requires Utah to revise a State rule to address requirements of the CAA.

Section 12 of the National Technology Transfer and Advancement Act of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with the National Technology Transfer and Advancement Act, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical. In making a finding of a SIP deficiency, EPA's role is to review existing information against previously established standards. In this context, there is no opportunity to use VCS. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), since it only requires the State of Utah to revise Utah rule R307–107 to address requirements of the CAA.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 2011. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 31, 2011.

James B. Martin,

Regional Administrator, Region 8.

[FR Doc. 2011–9215 Filed 4–15–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 112

[EPA–HQ–OPA–2008–0821; FRL–9297–3]

RIN 2050–AG50

Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Amendments for Milk and Milk Product Containers

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is amending the Spill Prevention, Control, and Countermeasure (SPCC) rule to exempt all milk and milk product containers and associated piping and appurtenances from the SPCC requirements. The Agency is also removing the compliance date requirements for the exempted containers.

DATES: This final rule is effective on June 17, 2011.

ADDRESSES: The public docket for this rulemaking, Docket ID No. EPA–HQ–OPA–2008–0821, contains the information related to this rulemaking, including the response to comments document. All documents in the docket are listed in the index at *http://www.regulations.gov*. Although listed in the index, some information may not be publicly available, such as Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the EPA docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Public Reading Room is 202–566–1744, and the telephone number to make an appointment to view the docket is 202–566–0276.

FOR FURTHER INFORMATION CONTACT: For general information, contact the Superfund, TRI, EPCRA, RMP, and Oil Information Center at 800–424–9346 or TDD at 800–553–7672 (hearing impaired). In the Washington, DC metropolitan area, contact the Superfund, TRI, EPCRA, RMP, and Oil

Information Center at 703–412–9810 or TDD 703–412–3323. For more detailed information on specific aspects of this final rule, contact either Gregory Wilson at 202–564–7989 (*wilson.gregory@epa.gov*) or, Vanessa E. Principe at 202–564–7913 (*principe.vanessa@epa.gov*), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, Mail Code 5104A.

SUPPLEMENTARY INFORMATION: The contents of this preamble are:

I. General Information
II. Entities Potentially Affected by This Final Rule
III. Statutory Authority and Delegation of Authority
IV. Background
V. This Action
A. Finalize Modified Amendments
1. Industry Sanitary Standards and Construction Requirements
2. Summary of Comments
3. Response to Comments
4. Universe Affected by This Action
B. Removal of Compliance Date for Exempted Containers, Associated Piping and Appurtenances
VI. Statutory and Executive Order Reviews
A. Executive Orders 12866 and 13563: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act

I. General Information

On January 15, 2009, EPA proposed to amend the Spill Prevention, Control, and Countermeasure (SPCC) rule to tailor and streamline the requirements for the dairy industry. Specifically, EPA proposed to exempt milk containers and associated piping and appurtenances from the SPCC requirements provided they are constructed according to the current applicable 3–A Sanitary Standards, and are subject to the current applicable Grade "A" Pasteurized Milk Ordinance (PMO) or a State dairy regulatory requirement equivalent to the current applicable PMO. The Agency is modifying the proposed exemption to exempt all milk containers, and associated piping and appurtenances and is further extending the exemption to also include all milk product containers, and associated piping and appurtenances. Finally, the Agency is removing the compliance date requirements for the exempted containers.

EPA estimates that dairy farms will incur an average annualized savings of $133 million and milk product manufacturing plants an average annualized savings of $13 million (estimates based on 2009$ and a 7% discount rate). In aggregate, the total annualized savings is estimated at $146 million. The Regulatory Impact analysis, which can be found in the docket, provides more detail of the cost savings and methodology.

COST AND BENEFITS OF THE FINAL RULE

	Annualized cost savings	
	Discounted at 3%	Discounted at 7%
Costs	$0	$0
Benefits (Cost Savings)	143	146
Net Benefits (Benefits—Costs)	143	146

II. Entities Potentially Affected by This Final Rule

Industry sector	NAICS code
Farms	111, 112
Food Manufacturing	311

The Agency's goal is to provide a guide for readers to consider regarding entities that potentially could be affected by this action. However, this action may affect other entities not listed in this table. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding section entitled **FOR FURTHER INFORMATION CONTACT**.

III. Statutory Authority and Delegation of Authority

Section 311(j)(1)(C) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1321(j)(1)(C), requires the President to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil to navigable waters or adjoining shorelines from vessels and facilities and to contain such discharges. The President delegated the authority to regulate non-transportation-related onshore facilities to EPA in Executive Order 11548 (35 FR 11677, July 22, 1970), which was replaced by Executive Order 12777 (56 FR 54757, October 22, 1991). A Memorandum of Understanding (MOU) between the U.S. Department of Transportation (DOT) and EPA (36 FR 24080, November 24, 1971) established the definitions of transportation-related and non-transportation-related facilities. An MOU between EPA, the U.S. Department of the Interior (DOI), and DOT (59 FR 34102, July 1, 1994) re-delegated the responsibility to regulate certain offshore facilities from DOI to EPA.

In 1995, Congress enacted the Edible Oil Regulatory Reform Act (EORRA), 33 U.S.C. 2720, which mandates that Federal agencies,[1] in issuing or enforcing any regulation or establishing any interpretation or guideline relating to the transportation, storage, discharge, release, emission or disposal of oil, differentiate between and establish separate classes for the various types of oils, specifically: Animal fats and oils and greases, and fish and marine mammal oils; oils of vegetable origin; other non-petroleum oils and greases; and petroleum oils. In differentiating between these classes of oils, Federal agencies are directed to consider differences in the physical, chemical, biological, and other properties, and in the environmental effects of the classes.

IV. Background

EPA promulgated a series of amendments to the SPCC rule in December 2006, December 2008 and November 2009 that provided the

[1] The requirements of the Edible Oil Regulatory Reform Act do not apply to the Food and Drug Administration and the Food Safety and Inspection Service.

facility owner or operator with significant flexibility to comply with the SPCC regulatory requirements. Facilities handling animal fats and vegetable oils (AFVOs), subject to the SPCC rule because of their oil storage capacity, may benefit from a number of these amendments, which tailored prevention and control measures to the facility type and oils being stored. The provisions included streamlined requirements for qualified facilities and reduced requirements for a subset of those qualified facilities. The rule also amended the security, integrity testing, and facility diagram requirements, while exemptions were provided for pesticide application equipment and related mix containers, and for single-family residential heating oil containers. Finally, the amendments offered clarifications for fuel nurse tanks, wind farms and for the definition of "facility."

Milk typically contains a percentage of animal fat, a non-petroleum oil. Thus, containers storing milk and milk products are currently subject to the SPCC rule when they meet the applicability criteria set forth in § 112.1. In the SPCC rule, the term "bulk storage container" is defined at § 112.2 as "any container used to store oil." Therefore, bulk storage containers storing milk are currently subject to the applicable provisions under § 112.12. Additionally, milk is processed in containers during the pasteurization process. These continuous pasteurizers, while not bulk storage containers, are considered oil filled-manufacturing equipment and are currently subject to the general provisions of the SPCC rule under § 112.7. Finally, milk is also handled and transferred through piping and appurtenances associated with containers which are currently subject to certain provisions of the SPCC rule.

In response to EPA's October 2007 proposal for amendments to the SPCC rule (72 FR 58378, October 15, 2007), several comments requested that EPA exempt containers used to store milk from the SPCC requirements. Specifically, these comments suggested that milk storage containers be exempted from the SPCC requirements because the Grade "A" PMO addresses milk storage and tank integrity. The comments identified the PMO, which specifically addresses milk intended for human consumption, as a model ordinance maintained through a cooperative agreement between the States, the Food and Drug Administration (FDA), and the regulated community. States typically adopt the PMO either by reference, or by directly incorporating similar requirements into their statutes or regulations.

Thus, on January 15, 2009, the Agency published a proposal to exempt from SPCC requirements milk containers and associated piping and appurtenances provided they are constructed according to current applicable 3–A Sanitary Standards, and are subject to the current applicable PMO or a State dairy regulatory requirement equivalent to the current applicable PMO [74 FR 2463].

The Agency also requested comment on an exemption for milk product containers and their associated piping and appurtenances from the SPCC rule provided they are constructed in accordance with the current applicable 3–A Sanitary Standards, and are subject to the current applicable Grade "A" PMO sanitation requirements or a State dairy regulatory equivalent to the current applicable PMO. In addition, the Agency requested comment on how to address milk storage containers (including totes) that may not be constructed to 3–A Sanitary Standards under the SPCC rule and whether they should also be exempted from the SPCC requirements, provided they are subject to the current applicable Grade "A" PMO or a State dairy regulatory requirement equivalent to the current applicable PMO. Finally, the Agency requested comment on alternative approaches to address milk and milk product containers, associated piping and appurtenances under the SPCC rule.

After the Agency's review of comments and consideration of all relevant facts, today's rule modifies the proposed exemption to exempt all milk containers, and associated piping and appurtenances and further extends the exemption to include all milk product containers, and associated piping and appurtenances. The Agency is also removing the compliance date requirements for the exempt containers.

V. This Action

A. Finalize Modified Amendments

The Agency is exempting from the SPCC requirements milk and milk product containers, and associated piping and appurtenances. Additionally, the capacity of these exempted containers, and associated piping and appurtenances is not to be included in a facility's total oil storage capacity calculation (see § 112.1(d)(2)(ii)). The Agency is also removing the compliance date requirements for the exempted containers.

This preamble discusses these provisions, and any related comment received during the 2009 comment period, that raised substantive policy issues. For a complete discussion of the comments received in 2009, see *Comment and Response Document Oil Pollution Prevention; SPCC Plan Requirements—Amendments,* a copy of which is available in the docket for this rulemaking.

1. Industry Sanitary Standards and Construction Requirements

Milk and milk product containers and their associated piping and appurtenances are generally constructed according to an industry standard established by the 3–A Sanitary Standards organization (3–A Sanitary Standards, Inc., McLean, VA, *http://www.3-a.org*) which satisfy the PMO model code construction requirements for milk and milk product containers and associated piping and appurtenances. These containers, associated piping and appurtenances may also be subject to the U.S. Department of Agriculture (USDA) Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing (*Milk for Manufacturing Purposes and Its Production and Processing; Requirements Recommended for Adoption by State Regulatory Agencies;* see *http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3004791*). All milk handling operations subject to the PMO are required to have an operating permit, and are subject to inspection by State dairy regulatory agencies. The PMO model code establishes criteria for the permitting, inspection and enforcement of milk handling equipment and operations that govern all processes for milk intended for human consumption.

Likewise, USDA has developed and maintains a set of model regulations relating to quality and sanitation requirements for the production and processing of manufacturing grade milk, which are recommended for adoption and enforcement by the various States that regulate manufacturing grade milk. The purpose of the model requirements is to promote uniformity in State dairy laws and regulations relating to manufacturing grade milk. These recommended requirements contain criteria similar to those of the PMO for milk for manufacturing purposes, including its processing, use, labeling and storage. Furthermore, these requirements include provisions for inspections, certification and licensing of facilities that handle and process milk for manufacturing purposes and its products. These requirements serve as the basis for the exemption of milk and milk product containers, and their associated piping and appurtenances

from the SPCC rule. Milk and milk product containers, associated piping and appurtenances are generally constructed in accordance with standards like the current applicable 3–A Sanitary Standards, and are subject to standards like the current applicable PMO sanitation requirements, USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or equivalent State dairy regulations. The 3–A Sanitary Standards for equipment construction require the use of durable materials and sanitary construction criteria that can be easily maintained and kept clean and free of defects when appropriate cleaning procedures and chemicals are used. Both the PMO sanitation requirements and the USDA Recommended Requirements include construction and sanitation standards and frequent State and/or Federal inspections for these containers, piping and appurtenances, and provide definitions and/or list those milk and milk products to which they apply. State dairy requirements for permits/licenses, operations and inspections are generally structured to be equivalent to the current applicable PMO requirements and/or USDA Recommended Requirements. The Agency believes the combination of these specific standards and requirements address the prevention of oil discharges.

2. Summary of Comments

Support for an Expanded Exemption. There was only one comment to the 2009 proposal, and it expressed general support for the exemption. The comment requested that EPA consider exempting all milk and milk products, including cheese, cream, yogurt and ice cream mix. The comment stated these products and their containers do not present a potential for spills into navigable waters of the United States because the equipment must be constructed to preclude deterioration and must be maintained to keep it clean and free of defects. The comment states that all dairy processing equipment, storage containers, piping and appurtenances are made of high grade stainless steel (with the exception of some cheese storage containers) and are designed and constructed in accordance with 3–A and/or FDA's Current Good Manufacturing Practices (CGMP) or equivalents. The comment also states that other requirements mandate frequent inspection of dairy operations for defects in equipment thereby making spillage and leakage highly improbable.

Exemption of Solid Mixtures. The comment also requested that EPA exempt cheese and other mixtures that are solid at room temperature from the SPCC requirements. The comment included as an appendix a letter commenting on an earlier Agency action and requested an exemption of substances that are solid at ambient temperatures (including animal fats). The comment also stated that should a cheese production or storage facility catch fire, "under no circumstances would cheese liquefy and flow" out of the facility to potentially pollute or endanger navigable waters of the United States.

Expand the Scope of Regulations and Standards To Qualify the Exemption. The comment requested that EPA broaden the scope of regulatory requirements and construction standards to exempt additional containers from the SPCC rule, specifically those that are subject to the Food and Drug Administration (FDA) requirements under 21 CFR Part 110. The comment suggested the exemption state: "The SPCC rule does not apply to storage containers and associated piping and appurtenances that contain milk or milk products that are: A) subject to the construction requirements of 3–A Sanitary Standards or the equivalent standards approved by a federal, state or local regulatory authority, and b) are subject to 21 CFR Part 110, the PMO, or a state or local equivalent." Additionally, the comment argued that, along with high sanitation standards for edible fats and oils, regulations issued by the Occupational Safety and Health Administration (OSHA) for worker safety address storage and use of oils at food facilities, thereby reducing the likelihood, rate and magnitude of a spill should an accident occur.

Definition of Oil and Oil Mixtures. The comment also argued milk and milk products should not be defined as oil. The comment incorporates by reference statements that milk and other dairy products do not seem to meet the definition of "oil" because milk, ice cream mix, yogurt, cream, cheese and other dairy products are not (1) fat, oil or grease or (2) fat, oil or grease mixed with waste. The comment included as an appendix a letter to the Agency commenting on a separate action, stating there are minimal environmental risks resulting from edible fats and oils spills and EPA should exempt substances not listed on the U.S. Coast Guard list of petroleum and non-petroleum oils (*e.g.,* milk or milk products). The comment requests EPA clarify the definition of oil and oil mixtures so that lower fat mixtures, *e.g.,* those below 50 percent fat, or those that are solid at room temperature might not be considered oil, thereby exempting most milk and milk products from the SPCC requirements. The commenter further requested EPA not initiate any enforcement actions against operations where there is substantial doubt regarding whether substances at those facilities are within the scope of the SPCC rule until EPA has clarified oil mixtures.

3. Response to Comments

Support for an Expanded Exemption. EPA recognizes the merits to arguments supporting an exemption for milk product containers. Thus, EPA is amending the proposed exemption by exempting all milk containers, and associated piping and appurtenances and by further extending the exemption to include all milk product containers, and associated piping and appurtenances. The exempted containers include all milk and milk product containers as defined in the PMO model code, but also all milk and milk product containers subject to the USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing. EPA also acknowledges that some milk and milk product handling operations are subject to 21 CFR 110. However, EPA believes that the dairy specific standards above apply to the vast majority of milk and milk product containers. The Agency could not identify any milk or milk product containers that are not subject to PMO, USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or equivalent State dairy regulatory requirements and thus the final rule exempts all milk and milk product containers from the SPCC requirements.

In this final rule, EPA is amending the scope of the exemption by exempting all milk containers, and associated piping and appurtenances and by further expanding the exemption to include all milk product containers, and associated piping and appurtenances. These exempted milk and milk product containers, and associated piping and appurtenances are constructed according to standards like the current applicable 3–A Sanitary Standards, and are subject to standards like the current applicable Grade "A" (PMO), USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or equivalent State dairy regulatory requirements. Because of their operational requirements, particularly for permits/licenses and frequent inspections, the Agency expects the owner or operator of a facility with milk

and milk product containers subject to the 3–A Sanitary Standards, and PMO requirements, USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or equivalent State dairy regulatory requirements, to be in compliance with those provisions in order to maintain their operations. For the purposes of this provision, "equivalent" means a State dairy regulation that includes all the components of the PMO model code and/or the USDA Recommended Requirements. All milk and/or milk product transfer and processing activities are included in the scope of this exemption from the SPCC rule.

Exemption of Solid Mixtures. EPA disagrees that all oils or oil mixtures that are solid at room temperature should, as a general matter, be exempted from the SPCC rule. Vegetable oils and animal fats that are solid at room temperature serve as potent physical contaminants and are more difficult to remove from affected animals than petroleum oil (see 62 FR 54511, October 20, 1997).

The Agency believes that spill prevention for milk and milk products produced for processing and manufacturing (*e.g.,* butter, cheese, dry milk) are appropriately addressed through standards like the PMO model code, the USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or equivalent State dairy regulatory requirements, and thus is extending the exemption to include all milk and milk product containers, associated piping and appurtenances.

To decide whether a facility is subject to the SPCC rule, the owner or operator must first identify whether there is a reasonable expectation of an oil discharge to navigable waters or adjoining shorelines from the facility. The owner or operator of a facility may consider the nature and flow properties of the oils handled at the facility to make this determination (for more information, see Chapter 2 of the *SPCC Guidance for Regional Inspectors*). If there is a reasonable expectation that any oil (in any container) at the facility may impact waters if discharged, then the next step is to determine the aboveground and completely buried storage capacity of all oil located at the facility (except for exempt containers). If the aboveground storage capacity is greater than 1,320 U.S. gallons or the completely buried capacity is greater than 42,000 U.S. gallons, then the facility is subject to the SPCC rule and the owner or operator must develop an SPCC Plan that describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines. However, if the owner or operator of the facility determines there is not a reasonable expectation of discharge of oil to navigable waters or adjoining shorelines from all oils stored at the facility then the facility is not subject to the SPCC requirements. We recommend that the owner or operator document and date these determinations in the event that EPA challenges the determination following an inspection.

The SPCC rule is primarily a performance-based rule, therefore, the owner or operator may consider the properties of each oil located at the facility to identify measures and procedures to prevent spills from the facility. For example, storage of an oil in solid form inside a building may provide adequate secondary containment. Additionally, many SPCC rule provisions allow for environmentally equivalent alternatives to be used (except for secondary containment) provided they are documented in the Plan and certified by a Professional Engineer (see Chapter 3 of the *SPCC Guidance for Regional Inspectors* for more information).

Expand the Scope of Regulations and Standards To Qualify the Exemption. EPA agrees that the scope of the exemption should apply to all milk and milk product containers because they are subject to a combination of standards like the 3-A Sanitary Standards with either PMO or the USDA requirements or State equivalent dairy regulations. EPA is expanding the exemption because non-PMO milk and milk product containers are subject to standards like the USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or equivalent State dairy regulations. The Agency believes the components of these requirements are comparable to the PMO requirements. Specifically, both PMO and USDA Recommended Requirements have provisions that include permitting/licensing, inspections, construction standards, operations, maintenance, enforcement and other sanitation requirements.

All milk and milk product handling operations subject to the PMO and USDA Recommended Requirements must have an operating permit or license, and are subject to inspection by State dairy regulatory agencies. Both the PMO and the USDA Recommended Requirements establish criteria for the permitting/licensing, inspection and enforcement of handling equipment and operations that typically govern processes for milk and milk products intended for human consumption and for milk produced for processing and manufacturing products for human consumption. These include, but are not limited to, specifications for the design and construction of milk and milk product handling equipment, equipment sanitation and maintenance procedures, temperature controls, and pasteurization standards. In addition, because many kinds of harmful bacteria can grow rapidly in milk and milk products, and thus, to ensure a proper sanitary environment, standards like both the PMO and the USDA Recommended Requirements require that milk and milk product containers be frequently emptied, cleaned, inspected and sanitized and that records of such events be maintained. Such frequent cleaning and inspection of the containers suggests that any leaks or deterioration of container integrity would be quickly identified. PMO and USDA Recommended Requirements also require inspections of facilities with such milk and milk products handling operations by the State-designated regulatory agency prior to issuing a permit or license, and routine inspections thereafter (for example, at dairy farms covered by PMO at least once every six months) by a State designated regulatory agency. Inspections at these facilities encompass those elements associated with the milk and milk products operation, including the containers, and associated piping and appurtenances. Violations of the permitting or licensing requirements may result in the suspension or revocation of the facility's operating license or permit.

USDA regulations, guidelines and recommended requirements all recognize the unique nature in which milk and milk products are handled and stored in contrast to other oils intended for human consumption. Subpart D—Farm Requirements for Milk for Manufacturing of the USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing requires that farm bulk tanks meet 3-A Sanitary Standards for construction at the time of installation, that they be installed in accordance with USDA regulations, and that all new utensils and equipment be in compliance with applicable 3-A Sanitary Standards. Furthermore USDA regulation under 7 CFR 58.128(d) requires new or replacement storage

tanks or vats to comply with the appropriate 3-A Sanitary Standards (*i.e.,* Storage Tanks for Milk and Milk Products or Sanitary Standards for Silo-Type Storage Tanks for Milk and Milk Products). According to USDA Guidelines for the Sanitary Design and Fabrication of Dairy Processing Equipment, "Dairy Grading Branch policy fully supports and utilizes established 3-A Sanitary Standards and Accepted Practices." Furthermore the document says "When a USDA-Dairy Grading Branch review is requested of equipment for which there are no 3-A Sanitary Standards or Accepted Practices, USDA will use the general criteria, guidelines, and principles outlined in this document. These criteria, guidelines, and principles are consistent with those utilized by the 3-A Sanitary Standards Committees during the development of standards and accepted practices."

Although OSHA worker safety regulations may apply to facilities with milk or milk product containers, their requirements specifically focus on worker safety and do not address container design or container inspection practices as in the case of the PMO or USDA requirements and the 3-A Sanitary Standards. The FDA requirements under 21 CFR Part 110, are current good manufacturing practices in manufacturing, packing, or holding human food and apply to all foods under FDA jurisdiction; whereas PMO and USDA requirements are specific to milk and milk products. The PMO model code and the USDA Recommended Requirements are specific to milk and milk products and serve to minimize their potential for discharge because they include permitting or licensing of facilities, strict inspection frequencies and enforcement procedures, among others. The monitoring and sanitation standards under PMO and USDA serve in part as spill prevention measures because the frequent cleaning and inspections of the milk and milk product containers, associated piping and appurtenances leads to early identification of equipment failure, and spill detection. Failure to comply with these provisions may lead to a suspension of licenses or permits issued under PMO or USDA.

Definition of Oil and Oil Mixtures. EPA does not agree with the comment that milk is not an oil. Milk and other milk products comprised of animal fats meet both the definition of oil and of non-petroleum oil included in § 112.2 of the rule. EPA has an established record of including animal fats and vegetable oils in planning and spill prevention requirements (see 40 FR 28849, July 9, 1975; and 62 FR 54509, October 20, 1997). The SPCC rule defines oil as "oil of any kind or in any form, including, but not limited to: Fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil." (40 CFR 112.2) The rule further defines non-petroleum oil as "oil of any kind that is not petroleum-based, including, but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels." Both definitions qualify the listed examples with the statement "including but not limited to" which indicates that these definitions are not limited by the examples provided.

EPA disagrees with the comment that edible fats and oils pose minimal environmental risks. In a notice published on October 20, 1997 (62 FR 54508), EPA denied a request submitted by various trade associations to treat facilities that handle, store, or transport animal fats and vegetable oils in a manner differently from those facilities that store petroleum-based oils. The petitioners claimed that unlike most if not all other oils, animal fats and vegetable oils are non-toxic, readily biodegradable, not persistent in the environment, and in fact are essential components of human and wildlife diets. EPA agrees with the comment that animal fats and vegetable oils, which are consumed in small amounts, are an essential component of human and wildlife diets. However, large amounts of such oils, when discharged into navigable waters or adjoining shorelines, present significant risks to the environment, including wildlife. In fact, the environmental effects of petroleum and non-petroleum oils, including vegetable oils and animal fats, are similar because of the physical and chemical properties common to both. (See **Federal Register** notice at 62 FR 54508; October 20, 1997 for more information on the environmental effects of oil spills of edible fats and oils.)

EPA acknowledges that the U.S. Coast Guard list of petroleum and non-petroleum oils [2] does not specifically list milk or milk products; however, this does not provide an adequate basis to exempt milk or milk products from the SPCC rule, especially since they meet the definition of oil under the SPCC rule. Moreover, the U.S. Coast Guard list only includes examples of oils and is not meant to be all-inclusive. The examples are organized alphabetically into several subgroups, including a group for edible animal and vegetable oils and other oils of animal or vegetable origin (which have historically been considered Clean Water Act (CWA) oils). While milk and milk products are not specifically included on the Coast Guard list, for purposes of SPCC, they fall under the category of edible animal and vegetable oils.

Finally, the Agency did not propose changes to the definitions of oil or oil mixture and therefore defining oil and/or oil mixtures are issues outside the scope of this action. Furthermore, EPA will continue to enforce the Oil Pollution Prevention regulations for oil mixtures. The owner or operator of a SPCC-subject facility should consider the definition of oil included in § 112.2 of the rule and the CWA definition of oil when making determinations on how to address the SPCC requirements.

4. Universe Affected by This Action

The approach in this action addresses the concerns raised by the dairy industry for milk producers (dairies) and milk product facilities subject to the SPCC requirements. In 2009, the National Agricultural Statistics Service (NASS), an agency within the USDA, estimated there were 65,000 operations with one or more milk cows and 1,178 facilities manufacturing one or more dairy products (excluding fluid milk products) in the United States. Most of the 65,000 operations with milk cows produce only fluid milk (subject to the PMO or the USDA Recommended Requirements) and their milk storage containers would be exempted. Manufactured dairy facilities handle milk and milk products subject to standards such as either the PMO or the USDA Recommended Requirements, and all their milk/milk product storage containers are also exempt. Milk or milk product containers not under the PMO or the USDA Recommended Requirements are generally covered by an equivalent State dairy regulation; all these State regulated milk and milk product containers are also exempt. This action exempts the entire universe of milk and milk product containers, and associated piping and appurtenances.

Note that milk and milk product facilities may handle other oils subject

[2] The U.S. Coast Guard List Of Petroleum and Non-petroleum Oils can be found at: *http://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentTypeId=2&channelId=-30565&contentId=120944&programId=117833&programPage=%2Fep%2Fprogram%2Feditorial.jsp&pageTypeId=13489.*

to the SPCC requirements. These facilities either have or are developing SPCC Plans in anticipation of the compliance date, but will not have to account for, or address the exempted containers in their SPCC Plans. Some of these facilities may now be either exempt, or eligible as a qualified facility to self-certify the facility's SPCC Plan. In addition, "micro" processor facilities that process one milk product are expected to manufacture and/or store quantities below the SPCC applicability thresholds for container or aggregate quantities (*e.g.,* 1,000 pounds of cheese per month; self-bottling milk for farm consumption). The container sizes at these facilities are typically below the 55-gallon *de minimis* container size of the SPCC rule and therefore, are unlikely to be subject to SPCC requirements (see *SPCC Guidance for Regional Inspectors* for more information).

B. Removal of Compliance Date for Exempted Containers, Associated Piping and Appurtenances

On October 14, 2010, the Agency delayed the compliance date by which facilities must address milk and milk product containers, associated piping and appurtenances that are constructed according to the current applicable 3–A Sanitary Standards, and subject to the current applicable Grade "A" PMO or a State dairy regulatory requirement equivalent to the current applicable PMO (see 75 FR 63093). The date by which the owner or operator of a facility must comply with the SPCC requirements for these milk and milk product containers was delayed one year from the effective date of a final rule specifically addressing these milk and milk product containers, associated piping and appurtenances, or as specified by a rule that otherwise establishes a compliance date for these facilities. This delay of the compliance date was to provide time for certain facilities to undertake the actions necessary to prepare or amend their SPCC Plans, as well as implement them. Today's action specifically addresses those milk and milk product containers, associated piping and appurtenances for which the delay was established and does so by exempting them from any SPCC regulatory requirements. Thus, a date for the exempted containers to come into compliance with SPCC requirements is no longer necessary. As such, the Agency is removing the regulatory requirement to comply with SPCC for these exempt containers by a date certain. The Agency provided notice of its intent in the October 14, 2010 final rule. The regulatory text is amended by removing and reserving 112.3(c).

This action does not affect the owner or operator's responsibility to prevent oil discharges, including those of milk or milk products, into navigable waters or adjoining shorelines. These discharges may be subject to other applicable statutes and regulations, including but not limited to Section 311 of the Clean Water Act, 33 U.S.C. 1321.

VI. Statutory and Executive Order Reviews

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

Under section 3(f)(1) of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 18, 2011), this action is an "economically significant regulatory action" because it is likely to have an annual effect on the economy of $100 million or more. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under EOs 12866 and 13563 and any changes made in response to OMB recommendations have been documented in the docket for this action.

In addition, EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis is contained in "Regulatory Impact Analysis for the Final Amendment to the Oil Pollution Prevention Regulations to Exempt Certain Milk and Milk Product Containers and Associated Piping and Appurtenances (40 CFR part 112)." A copy of the analysis is available in the docket for this action and the analysis is briefly summarized in section VI–C.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. The final rule amendment exempts from the SPCC rule milk and milk product containers, associated piping and appurtenances. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations, 40 CFR part 112, under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of this final rule on small entities, a small entity is defined as: (1) A small business as defined in the U.S. Small Business Administration (SBA)'s regulations at 13 CFR 121.201—SBA defines small businesses by category of business using North American Industry Classification System (NAICS) codes, and in the case of dairy farms, which constitute a large percentage of the facilities affected by this final rule, defines small businesses as having less than $0.75 million per year in sales receipts; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, the Agency certifies that this action will not have a significant economic impact on a substantial number of small entities since the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The impact of concern is any significant, adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the * * * rule on small entities" (5 U.S.C. 603 and 604).

Under this final rule, EPA is exempting from SPCC rule requirements milk and milk product containers, associated piping and appurtenances because they are generally designed, constructed and maintained according to the standards such as the current applicable 3–A Sanitary Standards, and are subject to the standards such as the current applicable Grade "A" PMO, USDA Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, or an

equivalent State dairy regulatory requirement. Overall, EPA estimates that this final action will reduce annual compliance costs by approximately $146 million for owners and operators of affected facilities. Total costs were annualized over a 10-year period using a 7 percent discount rate. To derive this savings estimate, EPA first estimated the number of dairy farms and milk processing facilities that will be affected each year (2010–2019) by the final rule. EPA next analyzed the expected milk and fuel oil storage capacity of dairy farms with varying numbers of cattle based on daily production rate per cow, the storage requirements for milk, and conversations with industry representatives. EPA also estimated the milk/milk product and fuel oil storage capacity of milk processing facilities, and estimated the cost savings associated with the exemption for milk/milk product storage containers at both dairy farms and milk processing facilities. These savings include secondary containment costs, cost savings from preparing and maintaining an SPCC Plan for a smaller facility, and, for Qualified Facilities, preparing only a Plan Template and saving PE certification costs. A certain number of dairy farms are expected to become exempt as a result of the amendments. While the Agency extended the exemption to include milk product containers, piping and appurtenances, it does not have data on the number of milk product containers at milk product manufacturing facilities to determine the overall cost savings for the exemption. Therefore, EPA expects that the total cost savings for the final rule is underestimated.

EPA, therefore, concludes that this final rule will relieve regulatory burden for small entities and certifies that this action will not have a significant economic impact on a substantial number of small entities. EPA requested comment on potential impacts on small entities, but received no comments specific to small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or Tribal governments or the private sector. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector; therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments; the amendments impose no enforceable duty on any small government.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Under the Clean Water Act (CWA) section 311(o), States may impose additional requirements, including more stringent requirements, relating to the prevention of oil discharges to navigable waters or adjoining shorelines. EPA recognizes that some States have more stringent requirements (56 FR 54612, October 22, 1991). This final rule would not preempt State law or regulations. Thus, Executive Order 13132 does not apply to this final rule.

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

This action does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule will not significantly or uniquely affect communities of Indian Tribal governments. Thus, Executive Order 13175 does not apply to this final rule. EPA specifically solicited additional comment on this action from Tribal officials, but none was received.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This final rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 18355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The overall effect of the final rule is to decrease the regulatory burden on certain facility owners or operators subject to its provisions.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law No. 104–113 (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The owner or operator of a facility subject to the SPCC rule has the flexibility to consider applicable industry standards in the development of an SPCC Plan, in accordance with good engineering practice. EPA solicited comments on this aspect of the rulemaking and, specifically, invited the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation. The single comment submitted agreed with the use of the 3–A Sanitary Standards and the PMO model code as a basis for exempting milk and milk product containers, associated piping and appurtenances from the SPCC requirements. However, this rulemaking does not involve technical standards, as it does not set or incorporate by reference any one specific technical standard. Therefore, the NTTAA does not apply.

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

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is a "major rule" as defined by 5 U.S.C. 904(2). This rule will be effective June 17, 2011.

List of Subjects in 40 CFR Part 112

Environmental protection, Animal fats and vegetable oils, Farms, Milk, Milk products, Oil pollution, Tanks, Water pollution control, Water resources.

Dated: April 12, 2011.

Lisa P. Jackson,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 112 as follows:

PART 112—OIL POLLUTION PREVENTION

■ 1. The authority citation for part 112 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 33 U.S.C. 2720; and E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

Subpart A—[Amended]

■ 2. Amend § 112.1 by adding paragraphs (d)(2)(ii)(F) and (d)(12) to read as follows:

§ 112.1 General applicability.

* * * * *

(d) * * *

(2) * * *

(ii) * * *

(F) The capacity of any milk and milk product container and associated piping and appurtenances.

* * * * *

(12) Any milk and milk product container and associated piping and appurtenances.

* * * * *

§ 112.3 [Amended]

■ 3. Amend § 112.3 by removing and reserving paragraph (c).

[FR Doc. 2011–9288 Filed 4–15–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1186]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44

CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Tuscaloosa.	City of Tuscaloosa (10–04–7227P).	January 10, 2011; January 17, 2011; *The Tuscaloosa News.*	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, P.O. Box 2089, Tuscaloosa, AL 35401.	December 31, 2010	010203
Arizona:					
Maricopa	City of Surprise (10–09–3551P).	January 27, 2011; February 3, 2011; *The Arizona Business Gazette.*	The Honorable Lyn Truitt, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85734.	June 3, 2011	040053
Maricopa	Unincorporated areas of Maricopa County (10–09–3551P).	January 27, 2011; February 3, 2011; *The Arizona Business Gazette.*	Mr. Andrew Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	June 3, 2011	040037
California: Riverside	City of Hemet (10–09–2521P).	December 24, 2010; December 31, 2010; *The Press-Enterprise.*	The Honorable Jerry Franchville, Mayor, City of Hemet, 445 East Florida Avenue, Hemet, CA 92543.	December 17, 2010	060253
Colorado:					
Adams	City of Commerce City (10–08–0226P).	February 1, 2011; February 8, 2011; *The Commerce City Sentinel Express.*	The Honorable Paul Natale, Mayor, City of Commerce City, 7887 East 60th Avenue, Commerce City, CO 80022.	June 8, 2011	080006
Douglas	Town of Parker (10–08–0769P).	December 23, 2010; December 30, 2010; *The Douglas County News-Press.*	The Honorable David Casiano, Mayor, Town of Parker, 20120 East Main Street, Parker, CO 80138.	April 29, 2011	080310
Douglas	Unincorporated areas of Douglas County (10–08–0769P).	December 23, 2010; December 30, 2010; *The Douglas County News-Press.*	Mr. Steven A. Boand, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	April 29, 2011	080049
Nevada:					
Washoe	City of Reno (10–09–3236P).	January 4, 2011; January 11, 2011; *The Reno Gazette-Journal.*	The Honorable Bob Cashell, Mayor, City of Reno, P.O. Box 1900, Reno, NV 89505.	December 28, 2010	320020
Washoe	City of Sparks (10–09–3236P).	January 4, 2011; January 11, 2011; *The Reno Gazette-Journal.*	The Honorable Geno Martini, Mayor, City of Sparks, 431 Prater Way, Sparks, NV 89431.	December 28, 2010	320021
North Carolina:					
Alamance	Unincorporated areas of Alamance County (10–04–2172P).	December 16, 2010; December 23, 2010; *The Times-News.*	Mr. Craig F. Honeycutt, Alamance County Manager, 124 West Elm Street, Graham, NC 27253.	April 22, 2011	370001
Wake	City of Raleigh (10–04–1146P).	January 6, 2011; January 13, 2011; *The News & Observer.*	The Honorable Charles Meeker, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	May 13, 2011	370243
Ohio:					
Lake	City of Painesville (10–05–6522P).	January 3, 2011; January 10, 2011; *The News-Herald.*	Mr. Joseph Hada, Jr., President, Painesville City Council, 7 Richmond Street, P.O. Box 601, Painesville, OH 44077.	January 24, 2011	390319
Lake	Unincorporated areas of Lake County (10–05–6522P).	January 3, 2011; January 10, 2011; *The News-Herald.*	Mr. Raymond E. Sines, President, Lake County Board of Commissioners, 105 Main Street, P.O. Box 490, Painesville, OH 44077.	January 24, 2011	390771
Tennessee: Sumner	City of Gallatin (10–04–4673P).	January 19, 2011; January 26, 2011; *The Gallatin Newspaper.*	The Honorable Jo Ann Graves, Mayor, City of Gallatin, 132 West Main Street, Gallatin, TN 37066.	May 26, 2011	470185

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: March 30, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2011–9342 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1191]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa	Town of Cave Creek, (10–09–2786P).	February 17, 2011; February 24, 2011; *The Arizona Business Gazette.*	The Honorable Vincent Francia, Mayor, Town of Cave Creek, 37622 Cave Creek Road, Cave Creek, AZ 85331.	June 24, 2011	040129
California:					
Ventura	City of Camarillo, (10–09–2501P).	February 4, 2011; February 11, 2011; *The Ventura County Star.*	The Honorable Mike Morgan, Mayor, City of Camarillo, 601 Carmen Drive, Camarillo, CA 93010.	June 13, 2011	065020
Ventura	City of Moorpark, (10–09–2904P).	February 4, 2011; February 11, 2011; *The Ventura County Star.*	The Honorable Janice S. Parvin, Mayor, City of Moorpark, 799 Moorpark Avenue, Moorpark, CA 93021.	June 13, 2011	060712
Ventura	Unincorporated areas of Ventura County, (10–09–2501P).	February 4, 2011; February 11, 2011; *The Ventura County Star.*	Ms. Linda Parks, Chair, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, CA 93009.	June 13, 2011	060413

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Ventura	Unincorporated areas of Ventura County, (10–09–2904P).	February 4, 2011; February 11, 2011; *The Ventura County Star*.	Ms. Linda Parks, Chair, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, CA 93009.	June 13, 2011	060413
Colorado:					
Adams	City of Thornton, (10–08–0748P).	February 17, 2011; February 24, 2011; *The Northglenn-Thornton Sentinel*.	The Honorable Mack Goodman, Mayor Pro Tempore, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	June 24, 2011	080007
Adams	Unincorporated areas of Adams County, (10–08–0748P).	February 17, 2011; February 24, 2011; *The Northglenn-Thornton Sentinel*.	Mr. W. R. "Skip" Fischer, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, Brighton, CO 80601.	June 24, 2011	080001
Douglas	Unincorporated areas of Douglas County, (11–08–0030P).	February 10, 2011; Feburary 17, 2011; *The Douglas County News-Press*.	Ms. Jill Repella, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	June 17, 2011	080049
El Paso	City of Colorado Springs, (10–08–0471P).	January 5, 2011; January 12, 2011; *The El Paso County Advertiser and News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	December 29, 2010	080060
Summit	Town of Breckenridge, (10–08–0858P).	February 25, 2011; March 4, 2011; *The Summit County Journal*.	The Honorable John Warner, Mayor, Town of Breckenridge, P.O. Box 168, Breckenridge, CO 80424.	July 5, 2011	080172
Summit	Unincorporated areas of Summit County, (10–08–0858P).	February 25, 2011; March 4, 2011; *The Summit County Journal*.	Ms. Karn Stiegelmeier, Chair, Summit County Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424.	July 5, 2011	080290
Florida:					
Lee	Unincorporated areas of Lee County, (10–04–7794P).	November 3, 2010; November 10, 2010; *The News-Press*.	Mr. Frank Mann, Chair, Lee County Board of Commissioners, 2115 2nd Street Fort Myers, FL 33901.	October 27, 2010	125124
Monroe	City of Key West, (11–04–2484X).	February 9, 2011; February 16 2011; *The Key West Citizen*.	The Honorable Craig Cates, Mayor, City of Key West, 525 Angela Street, Key West, FL 33040.	January 31, 2011	120168
Monroe	Unincorporated areas of Monroe County, (11–04–2484X).	February 9, 2011; February 16 2011; *The Key West Citizen*.	The Honorable Heather Carruthers, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	January 31, 2011	125129
Orange	City of Ocoee, (10–04–8380P).	February 22, 2011; March 1, 2011; *The Orlando Sentinel*.	The Honorable S. Scott Vandergrift, Mayor, City of Ocoee, 150 North Lakeshore Drive, Ocoee, FL 34761.	February 14, 2011	120185
Hawaii: Hawaii	Unincorporated areas of Hawaii County, (10–09–3793P).	January 3, 2011; January 10, 2011; *The Hawaii Tribune-Herald*.	The Honorable William P. Kenoi, Mayor, Hawaii County, 25 Aupuni Street, Hilo, HI 96720.	May 10, 2011	155166
North Carolina:					
Caldwell	Unincorporated areas of Caldwell County, (10–04–7739P).	January 20, 2011; January 27, 2011; *The Lenoir News-Topic*.	Mr. Ben Griffin, Chair, Caldwell County Board of Commissioners, P.O. Box 2200, 905 West Avenue, NW, Lenoir, NC 28645.	May 27, 2011	370039
Dare	Town of Kill Devil Hills, (10–04–3184P).	November 9, 2010; November 16, 2010; *The Coastland Times*.	The Honorable Raymond Sturza, Mayor, Town of Kill Devil Hills, P.O. Box 1719, Kill Devil Hills, NC 27948.	October 29, 2010	375353
Wake	Town of Apex, (10–04–4743P).	January 28, 2011; February 4, 2011; *The News & Observer*.	The Honorable Keith H. Weatherly, Mayor, Town of Apex, 73 Hunter Street, Apex, NC 27502.	June 6, 2011	370467
Tennessee: Sullivan	City of Kingsport, (10–04–7017P).	February 14, 2011; February 21, 2011; *The Kingsport Times-News*.	The Honorable Dennis R. Phillips, Mayor, City of Kingsport, 225 West Center Street, Kingsport, TN 37660.	June 21, 2011	470184
Utah: Washington	City of St. George, (11–08–0105P).	February 11, 2011; Feburary 18, 2011; *The Spectrum*.	The Honorable Daniel D. McArthur, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	February 4, 2011	490177
Wyoming: Uinta	Unincorporated areas of Uinta County, (10–08–0740P).	December 17, 2010; December 24, 2010; *The Uinta County Herald*.	Mr. Mick Powers, Chair, Uinta County Board of Commissioners, 225 9th Street, Evanston, WY 82930.	April 25, 2011	560053

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 8, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2011–9344 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Crittenden County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1045			
Mississippi River	Approximately at River Mile 700	+212	Unincorporated Areas of Crittenden County.
	Approximately at River Mile 727	+226	
	Approximately at River Mile 741	+234	
	Approximately at River Mile 750	+237	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
ADDRESSES **Unincorporated Areas of Crittenden County** Maps are available for inspection at the Crittenden County Courthouse, 85 Jackson Street, Marion, AR 72482. **Madison County, Indiana, and Incorporated Areas** **Docket No.: FEMA–B–1037**			
Alexandria Creek	Approximately 150 feet upstream of the confluence with Pipe Creek.	+853	City of Alexandria, Unincorporated Areas of Madison County.
	Approximately 2,100 feet upstream of 11th Street	+861	
Big Duck Creek	At South P Street	+843	City of Elwood, Unincorporated Areas of Madison County.
	Approximately 1,700 feet upstream of North 20th Street	+856	
Boland Ditch	Approximately 700 feet downstream of Meadowbrook Parkway.	+872	City of Anderson.
	Approximately 4,190 feet upstream of Main Street	+881	
Fall Creek	Approximately 630 feet downstream of Reformatory Road	+821	Unincorporated Areas of Madison County.
	Approximately 9,980 feet upstream of State Route 67	+862	
Foster Branch	Approximately 2,060 feet downstream of Fall Creek Road	+816	Town of Ingalls, Town of Pendleton, Unincorporated Areas of Madison County.
	Approximately 240 feet upstream of Old State Road 132	+860	
Pipe Creek	Approximately 1,425 feet downstream of Conrail Railroad	+820	City of Alexandria, Unincorporated Areas of Madison County.
	Approximately 2,690 feet upstream of Washington Street	+857	
Prairie Creek	Approximately 2,460 feet upstream of State Route 67	+851	Unincorporated Areas of Madison County.
	Approximately 4,460 feet upstream of State Route 67	+851	
West Fork White River	At State Route 13 North	+805	City of Anderson, Town of Chesterfield, Town of Country Club Heights, Town of River Forest, Town of Woodlawn Heights, Unincorporated Areas of Madison County.
	At County Line Road/South 1000 West	+872	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Alexandria
Maps are available for inspection at the City of Alexandria Office, 125 North Wayne Street, Alexandria, IN 46001.

City of Anderson
Maps are available for inspection at the City Building, 120 East 8th Street, Anderson, IN 46016.

City of Elwood
Maps are available for inspection at City Hall, 1505 South B Street, Elwood, IN 46036.

Town of Chesterfield
Maps are available for inspection at the Government Center, 17 Veterans Boulevard, Chesterfield, IN 46017.

Town of Country Club Heights
Maps are available for inspection at 1202 North Madison Avenue, Anderson, IN 46011.

Town of Ingalls
Maps are available for inspection at the Town Center, 247 Meridian Street, Ingalls, IN 46048.

Town of Pendleton
Maps are available for inspection at the Town Hall, 100 West State Street, Pendleton, IN 46064.

Town of River Forest
Maps are available for inspection at 53 River Forest Street, Anderson, IN 46011.

Town of Woodlawn Heights
Maps are available for inspection at 1301 Van Buskirk Road, Anderson, IN 46011.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Unincorporated Areas of Madison County			
Maps are available for inspection at the Madison County Government Center, 16 East 9th Street, Room 200, Anderson, IN 46018.			
Lee County, Iowa, and Incorporated Areas Docket No.: FEMA–B–1106			
Des Moines River (backwater effects from Mississippi River).	At the confluence with the Mississippi River	+499	City of Keokuk.
	Approximately 700 feet upstream of Burlington Northern Railroad.	+499	
Devils Creek (backwater effects from Mississippi River).	Just upstream of the confluence with the Mississippi River	+524	City of Fort Madison, Unincorporated Areas of Lee County.
	Approximately 900 feet downstream of 235th Street	+524	
Dry Creek (backwater effects from Mississippi River).	Just upstream of the confluence with the Mississippi River	+525	City of Fort Madison.
	Approximately 100 feet downstream of Atchison Topeka and Santa Fe Railway (Southernmost Track).	+525	
Fork Creek (backwater effects from Mississippi River).	Just upstream of the confluence with the Mississippi River	+526	City of Fort Madison.
	Approximately 100 feet downstream of Burlington Northern Railroad.	+526	
French Creek	Approximately 600 feet upstream of B Avenue	+558	Unincorporated Areas of Lee County.
	Approximately 700 feet upstream of B Avenue	+558	
Horton Creek (backwater effects from Mississippi River).	At the downstream side of Burlington Northern Railroad	+523	City of Montrose.
	Approximately 200 feet downstream of 2nd Street	+523	
Jack Creek (backwater effects from Mississippi River).	Approximately 1,300 feet upstream of 1st Street	+523	City of Montrose.
	At the downstream side of Burlington Northern Railroad	+523	
Mississippi River	At the confluence with the Des Moines River	+499	City of Fort Madison, City of Keokuk, City of Montrose, Unincorporated Areas of Lee County.
	Approximately 4.7 miles downstream of the confluence with the Skunk River.	+529	
Mississippi River Tributary (backwater effects from Mississippi River).	Approximately 100 feet upstream of Atchison Topeka and Santa Fe Railway.	+524	Unincorporated Areas of Lee County.
	Approximately 0.6 miles upstream of Ortho Road	+524	
Soap Creek	Just upstream of the confluence with the Mississippi River	+500	City of Keokuk.
	Approximately 500 feet downstream of 7th Street	+502	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Fort Madison
Maps are available for inspection at 811 Avenue E, Fort Madison, IA 52627.

City of Keokuk
Maps are available for inspection at 415 Blondeau Street, Keokuk, IA 52632.

City of Montrose
Maps are available for inspection at 102 South 2nd Street, Montrose, IA 52639.

Unincorporated Areas of Lee County
Maps are available for inspection at 933 Avenue H, Fort Madison, IA 52627.

Franklin County, Kansas, and Incorporated Areas Docket Nos.: FEMA–B–1057 and FEMA–B–1105			
Marias des Cygnes River	At South East Street	+882	City of Rantoul.
	Approximately 800 feet upstream of Vermont Road	+882	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Nugent Creek	Just upstream of Marshall Road	+904	City of Ottawa, Unincorporated Areas of Franklin County.
	Just downstream of I–35	+940	
Pottawatomie Creek	At the confluence with Unnamed Tributary between Walnut Street and Cherry Street in eastern portion of the city.	+874	City of Lane.
	Just upstream of the intersection of Lane Road and South Kansas Avenue.	+875	
Rock Creek	Just upstream of East 15th Street	+902	City of Ottawa, Unincorporated Areas of Franklin County.
	Just downstream of I–35	+913	
Walnut Creek	Just upstream of I–35	+1012	City of Wellsville, Unincorporated Areas of Franklin County.
	Just upstream of Utah Road	+1040	
Walnut Creek Tributary	At the confluence with Walnut Creek	+1030	Unincorporated Areas of Franklin County.
	Approximately 800 feet downstream of Hedge Road	+1038	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Lane
Maps are available for inspection at 520 3rd Street, Lane, KS 66042.

City of Ottawa
Maps are available for inspection at 101 South Hickory Street, 2nd Floor, Ottawa, KS 66067.

City of Rantoul
Maps are available for inspection at 120 East Main Street, Rantoul, KS 66079.

City of Wellsville
Maps are available for inspection at 411 Main Street, Wellsville, KS 66092.

Unincorporated Areas of Franklin County
Maps are available for inspection at 315 South Main Street, Suite 202, Ottawa, KS 66067.

Barren County, Kentucky, and Incorporated Areas
Docket No.: FEMA–B–1080

Barren River Lake	Entire shoreline	+590	Unincorporated Areas of Barren County.
Barren River Tributary 32.1 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.2 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.
Beaver Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 4.0 miles upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.
Beaver Creek Tributary 1 (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.7 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.
Beaver Creek Tributary 1.4 (backwater effects from Barren River Lake).	From the confluence with Beaver Creek Tributary 1 to approximately 1.5 miles upstream of the confluence with Beaver Creek Tributary 1.	+590	Unincorporated Areas of Barren County.
Beaver Creek Tributary 47 (backwater effects from Barren River Lake).	From the confluence with Beaver Creek to approximately 0.3 mile upstream of the confluence with Beaver Creek.	+590	Unincorporated Areas of Barren County.
Coon Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 0.8 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.
Dry Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1.0 mile upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Peter Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 2.2 miles upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.
Rose Creek (backwater effects from Barren River Lake).	From the confluence with Skaggs Creek to approximately 1.6 miles upstream of the confluence with Skaggs Creek.	+590	Unincorporated Areas of Barren County.
Skaggs Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 2.3 miles upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.
South Fork Beaver Creek (backwater effects from Barren River Lake).	From the confluence with Beaver Creek to approximately 0.4 mile upstream of the confluence with Beaver Creek.	+590	Unincorporated Areas of Barren County.
South Glover Creek (backwater effects from Barren River Lake).	From the confluence with Barren River Lake to approximately 1.5 miles upstream of the confluence with Barren River Lake.	+590	Unincorporated Areas of Barren County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Barren County

Maps are available for inspection at 117 North Public Square, Suite 3A, Glasgow, KY 42141.

Clinton County, Michigan (All Jurisdictions)
Docket No.: FEMA–B–1053

Looking Glass River	Just upstream of South Chandler Road	+805	Charter Township of Bath, Township of Victor.
	Approximately 9,000 feet upstream of Babcock Road	+807	
Prairie Creek and Gunderman Lake Drain.	At the confluence with Remy Chandler Drain	+817	Charter Township of DeWitt.
	Approximately 7,410 feet upstream of West Stoll Road	+832	
Remy Chandler Drain	Approximately 350 feet downstream of I–69	+834	Charter Township of Bath, Charter Township of DeWitt, City of East Lansing.
	Approximately 1,140 feet upstream of Coleman Road	+841	
Steel and Walbridge Drain	At the confluence with Spaulding Drain	+730	City of St. Johns, Township of Bingham.
	Approximately 600 feet upstream of Glastonbury Drive	+752	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Charter Township of Bath
Maps are available for inspection at 14480 Webster Road, Bath, MI 48808.

Charter Township of DeWitt
Maps are available for inspection at 1401 West Herbison Road, DeWitt, MI 48820.

City of East Lansing
Maps are available for inspection at 410 Abbott Road, East Lansing, MI 48823.

City of St. Johns
Maps are available for inspection at 100 East State Street, Suite 1100, St. Johns, MI 48879.

Township of Bingham
Maps are available for inspection at 1637 South DeWitt Road, St. Johns, MI 48879.

Township of Victor
Maps are available for inspection at 6843 East Alward Road, Laingsburg, MI 48848.

Clay County, Mississippi, and Incorporated Areas
Docket No.: FEMA–B–1093

Tombigbee River	Approximately 1.7 miles upstream of the confluence with Tibbee Creek.	+177	Unincorporated Areas of Clay County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 4.2 miles upstream of the confluence with Town Creek East.	+188	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Clay County

Maps are available for inspection at the Clay County Courthouse, 205 Court Street, West Point, MS 39773.

Cooper County, Missouri, and Incorporated Areas
Docket No.: FEMA–B–1087

Missouri River	Approximately 1,500 feet upstream of the Moniteau County boundary.	+587	City of Boonville, Unincorporated Areas of Cooper County.
	Approximately 2,500 feet downstream of the Saline County boundary.	+610	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Boonville

Maps are available for inspection at 1200 Locust Street, Boonville, MO 65233.

Unincorporated Areas of Cooper County

Maps are available for inspection at 200 Main Street, Room 4, Boonville, MO 65233.

Dawson County, Nebraska, and Incorporated Areas
Docket No.: FEMA–B–1087

North Channel Platte River	Approximately 1.2 miles downstream of Cottonwood Drive	+2548	City of Gothenburg.
	Just upstream of I–80	+2566	
Platte River	Approximately 0.6 mile downstream of Plum Creek Parkway.	+2381	City of Gothenburg, City of Lexington, Unincorporated Areas of Dawson County.
	Approximately 2.2 miles upstream of Plum Creek Parkway	+2398	
	Approximately 1.6 miles downstream of State Highway 47	+2550	
	Approximately 2.2 miles upstream of State Highway 47	+2572	
Spring Creek	Approximately 1,500 feet southeast of the intersection of Road 436 and East Prospect Road.	+2367	City of Lexington, Unincorporated Areas of Dawson County.
	On Spring Creek just downstream of Road 431	+2424	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Gothenburg

Maps are available for inspection at 409 9th Street, Gothenburg, NE 69138.

City of Lexington

Maps are available for inspection at 406 East 7th Street, Lexington, NE 68850.

Unincorporated Areas of Dawson County

Maps are available for inspection at 700 North Washington Street, Lexington, NE 68850.

Seneca County, Ohio, and Incorporated Areas
Docket No.: FEMA–B–1085

Morrison Creek (backwater effects from Sandusky River).	At the confluence with the Sandusky River	+717	Unincorporated Areas of Seneca County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Sandusky River	Approximately 700 feet upstream of the confluence with the Sandusky River.	+717	City of Tiffin, Unincorporated Areas of Seneca County.
	Approximately 1.0 mile downstream of Huss Street	+709	
	Approximately 1,600 feet downstream of U.S. Route 224	+745	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Tiffin

Maps are available for inspection at 51 East Market Street, Tiffin, OH 44883.

Unincorporated Areas of Seneca County

Maps are available for inspection at 109 South Washington Street, Suite 2002, Tiffin, OH 44883.

Jackson County, Oregon, and Incorporated Areas
Docket No.: FEMA–B–1085

Daisy Creek	At the confluence with Griffin Creek	+1274	City of Central Point, Unincorporated Areas of Jackson County.
	Just upstream of Beall Lane	+1299	
Elk Creek	At the confluence with Bear Creek	+1271	City of Central Point, Unincorporated Areas of Jackson County.
	Just upstream of Beall Lane	+1297	
Griffin Creek	At the confluence with Bear Creek	+1214	City of Central Point, Unincorporated Areas of Jackson County.
	Just downstream of Taylor Road	+1267	
	Just upstream of Beall Lane	+1301	
Horn Creek	At the confluence with Jackson Creek	+1264	City of Central Point, Unincorporated Areas of Jackson County.
	Just downstream of Mendolia Way	+1281	
	Just upstream of Grant Road	+1290	
Jackson Creek	Just downstream of Scenic Avenue	+1235	City of Central Point, Unincorporated Areas of Jackson County.
	Just downstream of Taylor Road	+1266	
	Just upstream of Beall Lane	+1301	
Jackson Creek Overbank	At the confluence with Jackson Creek	+1238	City of Central Point, Unincorporated Areas of Jackson County.
	At the divergence from Griffin Creek	+1258	
Mingus Creek	Just downstream of Pine Street	+1261	City of Central Point, Unincorporated Areas of Jackson County.
	Just upstream of Highway 99	+1295	
Rouge River	Approximately 500 feet upstream of Savage Rapids Dam	+975	Unincorporated Areas of Jackson County.
	Approximately 1.02 miles upstream of the confluence with Little Savage Creek.	+987	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Central Point

Maps are available for inspection at City Hall, 140 South 3rd Street, Central Point, OR 97502.

Unincorporated Areas of Jackson County

Maps are available for inspection at City Hall, 10 South Oakdale Avenue, Room 200, Medford, OR 97501.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Fairfield County, South Carolina, and Incorporated Areas Docket No.: FEMA–B–1110			
McCulley Creek	Approximately 1,370 feet downstream of State Road S–20–56.	+350	Town of Winnsboro, Unincorporated Areas of Fairfield County.
	Approximately 560 feet downstream of Dogwood Avenue	+396	
Sand Creek	Approximately 1.4 miles downstream of Pumphouse Road	+378	Town of Winnsboro, Unincorporated Areas of Fairfield County.
	Approximately 169 feet downstream of U.S. Route 321	+522	
Sand Creek Tributary 10	At the confluence with Sand Creek	+429	Unincorporated Areas of Fairfield County
	Approximately 0.7 mile upstream of the confluence with Sand Creek.	+489	
Sand Creek Tributary 11	At the confluence with Sand Creek	+449	Town of Winnsboro.
	Approximately 1,473 feet upstream of U.S. Route 321	+544	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
#Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Winnsboro
Maps are available for inspection at the Town Hall, 117 South Congress Street, Winnsboro, SC 29180.

Unincorporated Areas of Fairfield County
Maps are available for inspection at the Winnsboro Town Hall, 117 South Congress Street, Winnsboro, SC 29180.

Greenwood County, South Carolina, and Incorporated Areas Docket No.: FEMA–B–1093			
Lake Greenwood	Entire shoreline within community	+442	Unincorporated Areas of Greenwood County.
Ninety-Six Creek	Approximately 1.0 mile downstream of U.S. Route 702	+399	Unincorporated Areas of Greenwood County.
	Approximately 1,655 feet upstream of U.S. Route 702	+403	
Rocky Creek Tributary	Approximately 516 feet downstream of Bypass 72	+575	City of Greenwood.
	Approximately 2,177 feet upstream of Bypass 72	+590	
Saluda River	Approximately 3.9 miles downstream of U.S. Route 25	+448	Town of Ware Shoals, Unincorporated Areas of Greenwood County.
	Approximately 200 feet upstream of Saluda Avenue	+531	
Sample Branch	Approximately 1,206 feet upstream of the confluence with Rocky Creek.	+527	City of Greenwood, Unincorporated Areas of Greenwood County.
	Approximately 130 feet upstream of Dry Branch Court	+563	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Greenwood
Maps are available for inspection at City Hall, 520 Monument Street, Greenwood, SC 29648.

Town of Ware Shoals
Maps are available for inspection at the Town Hall, 8 Mill Street, Ware Shoals, SC 29692.

Unincorporated Areas of Greenwood County
Maps are available for inspection at the Greenwood County Courthouse, 600 Monument Street, Greenwood, SC 29646.

Barbour County, West Virginia, and Incorporated Areas Docket No.: FEMA–B–1083			
Tygart Valley River	Approximately 40 feet downstream of the confluence with Big Run.	+1696	Unincorporated Areas of Barbour County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 175 feet upstream of the confluence with Tributary No. 1 to Tygart Valley River.	+1706	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Barbour County

Maps are available for inspection at the Barbour County Courthouse, 8 North Main Street, Philippi, West Virginia 26416.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 8, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Do. 2011–9341 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 76, No. 74
Monday, April 18, 2011

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 ENERGY

10 CFR Part 431

[Docket Number EERE–2011–BP–TP–00024]

RIN 1904–AC46

Alternative Efficiency Determination Methods and Alternate Rating Methods

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of availability of request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) seeks information and data related to the use of computer simulations, mathematical methods, and other alternative methods of determining the efficiency of certain types of consumer products and commercial and industrial equipment. DOE intends to use the information and data collected in this RFI to better inform the proposals for a rulemaking addressing alternative efficiency determination methods (AEDM) and alternate rating methods (ARM) for these types of covered products.

DATES: Written comments and information are requested on or before May 18, 2011.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2011–BT–TP–0024, by any of the following methods:

- *E-mail:* to *AED/ARM-2011-TP-0024@ee.doe.gov.* Include EERE–2011–BT–TP–0024 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Revisions to Energy Efficiency Enforcement Regulations, EERE–2011–BT–TP–0024, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Phone: (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024. Phone: (202) 586–2945. Please submit one signed paper original.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information may be sent to Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. E-mail: *Ashley.Armstrong@ee.doe.gov,* and Ms. Laura Barhydt, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC–32, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 287–6122. E-mail: *Laura.Barhydt@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: As part of the testing procedures for certain consumer products and commercial and industrial equipment (hereafter referred to collectively as covered products), DOE allows the use of AEDMs or ARMs, once validated, in lieu of actual testing for the purposes of determining the certified ratings for basic models. AEDMs and ARMs are derived from mathematical models and engineering principles that govern the energy efficiency and energy consumption characteristics of a basic model. Where authorized by regulation, AEDMs and ARMs enable manufacturers to rate their basic models using estimated energy use or energy efficiency results. DOE has authorized the use of AEDMs or ARMs for covered products that are difficult or expensive to test, thereby reducing the testing burden for manufacturers of expensive or highly custom basic models. Currently, DOE allows the use of alternative rating procedures, once specified development and validation criteria are met, for commercial heating, ventilation, and air conditioning (HVAC) equipment; commercial water heaters; electric motors; distribution transformers; and residential split system central air conditioners and heat pumps.

DOE's existing requirements for the use of an AEDM include substantiation of the alternative method, as well as subsequent verification. Substantiation of the AEDM requires a manufacturer to test a specified number of basic models and then compare those test results with values derived by an AEDM. Tested values and derived values for each individual unit must be within a specified percentage of each other. The overall averages for the tested and AEDM values must also be within a specified percentage of each other. The number of units tested and the percentage correlations are product specific (see 10 CFR 429.70). Verification of an AEDM requires a manufacturer to test a specified number of basic models with the substantiated AEDM. No prior approval is required before the AEDM can be used to certify products. With respect to subsequent verification, if a manufacturer chooses to use an AEDM, it must make information available to DOE upon request for verification of the AEDM, including but not limited to: The mathematical model, complete test data, and the calculations used to determine efficiency. Additionally, if requested by DOE, a manufacturer must perform simulations, analysis, or unit testing to verify the AEDM.

While serving the same purpose as AEDMs, ARMs differ in that they are specific to residential central air conditioners and heat pumps and require approval from DOE before they can be used to certify products. In order to receive approval for an ARM, a manufacturer must submit test data for four mixed systems of central air conditioners and heat pumps along with complete documentation of the ARM and products as specified in 10 CFR 429.70(e)(2). Similar to the process for AEDM verification, the manufacturer may be required to conduct further analysis, including additional simulations, if requested by DOE.

DOE is publishing this RFI to seek information regarding the current procedures being employed by industry

to rate low-volume, custom-built-equipment and to better understand how DOE's current AEDM and ARM procedures are being applied. At this time, DOE is considering expanding the application of AEDMs to other types of covered commercial equipment, such as commercial refrigeration equipment and automatic commercial ice makers. Additionally, DOE plans to consider whether revisions to the procedures governing the substantiation and subsequent verification of AEDMs and ARMs are appropriate based on the data and comments received in response to this RFI.

Issues on Which DOE Seeks Comment and Information

General

1. What types of covered products necessitate or warrant the use of an AEDM or ARM?

2. What are the current methods employed by manufacturers to rate commercial and certain low-volume, built-to-order equipment?

3. Should DOE have two different types of alternative rating procedures? Are the distinctions between ARMs and AEDMs warranted?

4. Could an AEDM or ARM be used across multiple product classes or product types? Additionally, if an AEDM is used across product classes or types, should the amount of verification tests performed on the AEDM be dependent on the number of product classes/types to which it is applied?

5. Should DOE disallow the use of ARMs or AEDMs for manufacturers who have been found in non-compliance with an applicable conservation standard and/or certification requirement? Further, should DOE find all models rated using a specific ARM or AEDM in noncompliance as a result of a determination of noncompliance of one basic model rated with that specific ARM or AEDM?

6. What are the advantages and/or disadvantages of DOE approval of an AEDM or ARM prior to use as opposed to maintaining and providing data upon request?

7. Should DOE consider expanding the ARM provisions to allow for substitution of different system components (*e.g.,* condensers) instead of just applying to coils for residential split system air conditioners and heat pumps? Additionally, should manufacturers be allowed to use ARMs for other residential central air conditioner and heat pump product classes?

8. Should voluntary industry certification programs (VICP) be involved in the development, substantiation, and verification of AEDMs and ARMs, and, if so, to what extent?

9. What, if any, other changes to current AEDM and ARM regulations should DOE consider that would reduce testing burdens while still ensuring that covered products are appropriately rated and certified as compliant with applicable standards?

Substantiation

10. The recently issued certification, compliance, and enforcement final rule added a requirement for re-substantiation of an AEDM or ARM as a result of a change in standard or test procedure. 76 FR 12492 (March 7, 2011). What are the advantages and/or disadvantages of periodic re-substantiation of an ARM or AEDM? If re-substantiation is not necessary, please provide supporting data and specify the amount of time the AEDM or ARM should continue to be valid without further substantiation.

11. If the current number of units (sample size) that must be tested to substantiate the AEDM or the ARM is either unwarranted or inadequate, on a product-specific basis, what would be an appropriate sample size? (Please provide supporting data.) Should there be certain types of basic models that must be used in the substantiation process (*e.g.,* the highest selling basic model)?

12. DOE seeks product specific information on the appropriate tolerances for substantiation of AEDMs and ARMs. Should these tolerances vary by product? Should these tolerances be aligned with the certification tolerances for a given covered product?

13. Would it be feasible for DOE to create standardized tolerances across all products or products with similar characteristics to which AEDMs or ARMs may apply (*e.g.,* refrigeration products)?

14. Are two sets of comparison testing for substantiation of the AEDM for commercial HVAC and water heater equipment warranted? Would one set of testing be sufficient?

Verification

15. DOE requests information on the feasibility and necessity of approval of AEDMs before use by the manufacturer.

16. What criteria should DOE use to select AEDM/ARMs for verification?

17. When and how frequently should DOE verify AEDM/ARMs?

18. What criteria should be used to verify AEDM/ARMs? DOE welcomes specific comment on the following as well as comment on any other applicable criteria:

- Tolerances; and
- Number of basic models per comparison.

Purpose: The purpose of this RFI is to solicit feedback from industry, manufacturers, academia, consumer groups, efficiency advocates, government agencies, and other stakeholders on issues related to AEDMs and ARMs. DOE is specifically interested in information and sources of data related to covered products and equipment that could be used in formulating a methodology regarding creation of a standardized procedure for substantiation and verification, where applicable. This is solely a request for information and not a Funding Opportunity Announcement (FOA).

Disclaimer and Important Notes: This RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. In accordance with FAR 15.201(e), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. DOE will not provide reimbursement for costs incurred in responding to this RFI. Commenters are advised that DOE is under no obligation to acknowledge receipt of the information received or provide feedback to commenters with respect to any information submitted under this RFI. Responses to this RFI do not bind DOE to any further actions related to this topic.

Proprietary Information: Patentable ideas, trade secrets, and proprietary or confidential commercial or financial information, may be included in responses to this RFI. The use and disclosure of such data may be restricted, provided the commenter includes the following legend on the first page of the comment and specifies the pages of the comment which are to be restricted:

"The data contained in pages _____ of this comment have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for information and program planning purposes. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the commenter, consistent with applicable law."

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

"The following contains proprietary information that (name of commenter) requests not be released to persons outside

the Government, except for purposes of review and evaluation."

Evaluation and Administration by Federal and Non-Federal Personnel: Government civil servant employees are subject to the non-disclosure obligations of a felony criminal statute, the Trade Secrets Act, 18 U.S.C. 1905. The Government may seek the advice of qualified non-Federal personnel. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The commenter, by submitting its response, consents to DOE providing its response to non-Federal parties.

Non-Federal parties given access to responses must be subject to an appropriate obligation of confidentiality prior to being given the access. Comments may be reviewed by support contractors and private consultants.

Issued in Washington, DC, on April 8, 2011.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

[FR Doc. 2011–9274 Filed 4–15–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1270; Directorate Identifier 2001–NE–50–AD]

RIN 2120–AA64

Airworthiness Directives; Dowty Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 Propeller Assemblies

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to revise an existing airworthiness directive (AD) that applies to the products listed above. The existing AD currently requires initial and repetitive ultrasonic inspections of propeller hubs, part number (P/N) 660709201. Since we issued that AD, Dowty Propellers introduced a new hub assembly P/N. This proposed AD would revise that AD by introducing as an optional terminating action for the initial and repetitive ultrasonic inspections of that AD, replacement of propeller hub P/N 660709201 with a new propeller hub, P/N 660717226. We are proposing this AD to prevent that same propeller hub failure due to cracks in the hub, which could result in loss of control of the airplane, and to introduce an optional terminating action.

DATES: We must receive comments on this proposed AD by June 2, 2011.

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

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

For service information identified in this AD, contact Dowty Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone: 44 (0) 1452 716000; fax: 44 (0) 1452 716001. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Michael Schwetz, Aerospace Engineer, Boston Aircraft Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7761; fax: 781–238–7170; e-mail: *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–1270; Directorate Identifier 2001–NE–50–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On December 2, 2005, we issued AD 2005–25–10, Amendment 39–14403 (70 FR 73364, December 12, 2005), for Dowty Propellers type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 propeller assemblies. That AD requires initial and repetitive ultrasonic inspections of propeller hubs, P/N 660709201. That AD resulted from a report of a hub separation on a CASA 212 airplane, and mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We issued that AD to prevent propeller hub failure due to cracks in the hub, which could result in loss of control of the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2005–25–10, the European Aviation Safety Agency (EASA) has issued AD 2010–0196R1, dated November 12, 2010, which requires initial and repetitive ultrasonic inspections of propeller hubs, and introduces a new P/N propeller hub as optional terminating action to the inspections.

Relevant Service Information

We have reviewed the technical contents of Dowty Propellers Alert Service Bulletin (SB) No. 61–1119, Revision 5, dated July 1, 2009, Alert SB No. 61–1124, Revision 2, dated August 25, 2010, Alert SB No. 61–1125, Revision 2, dated August 25, 2010, and Alert SB No. 61–1126, Revision 2, dated August 25, 2010. The SBs describe procedures for initial and repetitive ultrasonic inspections of the rear wall of the rear half of the propeller hub for cracks on types R334/4–82–F/13, R333/4–82–F/12, R321/4–82–F/8, and R324/4–82–F/9 propeller assemblies, respectively. The SBs also introduce new hub assembly P/N 660717226, as optional terminating action for the initial and repetitive inspections. EASA

classified the service information as mandatory and issued AD 2010–0196R1, dated November 12, 2010, to ensure the airworthiness of these propeller assemblies in Europe.

Bilateral Agreement Information

These propeller assemblies are manufactured in the United Kingdom, and are type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, EASA kept us informed of the situation described above. We have examined the findings of the EASA, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain the inspection requirements of AD 2005–25–10. This proposed AD would introduce the installation of a new P/N hub assembly as optional terminating action to the inspections. This proposed AD would also eliminate the inspection reporting requirements, since we have already collected sufficient data.

Differences Between the Proposed AD and the Service Information or MCAI

Although Appendix A of Alert SB No. 61–1119, Revision 5, dated July 1, 2009, requires reporting the inspection data to Dowty Propellers, this proposed AD would not require any reporting.

Although the MCAI uses initial inspection compliance times of 20 days/60 days, we removed them from the proposed AD, since the unsafe condition is not related to corrosion.

Costs of Compliance

We estimate that this proposed AD would affect 132 propellers installed on airplanes of U.S. registry. We also estimate that it would take about 0.5 work-hour per propeller to perform the proposed inspection and about 1 hour to replace a propeller hub. The average labor rate is $85 per work-hour. Required parts would cost about $19,500 per engine. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $2,590,830.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2005–25–10, Amendment 39–14403 (70 FR 73364, December 12, 2005), and adding the following new AD:

Dowty Propellers (formerly Dowty Aerospace; Dowty Rotol Limited; and Dowty Rotol): Docket No. FAA–2010–1270; Directorate Identifier 2001–NE–50–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by June 2, 2011.

Affected ADs

(b) This AD revises AD 2005–25–10, Amendment 39–14403.

Applicability

(c) This AD applies to Dowty Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 propeller assemblies with propeller hubs part number (P/N) 660709201.

Unsafe Condition

(d) This AD was prompted by the need to introduce an optional terminating action for the repetitive inspections. We are issuing this AD to prevent propeller hub failure due to cracks in the hub, which could result in loss of control of the airplane, and to introduce an optional terminating action.

Compliance

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

Initial Ultrasonic Inspections

(f) Perform an initial ultrasonic inspection of the rear wall of the rear half of the propeller hub for cracks within the compliance time specified in Table 1 of this AD. Use Appendix A or Appendix D of the applicable Dowty Alert Service Bulletin (SB) listed in Table 1 of this AD to do the inspection.

TABLE 1—APPLICABLE ALERT SB FOR PROPELLER TYPE

Propeller assembly type	Initial inspection within	Repeat inspection within	Applicable SB
(1) R334/4–82–F/13	10 flight hours (FH) time-in-service (TIS) after the effective date of this AD.	300 FH time-since-last-inspection (TSLI) or 300 flight cycles-since-last inspection, whichever occurs sooner.	Alert SB No. 61–1119, Revision 5, dated July 1, 2009.
(2) R321/4–82–F/8	50 FH TIS after the effective date of this AD.	1,000 FH TSLI	Alert SB No. 61–1125, Revision 2, dated August 25, 2010.
(3) R324/4–82–F/9	50 FH TIS after the effective date of this AD.	1,000 FH TSLI	Alert SB No. 61–1126, Revision 2, dated August 25, 2010.
(4) R333/4–82–F/12	50 FH TIS after the effective date of this AD.	1,000 FH TSLI	Alert SB No. 61–1124, Revision 2, dated August 25, 2010.

(g) For hubs and propellers in storage, perform an initial ultrasonic inspection of the rear wall of the rear half of the propeller hub for cracks, before placing in service. Use Appendix A or Appendix D of the applicable Dowty Alert SB listed in Table 1 of this AD to do the inspection.

Initial Inspection—Previous Credit

(h) Propeller hubs, P/N 660709201, that previously passed inspection using Dowty Alert SBs listed in Table 1 of this AD or an earlier issue of those SBs, have satisfied the initial inspection requirements of this AD. However, you must comply with the repetitive inspection requirements found in this AD.

Repetitive Ultrasonic Inspections

(i) Thereafter, perform a repetitive ultrasonic inspection of the rear wall of the rear half of the propeller hub for cracks within the compliance time specified in Table 1 of this AD. Use Appendix A or Appendix D of the applicable Dowty Alert SB listed in Table 1 of this AD to do the inspection.

Optional Terminating Action

(j) As optional terminating action for the repetitive inspections required by this AD, replace propeller hub, P/N 660709201, with a new propeller hub, P/N 660717226.

Alternative Methods of Compliance (AMOCs)

(k) The Manager, Boston Certification Office, has the authority to approve AMOCs for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(l) For more information about this AD, contact Michael Schwetz, Aerospace Engineer, Boston Aircraft Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7761; fax: 781–238–7170; e-mail: *michael.schwetz@faa.gov.*

(m) European Aviation Safety Agency 2010–0196R1, dated November 12, 2010, pertains to the subject of this AD.

(n) For service information identified in this AD, contact Dowty Propellers, Anson Business Park, Cheltenham Road East, Gloucester GL 29QN, UK; telephone: 44 (0) 1452 716000; fax: 44 (0) 1452 716001. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on April 7, 2011.

Peter A. White,

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

[FR Doc. 2011–9258 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0188]

RIN 1625–AA00

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Sault Sainte Marie Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish regulations requiring safety zones in the Captain of the Port Sault Sainte Marie zone. This proposed rule is intended to establish safety zones that will restrict vessels from certain portions of water areas within the Sector Sault Ste Marie Captain of the Port zone, as defined by our regulations. These proposed safety zones are necessary to protect spectators, participants, and vessels from the hazards associated with various maritime events.

DATES: Comments and related materials must be received by the Coast Guard on or before May 18, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2011–0188 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail BMC Gregory Ford, Prevention Department, Coast Guard, Sector Sault Sainte Marie, MI, telephone (906) 635–3222, e-mail *Gregory.C.Ford@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–0188), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a

comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2011–0188" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "Read Comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2011–0188" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

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

Public Meeting

We do not now plan to hold a public meeting, but you may submit a request for one by using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This proposed rule will add 33 CFR 165.9xx, Annual Events requiring safety zones in the Captain of the Port Sault Sainte Marie zone. Various private and public entities organize marine events within the Sault Sainte Marie Captain of the Port zone. Many of these events recur in the same location on or about the same date each year. Also, many of these events pose hazards to the public. Such hazards include obstructions to the navigable channels, explosive dangers associated with fireworks, debris falling into the water, and general congestion of waterways. To minimize these and other hazards, this proposed rule will establish twenty safety zones, each related to a specific recurring marine event.

Discussion of Proposed Rule

This proposed rule and its associated safety zones are necessary to ensure the safety of vessels and people during each of the annual marine events discussed below.

Although this rule will remain in effect year round, the proposed safety zones will be enforced only immediately before, during, and after each corresponding event.

The Captain of the Port Sault Sainte Marie will notify the public when the safety zones in this proposal will be enforced. In keeping with 33 CFR 165.7(a), the Captain of the Port Sault Sainte Marie will use all appropriate means to notify the affected segments of the public. This will include, as practicable, publication in the **Federal Register**, Broadcast Notice to Mariners, and Local Notice to Mariners. The Captain of the Port will, as practicable, issue a Broadcast Notice to Mariners notifying the public when any enforcement period is cancelled.

Entry into, transiting, or anchoring within each of the below safety zones is prohibited unless authorized by the Captain of the Port Sault Sainte Marie or his or her designated representative. All persons and vessels permitted to enter one of the safety zones established by this proposed rule shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative. The Captain of the Port or his or her designated representative may be contacted via VHF Channel 16.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zones created by this proposed rule will be relatively small and enforced for a relatively short time. Also, each safety zone is designed to minimize its impact on navigable waters. Furthermore, each safety zone has been designed to allow vessels to transit unrestricted to portions of the waterways not affected by the safety zones. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through each safety zone when permitted by the Captain of the Port. On the whole, the Coast Guard expects insignificant adverse impact to mariners from the activation of these safety zones.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: The owners and operators of vessels intending to transit or anchor in any one of the below established safety zones while the safety zone is being enforced. These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: Each safety zone in this proposed rule will be in effect for only a few hours within any given 24 hour period. Each of the safety zones, with one exception, will be in effect only once per year. Furthermore, these safety zones have been designed to allow traffic to pass safely around each zone. Moreover, vessels will be allowed to pass through each zone at the discretion of the Captain of the Port.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 BMC Gregory Ford, Prevention Department, Coast Guard Sector Sault Sainte Marie, MI at (906) 635–3222. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate Tribal concerns. We have determined that this rule and fishing rights protection need not be incompatible. We have also determined that this proposed 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. Nevertheless, Indian Tribes that have questions concerning the provisions of this proposed rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. This

proposed rule establishes a safety zone and therefore paragraph (34)(g) of figure 2–1 applies. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.918 to read as follows:

§ 165.918 Safety Zones; Annual events requiring safety zones in the Captain of the Port Sault Sainte Marie zone.

(a) *Safety Zones.* The following areas are designated safety zones:

(1) Marquette Fourth of July Celebration Fireworks; Marquette, MI:

(i) *Location.* All U.S. navigable waters of Marquette Harbor within a 1000-foot radius of the fireworks launch site, centered approximately 1250 feet south of the Mattson Park Bulkhead Dock and 450 feet east of Ripley Rock, at position 46°32′21.7″ N, 087°23′07.60″ W [DATUM: NAD 83].

(ii) *Enforcement Period* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(2) *Munising Fourth of July Celebration Fireworks; Munising, MI:*

(i) *Location.* All U.S. navigable waters of South Bay within a 600-foot radius from the fireworks launch site at the end of the Munising City Dock, centered in position: 46°24′50.08″ N, 086°39′08.52″ W [DATUM: NAD 83].

(ii) *Enforcement Period* This safety zone will be enforced each year on July 4 from 9 p.m. until 12:30 a.m. on July 5. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced on July 5 from 9 p.m. until 12:30 a.m. on July 6.

(3) *Grand Marais Splash-In; Grand Marais, MI:*

(i) *Location.* All U.S. navigable within the southern portion of West Bay bound to the north by a line beginning approximately 175 feet south-southeast of the Lake Street Boat Launch, extending 5280 feet to the east on a true bearing of 079 degrees. The eastern boundary will then be formed by a line drawn to the shoreline on a true bearing of 170 degrees. The western and southern boundaries of the zone will be bound by the shoreline of West Bay. The coordinates for this zone are as follows: 46°40′22.32″ N, 085°59′00.66″ W, 46°40′32.04″ N, 085°57′46.14″ W, and 46°40′19.68″ N, 085°57′43.08″ W [DATUM: NAD 83], with the West Bay shoreline forming the South and West boundaries of the zone.

(ii) *Enforcement Period.* Each year on the second to last Saturday in June from 2 p.m. until 5 p.m.

(4) *Sault Sainte Marie Fourth of July Celebration Fireworks; Sault Sainte Marie, MI:*

(i) *Location.* All U.S. navigable waters of the St. Marys River within a 750-foot radius around the eastern portion of the U.S. Army Corp of Engineers Soo Locks North East Pier, centered in position: 46°30′19.66″ N, 084°20′31.61″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11:30 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11:30 p.m.

(5) *St. Ignace Fourth of July Celebration Fireworks; St. Ignace, MI:*

(i) *Location.* All U.S. navigable waters of East Moran Bay within a 700-foot radius from the fireworks launch site at the end of the Arnold Transit Mill Slip, centered in position: 45°52′24.62″ N, 084°43′18.13″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11:30 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11:30 p.m.

(6) *Mackinac Island Fourth of July Celebration Fireworks; Mackinac Island, MI:*

(i) *Location.* All U.S. navigable waters of Lake Huron within a 500-foot radius of the fireworks launch site, centered approximately 1000 yards west of Round Island Passage Light, at position 45°50′34.92″ N, 084°37′38.16″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(7) *Festivals of Fireworks Celebration Fireworks; St. Ignace, MI:*

(i) *Location.* All U.S. navigable waters of East Moran Bay within a 700-foot radius from the fireworks launch site at the end of the Arnold Transit Mill Slip, centered in position: 45°52′24.62″ N, 084°43′18.13″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on every Saturday following the 4th of July until the second Sunday in September from 9 p.m. to 11 p.m. If the fireworks are cancelled on Saturday due to inclement weather, then this section will be enforced on Sunday from 9 p.m. to 11 p.m.

(8) *Canada Day Celebration Fireworks; Sault Sainte Marie, MI:*

(i) *Location.* All U.S. navigable waters of the St. Marys River within a 1200-foot radius from the fireworks launch site, centered approximately 160 yards north of the U.S. Army Corp of Engineers Soo Locks North East Pier, at position 46°30′20.40″ N, 084°20′17.64″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 1 from 9 p.m. until 11 p.m. If the July 1 fireworks are cancelled due to inclement weather, then this section will be enforced July 2 from 9 p.m. until 11 p.m.

(9) *Jordan Valley Freedom Festival Fireworks; East Jordan, MI:*

(i) *Location.* All U.S. navigable waters of Lake Charlevoix, near the City of East Jordan, within the arc of a circle with a 1000-foot radius from the fireworks launch site in position 45°09′18″ N, 085°07′48″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* Each year on Saturday of the third weekend of June from 9 p.m. until 11 p.m.

(10) *National Cherry Festival Fourth of July Celebration Fireworks; Traverse City, MI:*

(i) *Location.* All U.S. navigable waters of the West Arm of Grand Traverse Bay within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(11) *Harbor Springs Fourth of July Celebration Fireworks; Harbor Springs, MI:*

(i) *Location.* All U.S. navigable waters of Lake Michigan and Harbor Springs Harbor within the arc of a circle with a 1000-foot radius from the fireworks

launch site located on a barge in position 45°25′30″ N, 084°59′06″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(12) *Bay Harbor Yacht Club Fourth of July Celebration Fireworks; Petoskey, MI:*

(i) *Location.* All U.S. navigable waters of Lake Michigan and Bay Harbor Lake within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 45°21′50″ N, 085°01′37″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 3 from 9 p.m. until 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this section will be enforced July 4 from 9 p.m. until 11 p.m.

(13) *Petoskey Fourth of July Celebration Fireworks; Petoskey, MI:*

(i) *Location.* All U.S. navigable waters of Lake Michigan and Petoskey Harbor, in the vicinity of Bay Front Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 45°22′40″ N, 084°57′30″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(14) *Boyne City Fourth of July Celebration Fireworks; Boyne City, MI:*

(i) *Location.* All U.S. navigable waters of Lake Charlevoix, in the vicinity of Veterans Park, within the arc of a circle with a 1400-foot radius from the fireworks launch site located in position 45°13′30″ N, 085°01′40″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(15) *National Cherry Festival Air Show; Traverse City, MI:*

(i) *Location.* All U.S. navigable waters of the West Arm of Grand Traverse Bay bounded by a line drawn from 44°46′48″ N, 085°38′18″ W, then southeast to 44°46′30″ N, 085°35′30″ W, then southwest to 44°46′00″ N, 085°35′48″ W, then northwest to 44°46′30″ N, 085°38′30″ W, then back to the point of origin [DATUM: NAD 83].

(ii) *Enforcement Period.* Each year on Friday, Saturday, and Sunday of the first complete weekend of July from noon until 4 p.m.

(16) *National Cherry Festival Finale Fireworks; Traverse City, MI:*

(i) *Location.* All U.S. navigable waters and adjacent shoreline of the West Arm of Grand Traverse Bay within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* Each year on the second Saturday of July from 9 p.m. until 11 p.m.

(17) *Charlevoix Venetian Festival Friday Night Fireworks; Charlevoix, MI:*

(i) *Location.* All U.S. navigable waters of Lake Charlevoix, in the vicinity of Depot Beach, within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 45°19′08″ N, 085°14′18″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* Each year on Friday of the fourth weekend of July from 9 p.m. until 11 p.m.

(18) *Charlevoix Venetian Festival Saturday Night Fireworks; Charlevoix, MI:*

(i) *Location.* All U.S. navigable waters of Round Lake within the arc of a circle with a 300- foot radius from the fireworks launch site located on a barge in position 45°19′03″ N, 085°15′18″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* Each year on Saturday of the fourth weekend of July from 9 p.m. until 11 p.m.

(19) *Elk Rapids Harbor Days Fireworks; Elk Rapids, MI:*

(i) *Location.* All U.S. navigable waters of Grand Traverse Bay, in the vicinity of Edward G. Grace Memorial Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°53′58″ N, 085°25′04″ W [DATUM: NAD 83].

(ii) *Enforcement Period.* Each year on the first Saturday of August from 9 p.m. until 11 p.m.

(20) *Alpena Fourth of July Celebration Fireworks, Alpena, MI:*

(i) *Location.* All U.S. navigable waters of Lake Huron within an 800-foot radius of the fireworks launch site located near the end of Mason Street, South of State Avenue, at position 45°02′42″ N, 083°26′48″ W (NAD 83).

(ii) *Enforcement Period.* This safety zone will be enforced each year on July 4 from 9 p.m. until 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this section will be enforced July 5 from 9 p.m. until 11 p.m.

(b) *Definitions.* The following definitions apply to this section:

(1) Designated representative means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Sault Sainte Marie to monitor these safety zones, permit entry into these safety zones, give legally enforceable orders to persons or vessels within these safety zones, or take other actions authorized by the Captain of the Port Sault Sainte Marie.

(2) Public vessel means a vessel owned, chartered, or operated by the United States or by a State or political subdivision thereof.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within any of the safety zones listed in this section is prohibited unless authorized by the Captain of the Port Sault Sainte Marie, or a designated representative.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Sault Sainte Marie or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) When a safety zone established by this section is being enforced, all vessels must obtain permission from the Captain of the Port Sault Sainte Marie or a designated representative to enter, move within, or exit that safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Sault Sainte Marie or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(d) *Suspension of Enforcement.* If the event concludes earlier than scheduled, the Captain of the Port Sault Sainte Marie or a designated representative will issue a Broadcast Notice to Mariners notifying the public that enforcement of the respective safety zone is suspended.

(e) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(f) *Waiver.* For any vessel, the Captain of the Port Sault Sainte Marie or a designated representative may, at his or her discretion, waive any of the requirements of this section, upon finding that circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

Dated: April 6, 2011.

J.C. McGuiness,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2011–9148 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2008–0635; FRL–9296–7]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and Fine Particulate Matter National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve submittals from the State of Louisiana pursuant to the Clean Air Act (CAA or Act) that address the infrastructure elements specified in the CAA section 110(a)(2), necessary to implement, maintain, and enforce the 1997 8-hour ozone and 1997 fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS or standards). We are proposing to find that the current Louisiana State Implementation Plan (SIP) meets the following infrastructure elements for the 1997 8-hour ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA is also proposing to approve SIP revisions that modify Louisiana's PSD SIP for the 1997 8-hour ozone NAAQS to include nitrogen oxides (NO_X) as an ozone precursor. This action is being taken under section 110 and part C of the Act.

DATES: Comments must be received on or before May 18, 2011.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2008–0635, by one of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *U.S. EPA Region 6* "*Contact Us*" *Web site: http://epa.gov/region6/r6comment.htm.* Please click on "6PD (Multimedia)" and select "Air" before submitting comments.
- *E-mail:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays, and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2008–0635. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov,* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214–665–7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a fee of 15 cents per page for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas 75202.

The State submittal is also available for public inspection during official business hours by appointment: Louisiana Department of Environmental Quality (LDEQ), Office of Environmental Quality Assessment, 602 N. Fifth Street, Baton Rouge, Louisiana 70802.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Paige, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–6521; fax number 214–665–6762; e-mail address *paige.carrie@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" means EPA.

Table of Contents

I. Background
A. What are the national ambient air quality standards?
B. What is a SIP?
C. What is the background for this rulemaking?
a. Section 110(a)(1) and (2)
b. Revisions to Louisiana's SIP
c. Greenhouse Gas (GHG) Component of PSD Programs
D. What elements are required under Section 110(a)(2)?
II. What action is EPA proposing?
III. How has Louisiana addressed the elements of section 110(a)(2)?
IV. Proposed Action
V. Statutory and Executive Order Reviews

I. Background

A. What are the national ambient air quality standards?

Section 109 of the Act requires EPA to establish NAAQS for pollutants that

"may reasonably be anticipated to endanger public health and welfare," and to develop a primary and secondary standard for each NAAQS. The primary standard is designed to protect human health with an adequate margin of safety, and the secondary standard is designed to protect public welfare and the environment. EPA has set NAAQS for six common air pollutants, referred to as criteria pollutants: Carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. These standards present State and local governments with the minimum air quality levels they must meet to comply with the Act. Also, these standards provide information to residents of the United States about the air quality in their communities.

B. What is a SIP?

The SIP is a set of air pollution regulations, control strategies, other means or techniques, and technical analyses developed by the State, to ensure that the State meets the NAAQS. The SIP is required by section 110 and other provisions of the Act. These SIPs can be extensive, containing State regulations or other enforceable documents and supporting information such as emissions inventories, monitoring networks, and modeling demonstrations. Each State must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP. Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin.

C. What is the background for this rulemaking?

a. Section 110(a)(1) and (2)

On July 18, 1997, we promulgated new and revised NAAQS for ozone (62 FR 38856) and PM (62 FR 38652). For ozone we set an 8-hour standard of 0.08 parts per million (ppm) to replace the 1-hour standard of 0.12 ppm. For PM we set a new annual and a new 24-hour NAAQS for particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (denoted $PM_{2.5}$). The annual $PM_{2.5}$ standard was set at 15 micrograms per cubic meter ($\mu g/m^3$). The 24-hour $PM_{2.5}$ standard was set at 65 $\mu g/m^3$. For more information on these standards please see the 1997 **Federal Register** notices (62 FR 38856 and 62 FR 38652).

Under sections 110(a)(1) and (2) of the Act, States are required to submit SIPs that provide for the implementation, maintenance, and enforcement (the infrastructure) of a new or revised NAAQS within three years following the promulgation of the NAAQS, or within such shorter period as EPA may prescribe. Section 110(a)(2) lists the specific infrastructure elements that must be incorporated into the SIPs, including for example, requirements for air pollution control measures, and monitoring that are designed to assure attainment and maintenance of the NAAQS. A table listing all 14 infrastructure elements is included in Section D of this proposed rulemaking.[1] Thus States were required to submit such SIPs for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS to EPA no later than June 2000.[2] However, intervening litigation over the 1997 8-hour ozone and $PM_{2.5}$ NAAQS created uncertainty about how to proceed and many States did not provide the required "infrastructure" SIP submission for these newly promulgated NAAQS.

On March 4, 2004, Earthjustice submitted a notice of intent to sue related to EPA's failure to issue findings of failure to submit related to the infrastructure requirements for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS. EPA entered into a consent decree with Earthjustice which required EPA, among other things, to complete a **Federal Register** notice announcing EPA's determinations pursuant to section 110(k)(1)(B) of the Act as to whether each State had made complete submissions to meet the requirements of section 110(a)(2) for the 1997 8-hour ozone NAAQS by December 15, 2007. Subsequently, EPA received an extension of the date to complete this **Federal Register** notice until March 17, 2008, based upon agreement to make the findings with respect to submissions made by January 7, 2008. In accordance with the consent decree, EPA made completeness findings for each State based upon what the Agency received from each State as of January 7, 2008. With regard to the 1997 $PM_{2.5}$ NAAQS, EPA entered into a consent decree with Earthjustice which required EPA, among other things, to complete a **Federal Register** notice announcing EPA's determinations pursuant to section 110(k)(1)(B) of the Act as to whether each State had made complete submissions to meet the requirements of section 110(a)(2) for the 1997 $PM_{2.5}$ NAAQS by October 5, 2008.

On March 27, 2008, and October 22, 2008, we published findings concerning whether States had made the 110(a)(2) submissions for the 1997 ozone (73 FR 16205) and $PM_{2.5}$ standards (73 FR 62902). In the March 27, 2008 action, we found that Louisiana had made a complete submission that provides for the basic program elements specified in section 110(a)(2) of the Act necessary to implement the 1997 8-hour ozone NAAQS. In the October 22, 2008 action, we found that Louisiana had made a complete submission that provides for the basic program elements specified in section 110(a)(2) of the Act necessary to implement the 1997 $PM_{2.5}$ NAAQS.

On October 2, 2007, we issued "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards," Memorandum from William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards.[3] The guidance provides that to the extent that existing SIPs for ozone and PM already meet the requirements, States need only certify that fact to us.

On December 11, 2007, January 7, 2008, and March 24, 2011, the Louisiana Department of Environmental Quality (LDEQ) submitted letters certifying that Louisiana has addressed any potential infrastructure issues associated with ozone and $PM_{2.5}$ and fulfilled its infrastructure SIP obligations. The letters provided information on how the current Louisiana SIP provisions meet the 110(a)(2) requirements. These letters are in the docket for this rulemaking.

b. Revisions to Louisiana's SIP

On December 20, 2005, the LDEQ submitted revisions to their New Source Review (NSR) program to meet the requirements of the "NSR Reform" published on December 31, 2002 (67 FR 80186). On November 9, 2007, the State

[1] Two elements identified in section 110(a)(2) are not governed by the 3-year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within 3 years after promulgation of a new or revised NAAQS, but rather are due at the time the nonattainment area plan requirements are due pursuant to section 172. These requirements are: (i) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA and (ii) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D Title I of the CAA. Therefore, this action does not cover these specific SIP elements. This action also does not pertain to section 110(a)(2)(D)(i). EPA previously approved the State's 110(a)(2)(D)(i) submission (72 FR 55064, September 28, 2007).

[2] EPA issued a revised 8-hour ozone standard on March 27, 2008 (73 FR 16436). On September 16, 2009, the EPA Administrator announced that EPA would take rulemaking action to reconsider the 2008 primary and secondary ozone NAAQS. On January 19, 2010, EPA proposed to set different primary and secondary ozone standards than those set in 2008 to provide requisite protection of public health and welfare, respectively (75 FR 2938). The final reconsidered ozone NAAQS have yet to be promulgated. This rulemaking does not address the 2008 ozone standard.

[3] This and any other guidance documents referenced in this action are in the docket for this rulemaking.

submitted their 2006 revisions (General Update) to the SIP. Among other revisions, the 2007 submission included revisions that provided for NO_x to be treated as a precursor to ozone formation in the State's PSD program. We are proposing action on a limited number of revisions to the PSD program that implement the provisions for NO_x as a precursor because EPA believes that this is a necessary provision for implementation of the 1997 ozone standard.

c. Greenhouse Gas (GHG) Component of PSD Programs

EPA has recently undertaken a series of actions pertaining to the regulation of GHGs that, although for the most part distinct from one another, establish the overall framework for today's proposed action on the Louisiana SIP. Four of these actions include, as they are commonly called, the "Endangerment Finding" and "Cause or Contribute Finding," which EPA issued in a single final action,[4] the "Johnson Memo Reconsideration,"[5] the "Light-Duty Vehicle Rule,"[6] and the "Tailoring Rule."[7] Taken together and in conjunction with the CAA, these actions established regulatory requirements for GHGs emitted from new motor vehicles and new motor vehicle engines; determined that such regulations, when they took effect on January 2, 2011, subjected GHGs emitted from stationary sources to PSD requirements; and limited the applicability of PSD requirements to GHG sources on a phased-in basis. EPA took this last action in the Tailoring Rule, which, more specifically, established appropriate GHG emission thresholds for determining the applicability of PSD requirements to GHG-emitting sources. In December 2010, EPA followed up on these actions by issuing the PSD SIP Narrowing Rule, in which EPA withdrew its previous approval of SIP PSD programs in 24 States, including Louisiana, that apply to GHG-emitting sources below the thresholds in the final Tailoring Rule. 75 FR 82536. The Tailoring Rule and PSD SIP Narrowing Rule both discuss the States' ability to provide assurances that they will have adequate resources to meet the new GHG PSD permitting requirements at statutory levels of emissions, and the PSD SIP Narrowing Rule affected EPA's prior approval of portions of a State's SIP which do not incorporate thresholds established under the Tailoring Rule. The LDEQ submitted a supplemental certification letter to EPA dated March 24, 2011, certifying that the portions of the PSD program related to greenhouse gas permitting which remained approved after the promulgation of EPA's PSD SIP Narrowing Rule satisfy sections 110(a)(2)(C) and (J) of the Act. As we discuss further in this notice and in the TSD, Louisiana currently has adequate resources to carry out the GHG component of the currently approved PSD SIP program, which requires PSD permitting for sources emitting GHGs at or above the 75,000/100,000 tons per year (tpy) threshold specified by the Tailoring Rule.

D. What elements are required under Section 110(a)(2)?

The October 2, 2007, EPA guidance for addressing the SIP infrastructure elements required under sections 110(a)(1) and (2) for the 1997 ozone and $PM_{2.5}$ NAAQS, provides a list of 14 essential components that States must include in their SIPs. These are listed in Table 1 below.

TABLE 1—SECTION 110(A)(2) ELEMENTS REQUIRED IN SIPS

Clean Air Act citation	Brief description
Section 110(a)(2)(A)	Emission limits and other control measures.
Section 110(a)(2)(B)	Ambient air quality monitoring/data system.
Section 110(a)(2)(C)	Program for enforcement of control measures.
Section 110(a)(2)(D)(ii)	International and interstate pollution abatement.
Section 110(a)(2)(E)	Adequate resources.
Section 110(a)(2)(F)	Stationary source monitoring system.
Section 110(a)(2)(G)	Emergency power.
Section 110(a)(2)(H)	Future SIP revisions.
Section 110(a)(2)(J)[8]	Consultation with government officials.
Section 110(a)(2)(J)	Public notification.
Section 110(a)(2)(J)	Prevention of significant deterioration (PSD) and visibility protection.
Section 110(a)(2)(K)	Air quality modeling/data.
Section 110(a)(2)(L)	Permitting fees.
Section 110(a)(2)(M)	Consultation/participation by affected local entities.

II. What action is EPA proposing?

The EPA is proposing to approve the Louisiana SIP submittals that identify where and how the 14 basic infrastructure elements are in the EPA-approved SIP as specified in section 110(a)(2) of the Act. The Louisiana submittals do not include revisions to the SIP, but document how the current Louisiana SIP already includes the required infrastructure elements. In today's action, we are proposing to find that the following section 110(a)(2) elements are contained in the current Louisiana SIP and provide the infrastructure for implementing the 1997 ozone and PM standards: emission limits and other control measures (section 110(a)(2)(A)); ambient air quality monitoring/data system (section 110(a)(2)(B)); program for enforcement of control measures (section 110(a)(2)(C)); international and interstate pollution abatement (section 110(a)(2)(D)(ii)); adequate resources (section 110(a)(2)(E)); stationary source monitoring system (section 110(a)(2)(F));

[4] "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act." 74 FR 66496 (December 15, 2009).

[5] "Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs." 75 FR 17004 (April 2, 2010).

[6] "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule." 75 FR 25324 (May 7, 2010).

[7] Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule." 75 FR 31514 (June 3, 2010).

[8] Section 110(a)(2)(I) pertains to the nonattainment planning requirements of part D, Title I of the Act. This section is not governed by the 3-year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within 3 years after promulgation of a new or revised NAAQS, but are due at the time the nonattainment area plan requirements are due pursuant to section 172. Thus this action does not cover section 110(a)(2)(I).

emergency power (section 110(a)(2)(G)); future SIP revisions (section 110(a)(2)(H)); consultation with government officials (section 110(a)(2)(J)); public notification (section 110(a)(2)(J)); PSD and visibility protection (section 110(a)(2)(J)); air quality modeling/data (section 110(a)(2)(K)); permitting fees (section 110(a)(2)(L)); and consultation/participation by affected local entities (section 110(a)(2)(M)).

In conjunction with our proposed finding that the Louisiana SIP meets the section 110(a)(1) and (2) infrastructure SIP elements listed above, we are also proposing to fully approve four severable portions of two SIP revisions submitted by the LDEQ to EPA on December 20, 2005 and November 9, 2007. These portions contain rule revisions by LDEQ to (1) regulate NO_x emissions in its PSD permit program as a precursor to ozone; (2) add NO_x to the PSD definitions for *Major Modification and Major Stationary Source;* (3) under the PSD definition for *Significant,* add the emission rate for NO_x, as a precursor to ozone, as 40 tpy; and (4) under the PSD requirements, allow for an exemption with respect to ambient air quality monitoring data for a source with a net emissions increase less than 100 tpy of NO_x. The actions proposed herein are described in greater detail below and in the TSD. At this time, EPA is not taking action on other portions of the December 20, 2005 and November 9, 2007 SIP revisions submitted by LDEQ; EPA intends to act on the other revisions at a later time.

III. How has Louisiana addressed the elements of Section 110(a)(2)?

The Louisiana submittals address the elements of Section 110(a)(2) as described below. We provide a more detailed review and analysis of the Louisiana infrastructure SIP elements in the Technical Support Document (TSD), located in the docket for this rulemaking.

Enforceable emission limits and other control measures, pursuant to section 110(a)(2)(A): Section 110(a)(2)(A) requires that all measures and other elements in the SIP be enforceable. This provision does not require the submittal of regulations or emission limits developed specifically for attaining the 1997 8-hour ozone and $PM_{2.5}$ standards. Those regulations are due later as part of attainment demonstrations.

The Louisiana Environmental Quality Act (LEQA) names the LDEQ as the State's air pollution control agency and provides enforcement authority to the LDEQ. The Louisiana legislature in Acts 1983, No. 97 amended and reenacted a multitude of the State's statutes, including provisions which created and empowered the LDEQ. The SIP rule at Title 33 of the Louisiana Administrative Code (denoted 33 LAC), Chapter 1, section 101 describes the LDEQ as the State's air pollution control agency and its enforcement authority, referencing the 1983 LEQA (54 FR 9783, March 8, 1989).[9]

The LDEQ has promulgated rules to limit and control emissions of PM, sulfur dioxide (SO_2), NOx and volatile organic compounds (VOCs).[10] These rules include emission limits, control measures, programs for banking and trading of emissions, permits, fees, and compliance schedules and are found in Titles 33 and 55 of the LAC:[11] 33 LAC chapters 1, 5–7, 9, 11, 13–15, and 21–23; and 55 LAC Chapter 8.

In this proposed action, EPA has not reviewed and is not proposing to take any action to approve or disapprove any existing Louisiana SIP provisions with regard to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. EPA believes that a number of States have SSM SIP provisions which are contrary to the Act and inconsistent with existing EPA guidance[12] and the Agency plans to conduct a SIP call in the future to address such SIP regulations. In the meantime, EPA encourages any State having an SSM SIP provision which is contrary to the Act and inconsistent with EPA guidance to take steps to correct the deficiency as soon as possible before a SIP call is implemented. Similarly, this proposed action does not include a review of and also does not propose to take any action to approve or disapprove any existing SIP rules with regard to director's discretion or variance provisions. EPA believes that a number of SIPs have such provisions which are contrary to the Act and not consistent with existing EPA guidance (52 FR 45044, November 24, 1987)[13] and the Agency plans to take action in the future to address such SIP regulations. In the meantime, EPA encourages any State having a director's discretion or variance provision in its SIP which is contrary to the Act and inconsistent with EPA guidance to take steps to correct the deficiency as soon as possible.

A detailed list of the applicable 33 LAC and 55 LAC chapters, discussed above, are provided in the TSD. Louisiana's SIP clearly contains enforceable emission limits and other control measures, which are in the Federally enforceable SIP. EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(A) of the Act with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Ambient air quality monitoring/data analysis system, pursuant to section 110(a)(2)(B): Section 110(a)(2)(B) requires SIPs to include provisions for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to EPA upon request. The LDEQ operates and maintains a statewide network of air quality monitors; data are collected, results are quality assured, and the data are submitted to EPA's Air Quality System[14] on a regular basis. Louisiana's Statewide Air Quality Surveillance Network was approved by EPA on August 6, 1981 (46 FR 40005), and consists of stations that measure ambient concentrations of the six criteria pollutants, including ozone and $PM_{2.5}$.[15] EPA also approved Chapter 7 into the SIP that requires air quality monitoring be conducted consistent with EPA guidelines (54 FR 9783, March 8, 1989). EPA also approved Louisiana's enhanced ambient air quality monitoring network of Photochemical Assessment Monitoring Stations (PAMS) on June 19, 1996 (61 FR 31035).[16] The LDEQ Web site provides the ozone and $PM_{2.5}$ monitor locations, and current and historical data including 8-hour ozone design

[9] Older references to this **Federal Register** (FR) notice are written as 54 FR 9795. We now identify a FR notice by the first page of the rulemaking, thus we refer to this rulemaking as 54 FR 9783.

[10] NO_X and VOCs are precursors to ozone. PM can be emitted directly and secondarily formed; the latter is the result of NO_X and SO_2 precursors combining with ammonia to form ammonium nitrate and ammonium sulfate.

[11] Title 33 addresses Environmental Quality and Title 55 addresses Motor Vehicles. Within 33 LAC, the State's rules are codified in Part III (Air).

[12] "State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown," Memorandum from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, dated September 20, 1999.

[13] The section addressing exemptions and variances is found on p. 45109 of the 1987 rulemaking.

[14] The Air Quality System (AQS) is EPA's repository of ambient air quality data. AQS stores data from over 10,000 monitors, 5000 of which are currently active. State, Local and Tribal agencies collect the data and submit it to AQS on a periodic basis.

[15] The air quality surveillance network undergoes annual review and approval by EPA. A copy of the current approval, dated January 12, 2011, is available in the docket for this rulemaking.

[16] The PAMS network undergoes annual review and approval by EPA. A copy of the current approval, dated October 30, 2009, is in the docket for this rulemaking.

values for current[17] and past trienniums. On July 1, 2010, LDEQ submitted its 2010 Annual Air Monitoring Network Plan (AAMNP) that included the plans for the 1997 ozone and $PM_{2.5}$ NAAQS; EPA approved the AAMNP on January 12, 2011.[18]

In summary, Louisiana meets the requirement to establish, operate, and maintain an ambient air monitoring network, collect and analyze the monitoring data, and make the data available to EPA upon request. EPA is proposing to find that the current Louisiana SIP meets the requirements of section 110(a)(2)(B) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Program for enforcement of control measures and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program, as required by Parts C and D, pursuant to section 110(a)(2)(C). Regarding a program for enforcement of control measures, as stated previously, the LEQA provides the LDEQ with authority to enforce the State's environmental quality rules. The LDEQ established rules governing emissions of the NAAQS and their precursors throughout the State and these rules are in the Federally enforceable SIP. The rules in 33 LAC 1, 5–7, 9, 11, 13–15, and 21–23 include allowable rates, compliance, control plan requirements, actual and allowable emissions, monitoring and testing requirements, recordkeeping and reporting requirements, and control schedules. These rules clarify the boundaries beyond which regulated entities in Louisiana can expect enforcement action.

To meet the requirement for having a program for the regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required by Parts C and D, generally, the State is required to have SIP-approved PSD, Nonattainment, and Minor NSR permitting programs adequate to implement the 1997 8-hour ozone and $PM_{2.5}$ NAAQS. We are not evaluating nonattainment-related provisions, such as the Nonattainment NSR program required by part D in 110(a)(2)(C) and measures for attainment required by section 110(a)(2)(I), as part of the infrastructure SIPs for these two NAAQS because these submittals are required beyond the date (3 years from NAAQS promulgation) that section 110 infrastructure submittals are required.

PSD programs apply in areas that are meeting the NAAQS or are unclassifiable, referred to as areas in attainment. PSD applies to new major sources and major modifications at existing sources. Louisiana's PSD program was initially approved into the SIP on April 24, 1987 (52 FR 13671). Subsequent revisions to Louisiana's PSD program were approved into the SIP on June 15, 1989 (54 FR 25449), May 2, 1991 (56 FR 20137), and October 15, 1996 (61 FR 53639).

To meet the requirements of 110(a)(2)(C) for the 1997 ozone standard, EPA believes the State must have updated its PSD rules to treat NO_X as a precursor for ozone (70 FR 71612). As part of this action we are proposing to approve a total of four severable portions from each of two SIP revisions to implement NO_X as precursor. The LDEQ submitted SIP revisions to us on December 20, 2005 and November 9, 2007. EPA proposes to approve the following four portions of the December 20, 2005 and November 9, 2007 SIP revisions: (1) The 2005 non-substantive recodification of the definition of *Major Modification* at subsection 2 as subsection *b,* and the 2007 substantive change adding NO_X to the definition of *Major Modification;* (2) the 2005 non-substantive recodification of the definition of *Major Stationary Source* at subsection 4 as subsection *d,* and the 2007 substantive change adding NO_X to the definition of *Major Stationary Source;* (3) the 2005 non-substantive recodification of the first paragraph of the definition of *Significant* at subsection 1 to subsection *a* (thus taking no action on the substantive changes to the definition's table), and the 2007 substantive change adding NO_X as a precursor to the table's criteria and other pollutants listing for ozone; and (4) the 2005 non-substantive recodification of the first paragraph of subsection I.8 to subsection *I.5* (thus taking no action on the substantive changes to the table), and the 2007 substantive change allowing for an exemption with respect to ozone monitoring for a source with a net emissions increase less than 100 tpy of NO_X.

For the 8-hour ozone NAAQS, the November 9, 2007 SIP revisions to the definitions in the Louisiana rules for *Major Modification* and *Major Stationary Source* meet the Federal definition in 40 CFR 51.166(b)(1) to identify a major source of NO_X as a major source for ozone. The November 9, 2007 revisions to the Louisiana rules also meet the Federal definition in 40 CFR 51.166(b)(49) for inclusion of NO_X as an ozone precursor. The November 9, 2007 revisions to the emission rate for ozone under the definition for *Significant* in the Louisiana rules also meet the Federal requirements in 40 CFR 51.166(b)(23)(i). The November 9, 2007 revisions allowing for an exemption with respect to ozone monitoring for a source with a net emissions increase less than 100 tpy of NO_X also meet the Federal requirement on monitoring exemptions under the footnote for 40 CFR 166(i)(5)(i)(e). Thus, the November 9, 2007 revisions would make the LA SIP more stringent and would not interfere with any applicable CAA requirement concerning attainment of the 1997 8-hour ozone and $PM_{2.5}$ NAAQS. EPA is proposing to approve these revisions as meeting the requirements of section 110 of the Act and 40 CFR 51.166 for establishing NO_X emissions as a precursor for ozone.

The PSD revisions we are proposing to approve are limited to those specified in the preceding paragraphs and are severable from the portions of the December 20, 2005 and November 9, 2007 SIP submittals on which we are taking no action. By severable, we mean that the portions of the SIP revisions we are proposing to approve can be implemented independently of the portions on which we are not acting, without affecting the stringency of the submitted rules. In addition, the portions on which we are taking no action are not necessary for approval of the infrastructure SIP requirements addressed in this proposed action. EPA is not proposing to take action on any other portions of the December 20, 2005 and November 9, 2007 SIP revisions in this proposed rulemaking; we intend to act on those revisions in a future rulemaking.

To implement section 110(a)(2)(C) for the 1997 $PM_{2.5}$ standard, EPA believes that States should appropriately implement the interim policy for preconstruction (PSD) review as interpreted by legal rulings. States may follow this approach in the interim until they must provide revisions to implement the $PM_{2.5}$ standard due May 16, 2011 under 73 FR 28321.[19] During the transition to SIP-approved PSD requirements for $PM_{2.5}$, LDEQ confirmed to EPA by letter that, should they rely on the EPA's PM_{10} Surrogate Policy, the State would include an

[17] The current design values for 2010 are preliminary, as the monitoring seasons have not ended and data has yet to be reviewed for quality assurance.

[18] A copy of our approval letter is in the docket for this rulemaking.

[19] The **Federal Register** notice (73 FR 28321) was published May 16, 2008.

adequate rationale or demonstration to support the use of PM_{10} as a surrogate based on the facts and circumstances of the specific permit action, consistent with relevant case law on the use of surrogate pollutant analyses.[20] See 75 FR 6827, 6831–32 (February 11, 2010) (discussion of case law relevant to the use of PM_{10} as a surrogate for $PM_{2.5}$). On February 18, 2011, the LDEQ proposed revisions to the Louisiana SIP to amend their PSD and nonattainment NSR programs for $PM_{2.5}$. The State is planning to submit these changes as a SIP revision by May 16, 2011. EPA will act on this submission in a separate rulemaking.

Louisiana has the authority to issue permits under the SIP-approved PSD program to sources of GHG emissions (75 FR 82536, December 30, 2010; 75 FR 77698, December 13, 2010).[21] The Tailoring Rule established thresholds that phase in the applicability of PSD requirements to GHG sources, starting with the largest GHG emitters, and were designed to relieve the overwhelming administrative burdens and costs associated with the dramatic increase in permitting burden that would have resulted from applying PSD requirements to GHG emission increases at or above only the mass-based statutory thresholds of 100/250 tpy generally applicable to all PSD-regulated pollutants starting on January 2, 2011. However, EPA recognized that even after it finalized the Tailoring Rule, many SIPs with approved PSD programs would, until they were revised, continue to apply PSD at the statutory thresholds, even though the States would not have sufficient resources to implement the PSD program at those levels. EPA consequently implemented its "PSD SIP Narrowing Rule" and narrowed its approval of those provisions of previously approved SIPs that apply PSD to GHG emissions increases from sources emitting GHGs below the Tailoring Rule thresholds (75 FR 82536, December 30, 2010). Through the PSD SIP Narrowing Rule, EPA withdrew its previous approvals of those programs to the extent the SIPs apply PSD to increases in GHG emissions from GHG-emitting sources below the Tailoring Rule thresholds. The portions of the PSD programs regulating GHGs from GHG-emitting sources with emission increases at or above the Tailoring Rule thresholds remained approved. The effect of EPA narrowing its approval in this manner is that the provisions of previously approved SIPs that apply PSD to GHG emissions increases from sources emitting GHGs below the Tailoring Rule thresholds have the status of having been submitted by the State but not yet acted upon by EPA (75 FR 82536, December 30, 2010).

Louisiana submitted to EPA a supplemental certification, dated March 24, 2011, certifying that the portion of the GHG PSD program in the State's submittal under infrastructure SIP review is only the portion that remained approved after EPA's promulgation of the PSD SIP Narrowing Rule, which is the portion that regulates GHG-emitting sources with GHG emissions at or above the Tailoring Rule thresholds. Therefore, we are proposing to find that the current Louisiana PSD SIP meets section 110(a)(2)(C) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Section 110(a)(2)(C) creates "a general duty on States to include a program in their SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved" (70 FR 71612, 71677). EPA provides States with a "broad degree of discretion" in implementing their minor NSR programs (71 FR 48696, 48700). The "considerably less detailed" regulations for minor NSR are provided in 40 CFR 51.160 through 51.164. EPA has determined that Louisiana's minor NSR program adopted pursuant to section 110(a)(2)(C) of the Act regulates emissions of ozone and its precursors and PM. Louisiana's minor source permitting requirements are contained at 33 LAC 5–505 and were approved at 54 FR 9783.

In this action, EPA is proposing to approve Louisiana's infrastructure SIP for the 1997 ozone and $PM_{2.5}$ NAAQS with respect to the general requirement of section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. EPA is not proposing to approve or disapprove the State's existing minor NSR program itself to the extent that it is inconsistent with EPA's regulations governing this program. EPA believes that a number of States may have minor NSR provisions that are contrary to the existing EPA regulations for this program. EPA intends to work with States to reconcile State minor NSR programs with EPA's regulatory provisions for the program. The statutory requirements of section 110(a)(2)(C) provide for considerable flexibility in designing minor NSR programs, and EPA believes it may be time to revisit the regulatory requirements for this program to give the States an appropriate level of flexibility to design a program that meets their particular air quality concerns, while assuring reasonable consistency across the country in protecting the NAAQS with respect to new and modified minor sources.

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(C) for both the 1997 ozone and $PM_{2.5}$ standards.

Interstate and international transport, pursuant to section 110(a)(2)(D)(ii): EPA approved into the Louisiana SIP the Clean Air Interstate Rule (CAIR) NO_XTrading Programs on September 28, 2007 (72 FR 55064). The SIP revision at 72 FR 55064 contains provisions that address significant contribution, interference with maintenance, PSD, and protection of visibility. The provisions that address significant contribution and interference with maintenance will be re-evaluated after the EPA's Transport Rule is finalized. The protection of visibility requirement will be further evaluated when EPA completes its review of the regional haze SIP revision submitted on June 13, 2008. For additional detail, please refer to the TSD. Because 110(a)(2)(D)(i) was addressed in other actions, EPA is not proposing action on this element here.

Section 110(a)(2)(D)(ii) of the Act requires compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement. Section 115(a) addresses endangerment of public health or welfare in foreign countries from pollution emitted in the United States. Pursuant to section 115, the Administrator has neither received nor issued a formal notification that emissions from Louisiana are endangering public health or welfare in a foreign country. Section 126(a) of the Act requires new or modified sources to notify neighboring States of potential impacts from such sources. 33 LAC 503 requires that each major proposed new or modified source provide such notification and is in the Federally enforceable SIP (see 54 FR 9783). The State also has no pending obligations under section 126 of the Act.

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(D)(ii) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Adequate personnel, funding, and authority, pursuant to section 110(a)(2)(E): The duties, powers and structure of the LDEQ (described at RS

[20] December 16, 2010, letter from Cheryl Sonnier Nolan, Assistant Secretary, Environmental Services Division, Louisiana Department of Environmental Quality to Thomas Diggs, Associate Director for Air Programs, EPA Region 6. This letter is in the docket for this rulemaking.

[21] To view Louisiana's letter, in which the State told EPA it had this authority, please see *http://www.epa.gov/nsr/2010letters/la.pdf.*

30:2011.F) provide that "the basic personnel [* * *] shall be employed or provided by the department;" and the LDEQ may contract, employ, and compensate such assistance on a full or part-time basis as may be necessary to carry out the provisions of this Subtitle. In addition, the State has the Environmental Trust Fund, established at RS 30:2015, which is used, in part, to "defray the cost to the State of permitting, monitoring, * * * maintaining and administering the programs provided for under the LEQA."

There are Federal sources of funding for the implementation of the 1997 8-hour ozone and $PM_{2.5}$ NAAQS, through, for example, the CAA sections 103 and 105 grant funds. The LDEQ receives Federal funds on an annual basis, under sections 103 and 105 of the Act, to support its air quality programs. Fees collected for motor vehicle inspections, the Title V and non-Title V permit programs, and other inspections, maintenance and renewals required of other air pollution sources [22] also provide necessary funds to help implement the State's air programs. Information on permitting fees is provided in the discussion for 110(a)(2)(L) below. The secretary has the power and duty "to receive and budget duly appropriated monies and to accept, receive, and administer grants or other funds or gifts from public and private agencies, including the Federal government, to carry out the provisions and purposes of this Subtitle." See RS 30:2011.D.10. For more detail on funding sources, please see the TSD.

The LEQA furthermore provides the secretary of the LDEQ adequate authority with the powers and duties, in part, "to adopt, amend, or repeal all rules, regulations, and standards for the protection of the environment." See RS 30:2011.D.1. The SIP rule at 33 LAC, Chapter 1, section 101 describes the LDEQ as the State's air pollution control agency and its enforcement authority, referencing the 1983 LEQA (54 FR 9783). Therefore, the State has demonstrated it has adequate authority under its rules and regulations to carry out its SIP obligations with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

As discussed previously in this rulemaking with regards to section 110(a)(2)(C), Louisiana submitted to EPA a supplemental certification, dated March 24, 2011, certifying that the portion of the GHG PSD program in the State's submittal under infrastructure SIP review is the portion that remained approved after EPA's promulgation of the PSD SIP Narrowing Rule. LDEQ has the resources to implement its GHG PSD program for sources with emissions increases at or above the thresholds indicated by the PSD SIP Narrowing Rule.

EPA is proposing to find that the current Louisiana PSD SIP meets section 110(a)(2)(E) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Stationary source monitoring system, pursuant to section 110(a)(2)(F): 33 LAC, chapters 7, 9, 13, 15, and 21–23 require source monitoring for compliance, recordkeeping and reporting, and provide for enforcement, with respect to all the NAAQS and their precursors. These source monitoring program requirements generate data for, among other pollutants, ozone, $PM_{2.5}$, and precursors to these pollutants (VOCs, NO_X, and SO_2).

Under the Louisiana SIP rules, the LDEQ is required to analyze the emissions data from point, area, mobile, and biogenic (natural) sources. The LDEQ uses this data to track progress towards maintaining the NAAQS, develop control and maintenance strategies, identify sources and general emission levels, and determine compliance with Louisiana and EPA requirements. The State's emissions data are available on the LDEQ Web site (*http://www.deq.louisiana.gov.*) These rules have been approved by EPA into the SIP. A list of the chapters and **Federal Register** citations are provided in the TSD.

There are two additional requirements that Louisiana must meet regarding emissions inventories (EIs): the EI requirement for nonattainment areas, and the requirement to submit annual EI data to EPA's National Emissions Inventory (NEI) database. For the Baton Rouge ozone nonattainment area, the LDEQ submitted an EI SIP with a 2002 base year which included NOx and VOC data. EPA approved this EI SIP on September 3, 2009 (74 FR 45561). The NEI is EPA's central repository for air emissions data. EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). The AERR shortened the time States had to report emissions data from 17 to 12 months, giving States one calendar year to submit emissions data. All States are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through EPA's online Emissions Inventory System (EIS). States report emissions data for the six criteria pollutants and the precursors that form them—nitrogen oxides, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.* The LDEQ is current with their submittals to the NEI database; the 2008 data was submitted to EPA in 2010. The State's emissions data are also available on EPA's AirData Web site (*http://www.epa.gov/air/data/index.html.*) [23]

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(F) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Emergency power, pursuant to section 110(a)(2)(G): Section 110(a)(2)(G) requires States to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs. The LEQA, pursuant to RS 2011.D.15, provides the LDEQ with authority to address environmental emergencies, and the LDEQ has contingency plans to implement emergency episode provisions in the SIP. The LDEQ promulgated the "Prevention of Air Pollution Emergency Episodes," which includes contingency measures, and these provisions were approved into the SIP on March 8, 1989 (54 FR 9783). The episode criteria and contingency measures are found in 33 LAC Chapter 56. The criteria for ozone are based on a 1-hour average ozone level. These episode criteria and contingency measures are adequate to address ozone emergency episodes and are in the Federally approved SIP.

The 2009 Infrastructure SIP Guidance for $PM_{2.5}$ recommends that a State with at least one monitored 24-hour $PM_{2.5}$ value exceeding 140.4 $\mu g/m^3$ since 2006 establish an emergency episode plan and contingency measures to be implemented should such level be exceeded again. The 2006–2010 ambient air quality monitoring data [24] for Louisiana do not exceed 140.4 $\mu g/m^3$. The $PM_{2.5}$ levels have consistently remained below this level (140.4 $\mu g/m^3$),

[22] For example, annual fees are collected for inspections of Stage II Vapor Recovery systems at gasoline dispensing stations.

[23] The AirData Web site provides access to air pollution data for the entire United States and produces reports and maps of air pollution data based on criteria specified by the user.

[24] The ozone and PM data are available through AQS and the State Web site (*http://www.deq.louisiana.gov.*) The AQS data for PM are provided in the docket for this rulemaking.

and furthermore, the State has appropriate general emergency powers to address $PM_{2.5}$ related episodes to protect the environment and public health. Given the State's low monitored $PM_{2.5}$ levels, EPA is proposing the State is not required to submit an emergency episode plan and contingency measures at this time, for the 1997 $PM_{2.5}$ standard. Additional detail is provided in the TSD.

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(G) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Future SIP revisions, pursuant to section 110(a)(2)(H): The LEQA, codified at RS 30:2011.D.1, provides that the secretary of the LDEQ shall, in part, "adopt, amend or repeal all rules, regulations, and standards for the protection of the environment." In addition, the LEQA at RS 30:2011.D.7 requires the LDEQ to "cooperate with [* * *] the Federal government [* * *] in furtherance of the purposes of this Subtitle." Thus, Louisiana has the authority to revise its SIP from time to time as may be necessary to take into account revisions of primary or secondary NAAQS, or the availability of improved or more expeditious methods of attaining such standards. Furthermore, Louisiana also has the authority under these LEQA provisions to revise its SIP in the event the EPA pursuant to the Act finds the SIP to be substantially inadequate to attain the NAAQS.

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(H) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Consultation with government officials, pursuant to section 110(a)(2)(J):[25] The LEQA, as codified at RS 30:2011.D.1, provides that the secretary of the LDEQ " shall hold a public hearing to receive comments [* * *] from all interested parties and the public" prior to the adoption of any rule or regulation. In addition, RS 30:2011.D.7 provides that the secretary shall have the power and duty "to advise, consult, and cooperate with other agencies of the State, the Federal government, other States, and interstate agencies and with affected groups, political subdivisions, interested agricultural, industrial, professional, and environmental groups and individuals in furtherance of the purposes of this Subtitle." Further, section 509 of 33 LAC Chapter 5 provides that the State shall provide written notice of any permit application for a proposed major stationary source or major modification the emissions from which may affect a Class I area to the Federal land manager (see 54 FR 9783). Section 1434 of 33 LAC Chapter 14 requires that interagency consultation be undertaken before making conformity determinations and before adopting applicable SIP revisions and public hearings shall be held to receive public comment on transportation-related SIPs.[26] These rules are in the Federally approved SIP. EPA is proposing to find that the Louisiana SIP meets the requirements of this portion of section 110(a)(2)(J) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Public notification if NAAQS are exceeded, pursuant to section 110(a)(2)(J): Public notification begins with the air quality forecast, which advises the public of conditions capable of exceeding the NAAQS (see 54 FR 9783). A 3-day air quality forecast can be found on the LDEQ Web site for both ozone and $PM_{2.5}$ for each forecast area.[27] In addition, the State implements an Ozone Action Day (OAD) program and will issue an ozone alert in the afternoon on the day before an elevated level of ozone is expected to occur. Announcements for an OAD will be broadcast through television and other news media, and to employers participating in the OAD program. The OAD program includes examples of actions that can be implemented by individuals and organizations to reduce ozone levels and exposure to ozone. Also through the LDEQ Web site, the public can subscribe to Enviroflash, an electronic information system that provides a forecast of air quality information via e-mail, cell phone, or pager. Ozone data are posted on the LDEQ Web site; current, regional hourly and regional 8-hour ozone data are posted hourly (see *http://www.deq.louisiana.gov*). EPA is proposing to find that the Louisiana SIP meets this portion of section 110(a)(2)(J) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

PSD and visibility protection, pursuant to section 110(a)(2)(J): This portion of section 110(a)(2)(J) in part requires that a State's SIP meet the applicable requirements of section 110(a)(2)(C) as relating to PSD programs. As detailed in the subsection titled "*Program for enforcement of control measures and regulation of the modification and construction of any stationary source * * * pursuant to section 110(a)(2)(C)* of this rulemaking and in the TSD, the State's PSD program is in the SIP (52 FR 13671, 54 FR 25449, 56 FR 20137, and 61 FR 53639). In addition to the approved program and to meet the requirements of 110(a)(2)(C) for the 1997 ozone standard, EPA believes the State must have updated its PSD rules to treat NO_X as a precursor for ozone. Thus, we are proposing to approve portions of two SIP revisions (submitted December 20, 2005 and November 9, 2007) to implement NO_X as a precursor to ozone. These revisions are proposed for the definitions at 33 LAC 5–509, as described earlier. To implement section 110(a)(2)(C) for the 1997 $PM_{2.5}$ standard, EPA believes that States should appropriately implement the interim policy for preconstruction review, as described above. During the transition to SIP-approved PSD requirements for $PM_{2.5,}$ the State would include an adequate rationale or demonstration to support the use of PM_{10} as a surrogate based on the facts and circumstances of the specific permit action, should they rely on the EPA's PM_{10} Surrogate Policy.[28] The State's minor source permitting requirements were approved at 54 FR 9783. The portions of the State's PSD program related to permitting GHGs at or above the Tailoring Rule thresholds are approvable in light of the PSD SIP Narrowing Rule. EPA is proposing to find that the Louisiana SIP meets the PSD requirement of section 110(a)(2)(C). A more detailed discussion is provided in subsection 110(a)(2)(C) above and in the TSD. EPA is proposing to find that the Louisiana SIP meets this portion of section 110(a)(2)(J) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

EPA approved Louisiana's Visibility Protection Plan into the Louisiana SIP on June 10, 1986 (51 FR 20967). EPA approved revisions to Louisiana's Visibility Protection Plan and approved a Long-Term Strategy for Visibility Protection into the Louisiana SIP on December 19, 1988 (53 FR 50958). The State's most recent SIP revision of their Regional Haze program was submitted to EPA on June 13, 2008, and we will take action on it in a separate rulemaking. With regard to the applicable requirements for visibility protection, EPA recognizes that States are subject to visibility and regional haze program requirements under Part C

[25] Section 110(a)(2)(J) is divided into three segments: Consultation with government officials; public notification; and PSD and visibility protection.

[26] See 64 FR 72934, published December 29, 1999.

[27] There are eight forecast areas: Baton Rouge, Alexandria, Lake Charles, Lafayette, Monroe, New Orleans, Shreveport, and Thibodaux. Please see *http://www.deq.louisiana.gov.*

[28] See 75 FR 6827, 6831–32 (discussion of case law relevant to the use of PM_{10} as a surrogate for $PM_{2.5}$).

of the Act (which includes sections 169A and 169B). In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, we find that there is no new visibility obligation "triggered" under section 110(a)(2)(J) when a new NAAQS becomes effective. This would be the case even in the event a secondary $PM_{2.5}$ NAAQS for visibility is established, because this NAAQS would not affect visibility requirements under part C. EPA is therefore proposing to find that the Louisiana SIP meets this portion of section 110(a)(2)(J) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Air quality modeling and submission of data, pursuant to section 110(a)(2)(K): The Secretary of the LDEQ has the power and duty, under RS 30:2011.D.26 to provide for the functions of environmental air quality assessment. As an example, Louisiana submitted modeling and control measures in a SIP revision to demonstrate attainment of the 1997 8-hour ozone standard.[29] The modeling and control measures in the SIP revision were approved by EPA and adopted into the SIP.

This section of the Act also requires that a SIP provide for the submission of data related to such air quality modeling to the EPA upon request. RS 30:2011.D.7 authorizes LDEQ to cooperate with the Federal government, allowing it to make this submission to the EPA.

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(K) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Permitting fees, pursuant to section 110(a)(2)(L): LEQA as codified in RS 30:2014 provides legal authority for establishing a fee schedule to recover the reasonable costs of acting on permit applications, implementing, and enforcing permits. Louisiana's Permit Fee System was approved by EPA on July 7, 1982 (47 FR 29535) and revisions were approved by EPA into the Louisiana SIP on May 3, 1984 (49 FR 18825) and March 8, 1989 (54 FR 9783). The annual maintenance fee, new application fee, major modified permit fee, and minor modified permit fee were approved by EPA at 54 FR 9783 and on March 25, 1994 (59 FR 14112). The Title V program and associated fees legally are not part of the SIP, but were approved by EPA on September 12, 1995 (60 FR 47296) as part of the Louisiana Title V Program. EPA is reviewing the Louisiana Title V program, including the Title V fee structure, separate from this action. Because the Title V program and associated fees legally are not part of the SIP, the infrastructure SIP action we are proposing today does not preclude EPA from taking future action regarding Louisiana's Title V program.

EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(L) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

Consultation/participation by affected local entities, pursuant to section 110(a)(2)(M): As indicated above, the Louisiana statute under RS 30:2011.D.1 provides that the secretary of the LDEQ "shall hold a public hearing to receive comments [* * *] from all interested parties and the public" prior to the adoption of any rule or regulation. In addition, RS 30:2011.D.7 provides that the secretary shall have the power and duty "to advise, consult, and cooperate with other agencies of the State, the Federal government, other States, and interstate agencies and with affected groups, political subdivisions, interested agricultural, industrial, professional, and environmental groups and individuals in furtherance of the purposes of this Subtitle." EPA is proposing to find that the Louisiana SIP meets the requirements of section 110(a)(2)(M) with respect to the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

IV. Proposed Action

We are proposing to approve the submittals provided by the State of Louisiana to demonstrate that the Louisiana SIP meets the requirements of Section 110(a)(1) and (2) of the Act for the 1997 ozone and $PM_{2.5}$ NAAQS. We are proposing to find that the current Louisiana SIP meets the infrastructure elements listed below:

Emission limits and other control measures (110(a)(2)(A) of the Act);
Ambient air quality monitoring/data system (110(a)(2)(B) of the Act);
Program for enforcement of control measures (110(a)(2)(C) of the Act);
Interstate Transport (110(a)(2)(D)(ii) of the Act);
Adequate resources (110(a)(2)(E) of the Act);
Stationary source monitoring system (110(a)(2)(F) of the Act);
Emergency power (110(a)(2)(G) of the Act);
Future SIP revisions (110(a)(2)(H) of the Act);
Consultation with government officials (110(a)(2)(J) of the Act);
Public notification (110(a)(2)(J) of the Act);
Prevention of significant deterioration and visibility protection (110(a)(2)(J) of the Act),
Air quality modeling data (110(a)(2)(K) of the Act);
Permitting fees (110(a)(2)(L) of the Act); and
Consultation/participation by affected local entities (110(a)(2)(M) of the Act).

EPA is also proposing to approve the following revisions to 33 LAC 5–509, submitted by LDEQ on December 20, 2005 and November 9, 2007:

1. The 2005 non-substantive recodification of the definition for *Major Modification* subsection 2 to subsection *b*, and the 2007 substantive change adding NO_X to the definition of *Major Modification.*

2. The 2005 non-substantive recodification of the definition for *Major Stationary Source* at subsection 4 to subsection *d*, and the 2007 substantive change adding NO_X to the definition of *Major Stationary Source.*

3. The 2005 non-substantive recodification of the first paragraph of the definition for *Significant* at subsection 1 to subsection *a*, and the 2007 substantive change adding NO_X as a precursor to the table's criteria and other pollutants listing for ozone.

4. The 2005 non-substantive recodification of the first paragraph of subsection I.8 to subsection *I.5*, and the 2007 substantive change allowing for an exemption with respect to ozone monitoring for a source with a net emissions increase less than 100 tpy of NO_X.

EPA is proposing these actions in accordance with section 110 and part C of the Act and EPA's regulations and consistent with EPA guidance.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely proposes to approve 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

[29] See the Attainment Demonstration for the Shreveport-Bossier City Early Action Compact Area, approved by EPA and adopted into the SIP on August 22, 2005 (70 FR 48880).

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

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

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

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

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

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

• Does not provide EPA with the discretionary authority to address, 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 7, 2011.

Al Armendariz,

Regional Administrator, Region 6.

[FR Doc. 2011–9286 Filed 4–15–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2011–0315, FRL–9296–8]

Approval and Promulgation of Implementation Plans; Washington: Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the public comment period on EPA's notice of proposed rulemaking "Approval and Promulgation of Implementation Plans; Washington: Correction" published on March 23, 2011 at 76 FR 16365. A commenter requested additional time to review the proposal and prepare comments. In response to this request, EPA is extending the original 30-day comment period for an additional 30 days. The extended comment period will close on May 23, 2011.

DATES: Comments must be received on or before May 23, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2011–0315, by any of the following methods:

• *http://www.regulations.gov:* Follow the online instructions for submitting comments.

• *E-mail: R10-Public_Comments@epa.gov.*

• *Mail:* Kristin Hall, EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

• *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101. Attention: Kristin Hall, Office of Air, Waste and Toxics, AWT—107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2011–0315. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at telephone number: (206) 553–6357, e-mail address: *hall.kristin@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: On March 23, 2011, EPA published a proposed rulemaking to correct errors in the State Implementation Plan (SIP) for the State of Washington regarding the scope of certain regulations incorporated by reference into the SIP. 76 FR 16365. This correction would limit the applicability of certain regulations to pollutants for which National Ambient Air Quality Standards (NAAQS) have been established and precursors to those NAAQS pollutants. EPA received a request that the public comment period be extended to allow more time to review the proposal and prepare comments. In response to this request, EPA is extending the original 30-day comment period for an additional 30 days. The extended comment period will close on May 23, 2011.

All comments received on or before May 23, 2011, will be considered in the development of a final rule. A copy of the request to extend the public comment period has been placed into the docket and may be reviewed electronically or during normal business hours at the locations listed above. Interested parties are invited to comment on all aspects EPA's March 23, 2011, proposal. Comments should be addressed to Kristin Hall at the address listed above.

Dated: April, 8, 2011.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2011–9290 Filed 4–15–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2004–0305; FRL–9296–6]

RIN 2060–AQ43

National Emission Standards for Hazardous Air Pollutants: Primary Lead Smelting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: On February 17, 2011, EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting (76 FR 9410). The EPA is extending the deadline for written comments on the proposed amendments by 19 days to May 8, 2011. The EPA received a request for this extension from the Doe Run Company, the sole covered facility. Doe Run Company requested the extension in order to analyze data and review the proposed amendments. EPA finds this request to be reasonable due to the significant changes the proposal would make to the current rule.

DATES: Comments must be received on or before May 8, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2004–0305, by one of the following methods:

- *http://www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.* Attention Docket ID Number EPA–HQ–OAR–2004–0305.
- *Fax:* (202) 566–9744. Attention Docket ID Number EPA–HQ–OAR–2004–0305.
- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (6102T), EPA West (Air Docket), Attention Docket ID Number EPA–HQ–OAR–2004–0305, U.S. Environmental Protection Agency, Mailcode 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.
- *Hand Delivery:* U.S. Environmental Protection Agency, EPA West (Air Docket), Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004, Attention Docket ID Number EPA–HQ–OAR–2004–0305. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2004–0305. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed rule should be addressed to Mr. Nathan Topham, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Metals and Inorganic Chemicals Group (D243–02), Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541–0483; fax number: (919) 541–3207; e-mail address: *topham.nathan@epa.gov.*

SUPPLEMENTARY INFORMATION: For the reasons noted above, the public comment period will now end on May 8, 2011.

How can I get copies of the proposed rule and other related information?

The proposed rule titled, National Emission Standards for Hazardous Air Pollutants: Primary Lead Smelting, was published February 17, 2011 (76 FR 9410). EPA has established the public docket for the proposed rulemaking under docket ID No. EPA–HQ–OAR–2004–0305, and a copy of the proposed rule is available in the docket. We note that, since the proposed rule was published, additional materials have been added to the docket. Information on how to access the docket is presented above in the **ADDRESSES** section.

Dated: April 12, 2011.

Gina McCarthy,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2011–9287 Filed 4–15–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Docket No. FEMA–B–7755]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On December 28, 2007, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 72 FR 73732. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Racine County, Wisconsin, and Incorporated Areas. Specifically, it addresses the following flooding sources: Bartlett Branch, Chicory Creek, East/West Canal, Fonk's Tributary, Kilbourn Road Ditch, Lamparek Creek, Nelson Creek, North Cape Lateral, Pike River, Root River, Sorenson Creek, Union Grove Industrial Tributary, Unnamed Tributary No. 18 to Kilbourn Road Ditch, Unnamed Tributary No. 2 to West Branch Root River Canal, Unnamed Tributary No. 37 to Des Plaines River, Unnamed Tributary No. 38 to Des Plaines River, Unnamed Tributary No. 39 to Des Plaines River, Unnamed Tributary to Unnamed Tributary No. 2 to West Branch Root River Canal, and Waxdale Creek.

DATES: Comments are to be submitted on or before July 18, 2011.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–7755, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064 or (e-mail) *luis.rodriguez1@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064 or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Correction

In the proposed rule published at 72 FR 73732, in the December 28, 2007, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Racine County, Wisconsin, and Incorporated Areas" addressed the following flooding sources: Bartlett Branch, Chicory Creek, East/West Canal, Fonk's Tributary, Kilbourn Road Ditch, Lamparek Creek, Nelson Creek, North Cape Lateral, Pike River, Root River, Sorenson Creek, Union Grove Industrial Tributary, Unnamed Tributary No. 18 to Kilbourn Road Ditch, Unnamed Tributary No. 2 to West Branch Root River Canal, Unnamed Tributary No. 37 to Des Plaines River, Unnamed Tributary No. 38 to Des Plaines River, Unnamed Tributary No. 39 to Des Plaines River, Unnamed Tributary to Unnamed Tributary No. 2 to West Branch Root River Canal, and Waxdale Creek. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, and/or communities affected for the following flooding sources: Bartlett Branch, Chicory Creek, Kilbourn Road Ditch, Lamparek Creek, Nelson Creek, Pike River, Sorenson Creek, Unnamed Tributary No. 18 to Kilbourn Road Ditch, and Waxdale Creek. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Racine County, Wisconsin, and Incorporated Areas				
Bartlett Branch	At the Pike River confluence	+682	+686	Village of Mount Pleasant.
	Approximately 70 feet downstream of County Highway C.	None	+693	
Chicory Creek	Approximately 570 feet upstream of the Pike River confluence.	+669	+668	Village of Mount Pleasant, Village of Sturtevant.
	At the downstream side of 105th Street	+723	+722	
East/West Canal	At the North Cape Lateral confluence	None	+788	Unincorporated Areas of Racine County.
	Approximately 40 feet downstream of U.S. Route 45	None	+788	
Fonk's Tributary	Approximately 200 feet upstream of the Union Grove Industrial Tributary confluence.	None	+746	Unincorporated Areas of Racine County.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 4,880 feet upstream of the Union Grove Industrial Tributary confluence.	None	+781	
Kilbourn Road Ditch	At County Line Road	+729	+726	Village of Mount Pleasant.
	Approximately 2,400 feet downstream of I–94	None	+734	
Lamparek Creek	At the Pike River confluence	+661	+660	Village of Mount Pleasant.
	At the downstream side of 105th Street	+714	+713	
Nelson Creek	At County Line Road	None	+619	Village of Mount Pleasant.
	At the downstream side of Garden Drive	None	+642	
North Cape Lateral	Approximately 30 feet upstream of Britton Road	None	+774	Unincorporated Areas of Racine County.
	Approximately 2,350 feet upstream of the East/West Canal confluence.	None	+789	
Pike River	At County Line Road	+657	+658	City of Racine, Village of Mount Pleasant.
	Approximately 80 feet downstream of Spring Street	None	+688	
Root River	At mouth at Lake Michigan	+583	+584	City of Racine.
	Approximately 825 feet upstream of Memorial Drive	+586	+587	
Sorenson Creek	At County Line Road	+614	+617	Village of Mount Pleasant, City of Racine.
	Approximately 75 feet downstream of Meachem Road	None	+654	
Union Grove Industrial Tributary.	At County Line Road	+738	+743	Unincorporated Areas of Racine County, Village of Union Grove.
	Approximately 30 feet downstream of Durand Avenue (State Highway 11).	None	+771	
Unnamed Tributary No. 18 to Kilbourn Road Ditch.	Approximately 1,110 feet downstream of I–94	+732	+733	Unincorporated Areas of Racine County, Village of Mount Pleasant.
	At the upstream side of I–94	None	+742	
Unnamed Tributary No. 2 to West Branch Root River Canal.	Approximately 30 feet upstream of Raymond Avenue	+704	+705	Unincorporated Areas of Racine County.
	Approximately 3,300 feet downstream of 65th Drive	None	+751	
Unnamed Tributary No. 37 to Des Plaines River.	Approximately 2,675 feet downstream of 69th Street	+713	+712	Unincorporated Areas of Racine County.
	Approximately 70 feet downstream of 69th Street	None	+730	
Unnamed Tributary No. 38 to Des Plaines River.	At the confluence with the Des Plaines River	None	+710	Unincorporated Areas of Racine County.
	Approximately 2,750 feet upstream of Durand Avenue (State Highway 11).	None	+762	
Unnamed Tributary No. 39 to Des Plaines River.	At the confluence with the Des Plaines River	None	+710	Unincorporated Areas of Racine County.
	Approximately 170 feet downstream of County Line Road.	None	+746	
Unnamed Tributary to Unnamed Tributary No. 2 to West Branch Root River Canal.	Approximately 250 feet upstream of 65th Drive	None	+720	Unincorporated Areas of Racine County.
	Approximately 125 feet downstream of Colony Avenue.	None	+746	
Waxdale Creek	At the Pike River confluence	+670	+671	Village of Mount Pleasant, Village of Sturtevant.
	Approximately 70 feet downstream of West Road	+736	+735	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Racine

Maps are available for inspection at City Hall, 730 Washington Avenue, Racine, Wisconsin 53403.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Unincorporated Areas of Racine County

Maps are available for inspection at the Racine County Planning and Development Department, 14200 Washington Avenue, Sturtevant, Wisconsin 53177.

Village of Mount Pleasant

Maps are available for inspection at the Mount Pleasant Village Hall, 6126 Durand Avenue, Racine, Wisconsin 53406.

Village of Sturtevant

Maps are available for inspection at the Village Hall, 2801 89th Street, Sturtevant, Wisconsin 53177.

Village of Union Grove

Maps are available for inspection at the Village Hall, 925 15th Avenue, Union Grove, Wisconsin 53182.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 8, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2011–9343 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1189]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this proposed rule is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before July 18, 2011.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1189, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Madison County, Alabama, and Incorporated Areas				
Aldridge Creek Tributary 1	Approximately 1,700 feet downstream of Chaney Thompson Road.	None	+579	City of Huntsville.
	At the downstream side of Chunn Road	None	+618	
Aldridge Creek Tributary 10 ..	Approximately 0.4 mile downstream of Bailey Cove Road Southeast.	None	+606	City of Huntsville.
	Approximately 270 feet downstream of Cross Creek Road Southeast.	None	+691	
Aldridge Creek Tributary 12 ..	At the downstream side of Airport Road	None	+622	City of Huntsville.
	Approximately 1,400 feet downstream of Four Mile Post Road.	None	+719	
Aldridge Creek Tributary 17 ..	Approximately 1,000 feet downstream of Toney Drive Southeast.	None	+662	City of Huntsville.
	Approximately 70 feet downstream of Deborah Drive Southeast.	None	+891	
Aldridge Creek Tributary 8	Approximately 500 feet downstream of Bailey Cove Road Southeast.	None	+595	City of Huntsville.
	At the downstream side of Box Canyon Road Southeast.	None	+707	
Aldridge Creek Tributary 9	Approximately 270 feet downstream of Bailey Cove Road Southeast.	None	+596	City of Huntsville.
	At the upstream side of Vista Drive Southeast	None	+700	
Barren Fork Creek	At the Indian Creek confluence	None	+569	City of Huntsville, Town of Triana, Unincorporated Areas of Madison County.
	At the Betts Spring Branch and Bradford Creek confluence.	None	+571	
Big Cove Creek	Approximately 700 feet downstream of the Hays Preserve Trail.	+600	+599	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.8 mile upstream of Dug Hill Road	None	+686	
Big Cove Creek Tributary	At the Big Cove Creek confluence	None	+657	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.7 mile upstream of the Big Cove Creek confluence.	None	+677	
Blue Spring Creek	Approximately 400 feet downstream of Timbercrest Drive Northwest.	+666	+667	City of Huntsville.
	Approximately 110 feet upstream of Pulaski Pike Northwest.	+750	+751	
Bradford Creek	Approximately 1,300 feet upstream of Palmer Road ...	None	+645	City of Madison, Unincorporated Areas of Madison County.
	Approximately 1,400 feet upstream of Gillespie Road	None	+705	
Bradford Creek Tributary	At the Bradford Creek confluence	None	+676	City of Madison, Unincorporated Areas of Madison County.
	At the downstream side of Brownsville Ferry Road	None	+702	
Broglan Branch	Approximately 630 feet downstream of Governors Drive Southwest.	+608	+605	City of Huntsville.
	Approximately 100 feet downstream of Mastin Lake Road.	None	+728	
Broglan Branch Tributary A ..	Approximately 140 feet downstream of Oster Drive	None	+647	City of Huntsville.
	Approximately 0.5 mile upstream of Commercial Drive	None	+682	
Broglan Branch Tributary B ..	Approximately 520 feet downstream of Nevel Drive	None	+709	City of Huntsville.
	At the downstream side of Kyle Lane	None	+732	
Buckhorn Branch	Approximately 0.9 mile downstream of Shady Oak Drive.	None	+688	Unincorporated Areas of Madison County.
	Approximately 1,040 feet upstream of Maysville Road	None	+766	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Dallas Branch	Approximately 580 feet downstream of Washington Street.	+629	+628	City of Huntsville.
	Approximately 210 feet upstream of Saddletree Boulevard.	None	+837	
Dallas Branch Bypass	Approximately 1,800 feet downstream of Church Street.	+619	+617	City of Huntsville.
	Approximately 540 feet upstream of Dickson Street Northeast.	+641	+642	
Dallas Branch Tributary A	Approximately 370 feet downstream of Halsey Avenue Northeast.	None	+647	City of Huntsville.
	Approximately 300 feet upstream of Vinyard Street Northeast.	None	+695	
Dry Creek 1	Approximately 1,680 feet downstream of Brandon Town Road.	+665	+664	City of Huntsville.
	At the downstream side of Blake Bottom Road Northwest.	None	+749	
Dry Creek 1 Tributary A	Approximately 500 feet downstream of Sparkman Drive Northwest.	None	+695	City of Huntsville.
	Approximately 220 feet upstream of Campus Road	None	+746	
Dry Creek 1 Tributary B	Approximately 170 feet downstream of Dry Creek Drive Northwest.	None	+709	City of Huntsville.
	Approximately 380 feet upstream of Terrell Drive Northwest.	None	+736	
East Fork Pinhook Creek	Approximately 1,300 feet downstream of Medaris Road.	+680	+679	City of Huntsville.
	Approximately 450 feet upstream of Spragins Hollow Road Northwest.	None	+748	
East Fork Pinhook Creek Tributary A.	Approximately 1,820 feet downstream of Ricky Road	None	+701	City of Huntsville.
	Approximately 0.4 mile upstream of Ricky Road	None	+738	
Fagan Creek	Approximately 710 feet downstream of Monroe Street	+610	+608	City of Huntsville.
	Approximately 0.7 mile upstream of Telfair Drive Southeast.	None	+719	
Flint River	Approximately 300 feet upstream of Winchester Road Northeast.	None	+673	Unincorporated Areas of Madison County.
	Approximately 3.0 miles upstream of Carriger Road	None	+767	
Glover Cove Creek	Approximately 0.5 mile downstream of Old Highway 431.	None	+587	Town of Owens Cross Roads, Unincorporated Areas of Madison County.
	Approximately 750 feet upstream of Old Gurley Pike	None	+627	
Huntsville Spring Branch	Approximately 890 feet downstream of Drake Avenue	+594	+593	City of Huntsville, Unincorporated Areas of Madison County.
	At the downstream side of Williams Avenue Southwest.	+609	+608	
Hurricane Creek	Approximately 0.9 mile downstream of Little Cove Road.	None	+612	Town of Gurley, Unincorporated Areas of Madison County.
	Approximately 1,020 feet downstream of County Lake Road.	None	+663	
Indian Creek	Approximately 0.8 mile downstream of I–565	None	+606	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.6 mile upstream of Old Monrovia Road Northwest.	None	+712	
Knox Creek	At the upstream side of Dupree Worthey Road	None	+657	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.4 mile downstream of Wall Triana Highway.	+730	+732	
Limestone Creek	Approximately 0.8 mile upstream of Lee Highway	None	+649	City of Huntsville.
	Approximately 1.6 miles upstream of Capshaw Road	None	+672	
Lollar Branch	Approximately 0.8 mile downstream of Winchester Road.	None	+684	Unincorporated Areas of Madison County.
	Approximately 1.3 miles upstream of Maysville Road	None	+786	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
McDonald Creek	Approximately 1,950 feet downstream of Centaur Boulevard Southwest.	None	+581	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 70 feet upstream of Galaxy Way	None	+692	
Mill Creek Tributary	Approximately 0.9 mile downstream of Bridgefield Road.	None	+677	City of Madison.
	At the downstream side of Millsford Drive	None	+749	
Miller Branch	Approximately 1,700 feet downstream of Wall Triana Highway.	+571	+570	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.6 mile downstream of County Road 127.	None	+574	
Molder Branch	Approximately 2.2 miles downstream of Bob Stiles Road.	None	+658	Unincorporated Areas of Madison County.
	At the downstream side of Bob Stiles Road	None	+680	
Moore Branch	Approximately 1.1 miles downstream of Powell Road	None	+590	City of Madison.
	Approximately 0.4 mile downstream of Powell Road	None	+603	
Mountain Brook Branch	Approximately 1,100 feet downstream of Clermont Drive.	+647	+651	City of Huntsville.
	Approximately 1,700 feet upstream of Darnell Street Southeast.	None	+735	
Mountain Fork	Approximately 0.5 mile downstream of Oscar Patterson Road.	None	+692	Unincorporated Areas of Madison County.
	Approximately 470 feet upstream of Mountain Fork Road.	None	+774	
Normal Branch	Approximately 1,100 feet downstream of Max Luther Drive Northwest.	None	+643	City of Huntsville.
	Approximately 130 feet upstream of Winchester Road	None	+737	
Normal Branch Diversion	At the Normal Branch confluence	None	+637	City of Huntsville.
	At the Pinhook Creek confluence	None	+643	
Normal Branch Tributary A	Approximately 950 feet downstream of Mastin Lake Road Northwest.	None	+667	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 910 feet upstream of Hi-Lo North Circle.	None	+748	
Oakland Spring Branch	At the upstream side of Powell Road	None	+612	City of Madison.
	At the downstream side of Ferry Road	None	+631	
Peevey Creek	Approximately 1.5 miles downstream of the Eastern Bypass.	None	+606	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 600 feet downstream of Ripple Lane	None	+638	
Pinhook Creek	At the downstream side of Williams Avenue Southwest.	+611	+610	City of Huntsville.
	Approximately 460 feet downstream of Winchester Road Northwest.	+703	+701	
Pinhook Creek Tributary A	Approximately 800 feet downstream of Memorial Parkway Northwest.	None	+639	City of Huntsville.
	At the downstream side of Pulaski Pike	None	+733	
Pinhook Creek Tributary C	Approximately 0.5 mile downstream of Pulaski Pike	None	+703	City of Huntsville.
	Approximately 800 feet upstream of Pulaski Pike	None	+738	
Sherwood Branch	Approximately 800 feet downstream of Old Madison Pike Northwest.	+636	+630	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 300 feet downstream of Old Monrovia Road Northwest.	None	+707	
Swan Pond	Approximately 3.7 miles downstream of Zierdt Road	None	+569	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.9 mile upstream of Zierdt Road	None	+571	
Tributary 1 To Indian Creek	Approximately 1,500 feet downstream of Slaughter Road.	+616	+619	City of Huntsville, City of Madison, Unincorporated Areas of Madison County.
	Approximately 600 feet upstream of Cherry Road	+712	+710	
Tributary 1 to Dry Creek 2	Approximately 300 feet downstream of Johns Road Northwest.	+708	+710	City of Huntsville, Unincorporated Areas of Madison County.
	At the downstream side of Ralph Road	+749	+751	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Tributary 2 to Indian Creek ...	At the Indian Creek confluence	+674	+675	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 0.7 mile upstream of the Indian Creek confluence.	+699	+700	
Tributary 3 to Indian Creek ...	Approximately 0.4 mile downstream of Jeff Road Northwest.	+699	+700	City of Huntsville, City of Madison, Unincorporated Areas of Madison County.
	At the downstream side of Woodland Trail	None	+811	
Unnamed Tributary to Sherwood Branch.	Approximately 1,840 feet downstream of Enterprise Way.	None	+687	City of Huntsville, Unincorporated Areas of Madison County.
	Approximately 730 feet upstream of Wayne Road Northwest.	None	+706	
West Fork Pinhook Creek	Approximately 1,940 feet downstream of Medaris Road Northwest.	+678	+679	City of Huntsville.
	At the downstream side of Pulaski Pike	None	+767	
West Fork Pinhook Tributary A.	Approximately 0.5 mile downstream of Sturbridge Drive.	None	+732	City of Huntsville.
	Approximately 110 feet upstream of Green Meadow Road Northwest.	None	+799	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Huntsville
Maps are available for inspection at 320 Fountain Circle, 2nd Floor, Huntsville, AL 35801.

City of Madison
Maps are available for inspection at 100 Hughes Road, Madison, AL 35758.

Town of Gurley
Maps are available for inspection at 235 Walker Street, Gurley, AL 35748.

Town of Owens Cross Roads
Maps are available for inspection at 2965 Old Highway 431, Owens Cross Roads, AL 35763.

Town of Triana
Maps are available for inspection at 640 6th Street, Madison, AL 35756.

Unincorporated Areas of Madison County
Maps are available for inspection at the Madison County Engineering Building, 814 Cook Avenue, Huntsville, AL 35801.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 8, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2011–9345 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register
Vol. 76, No. 74
Monday, April 18, 2011

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

Agricultural Marketing Service

[Doc. No. AMS–ST–11–0034]

Notice of Request for Extension and Revision of a Currently Approved Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the Agricultural Marketing Service (AMS) intends to request approval from the Office of Management and Budget of a revision to a currently approved information collection "Laboratory Approval Programs" in support of U.S. agricultural commodities.

DATES: Comments received by June 17, 2011.

Additional Information or Comments: Interested persons are invited to submit comments on this proposal to Jane Ho, Technical Services Branch, Science and Technology, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 0272, Washington, DC 20250–0272; Phone 202–690–0621, Fax 202–720–4631. Comments should be submitted in triplicate. Comments may also be submitted electronically through *http://www.regulations.gov*. All comments should reference the docket number and page number of this issue of the **Federal Register**. All comments received will be made available for public inspection at the above address during regular business hours and may be viewed at *http://www.regulations.gov*.

SUPPLEMENTARY INFORMATION:

Title: Laboratory Approval Programs.

OMB Number: 0581–0251.

Expiration Date of Approval: December 30, 2011.

Type of Request: Extension and Revision of a Currently Approved Collection.

Abstract: Under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), AMS provides analytical testing services that facilitate marketing and allow products to obtain grade designations or meet marketing or quality standards. Pursuant to this authority, AMS develops and maintains laboratory certification, verification, and approval programs (under the general umbrella of laboratory approval programs) as needed by the agricultural industry, to support domestic and international marketing of U.S. products. The laboratory certification, verification, and approval programs will remain voluntary and fee for service.

To ensure that a laboratory is capable of accurately performing the specified analyses, it must adhere to certain good laboratory practices and show technical proficiency in the required areas. Checklists and forms have been developed that ask the laboratory for information concerning procedures, the physical facility, employees, and their training. The laboratory must also provide Standard Operating Procedures (SOPs) for the analyses and quality assurance. Most of the laboratory programs will include an on-site laboratory review. AMS will not approve a laboratory unless there is assurance that the laboratory is capable of performing accurate analyses.

The information collection requirements in this request are essential to examine laboratories for entrance into the following programs:

(1) Analyst and Laboratory Certification Program for the Detection of Trichinae in Pork (An export program requested by Food Safety and Inspection Service).

(2) Laboratory Verification Program for Poultry and Pork Exported from the United States to Russia (An export program requested by Food Safety and Inspection Service). This program contains the possibility of performing 12 different analyses in support of the exportation of poultry and pork to Russia. Laboratories choose how many and which analyses for which they wish to be approved. Each of microbiological/chemical analyses has its own methodology and time necessary to perform the analyses.

(3) Aflatoxin in Pistachios Program (A High Performance Liquid Chromatography (HPLC) method for exporting pistachios to European Union requested by the California Pistachio Committee) and the domestic program using HPLC or a test kit analysis method (identified in the Pistachio Marketing Order); Aflatoxin in Peanuts Program (7 CFR part 996); and Aflatoxin in Almonds Program (requested by the Almond Board of California). These programs are single analyte, single substrate programs, but the domestic pistachio, peanut, and almond programs have the option of using two different methods. The export pistachio program and export almond program must use the specified method.

(4) Any additional programs which may be requested in the future to facilitate the marketing of U.S. agricultural products.

All laboratory approval programs will follow the same general pattern. There would be a letter of intent, a form for identification of the analyses they intend to perform, an on-site laboratory review, analysis of known samples, and analysis of proficiency samples. The length of time required would depend on the complexity of the analysis, and the time necessary to perform the analysis.

The burden hours incurred for these laboratories to submit the initial letter requesting entrance, completion of a general laboratory checklist, and correctly analyzing the test samples is a one-time occurrence. Once a laboratory is accepted, the burden will decrease and is then based on the various laboratories analyzing test samples throughout the year to maintain its program status.

Form ST–212 (Alternate Payment Form) is an option for applicant/approved laboratories to pay for the services. Interested parties can obtain a copy of the form (ST–212) by calling or writing to the point of contact listed above. The information collection requirements in this request are essential to examine laboratories for entrance into the programs.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9.14 hours per response.

Respondents: Laboratories.

Estimated Number of Respondents: 83.

Estimated Total Annual Responses: 653.

Estimated Number of Responses per Respondent: 7.87.

Estimated Total Annual Burden on Respondents: 6010.42.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) 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. Comments may be sent to Jane Ho, Technical Services Branch, Science and Technology, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 0272, Washington, DC 20250–0272; Phone 202–690–0621, Fax 202–720–4631. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: April 12, 2011.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2011–9317 Filed 4–15–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Document No. AMS–ST–11–0028]

Plant Variety Protection Board; Open Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice is intended to notify the public of their opportunity to attend an open meeting of the Plant Variety Protection Board.

DATES: May 11 and 12, 2011, 8 a.m. to 5 p.m., open to the public.

ADDRESSES: The meeting will be held in the United States Department of Agriculture George Washington Carver Center, 5601 Sunnyside Avenue, Room 4–2223, Beltsville, MD 20705.

FOR FURTHER INFORMATION CONTACT: Ms. Natalie Worku, Plant Variety Protection Office, Science and Technology Programs, Agricultural Marketing Service, United States Department of Agriculture, 10301 Baltimore Avenue, Beltsville, MD 20705. Telephone number (301) 504–5518, fax (301) 504–5291, or e-mail: *natalie.worku@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), this notice is given regarding an upcoming Plant Variety Protection (PVP) Board meeting. The Plant Variety Protection Act (PVPA) (7 U.S.C. 2321 *et seq.*) provides legal protection in the form of intellectual property rights to developers of new varieties of plants, which are reproduced sexually by seed or are tuber-propagated. A Certificate of Plant Variety Protection is awarded to an owner of a crop variety after an examination shows that it is new, distinct from other varieties, genetically uniform and stable through successive generations. The term of protection is 20 years for most crops and 25 years for trees, shrubs, and vines. The PVPA also provides for a statutory Board (7 U.S.C. 2327). The duties of the Board are to: (1) Advise the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the Act; (2) provide advisory counsel to the Secretary on appeals concerning decisions on applications by the PVP Office and on requests for emergency public-interest compulsory licenses; and (3) advise the Secretary on any other matters under the Regulations and Rules of Practice and on all questions under Section 44 of the Act, "Public Interest in Wide Usage" (7 U.S.C. 2404).

The proposed agenda for the PVP Board meeting will include a welcome by Department officials followed by a discussion focusing on program activities that encourage the development of new plant varieties and appeals to the Secretary. The agenda will also include presentations on the financial status of the PVP Office, ongoing business process reengineering project, E-business update, international outreach activities and other related topics.

The meeting will be open to the public. Those wishing to attend the meeting are encouraged to pre-register by May 9, 2011 with the person listed under **FOR FURTHER INFORMATION CONTACT**. Visitors entering the George Washington Carver Center should inform security personnel that they are attending the PVP Board meeting. Identification will be required to be admitted to the building. Security personnel will direct visitors to Room 4–2223. If you require accommodations, such as sign language interpreter, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**. Minutes of the meeting will be available for public review 30 days following the meeting at the address listed under **FOR FURTHER INFORMATION CONTACT**. The minutes will also be posted on the Internet Web site *http://www.ams.usda.gov/AMSv1.0/pvpo.*

Dated: April 12, 2011.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2011–9326 Filed 4–15–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli County Resource Advisory Committee will meet in Hamilton, Montana. The purpose of the meeting is to have presentations of projects for 2011.

DATES: The meeting will be held May 24, 2011 at 6:30 p.m.

ADDRESSES: The meeting will be held at 1801 N. First Street. Written comments should be sent to Stevensville RD, 88 Main Street, Stevensville, MT 59870. Comments may also be sent via e-mail to *dritter@fs.fed.us* or via facsimile to 406–777–5461.

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 Stevensville Ranger District. Visitors are encouraged to call ahead to 406–777–5461 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Dan Ritter or Nancy Trotter at 406–777–5461.

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., Mountain Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Council discussion is limited to Forest Service staff and Council members. However, persons who wish to bring any matters

to the attention of the Council may file written statements with the Council staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by May 23, 2011 will have the opportunity to address the Council at those sessions.

Dated: April 8, 2011.

Julie K. King,

Forest Supervisor.

[FR Doc. 2011–9245 Filed 4–15–11; 8:45 am]

BILLING CODE 3410–11–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday through Wednesday, May 9–11, 2011, at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, May 9, 2011

10:45–11:15 a.m. Budget Committee
11:15–Noon Technical Programs Committee
1:30–2:15 p.m. Planning and Evaluation Committee
2:30–4 p.m. Ad Hoc Committee Meetings: Closed to Public

Tuesday, May 10, 2011

2:45–4 p.m. Ad Hoc Committee Meetings: Closed to Public

Wednesday, May 11, 2011

9:30–10:30 a.m. Ad Hoc Committee on Outdoor Developed Areas: Closed to Public
10:45–Noon Presentation on issues for people who are deaf/blind
1:30–3 p.m. Board Meeting

ADDRESSES: All meetings will be held at the Access Board Conference Room, 1331 F Street, NW., suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0082 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, May 11, 2011, the Access Board will consider the following agenda items:

- Approval of the draft March 9, 2011 meeting minutes.
- Budget Committee Report.
- Technical Programs Committee Report.
- Planning and Evaluation Committee Report.
- Ad Hoc Committee Reports.
  - Medical Diagnostic Equipment—Notice of Proposed Rulemaking (vote).
- Executive Director's Report.
- Public Comment, Open Topics.

All meetings are accessible to persons with disabilities. An assistive listening system, computer assisted real-time transcription (CART), and sign language interpreters will be available at the Board meeting and committee meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (*see http://www.access-board.gov/about/policies/fragrance.htm* for more information).

David M. Capozzi,

Executive Director.

[FR Doc. 2011–9247 Filed 4–15–11; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 27–2011]

Foreign-Trade Subzone 124B; Application for Expansion; North American Shipbuilding, LLC (Shipbuilding), Houma, LA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Louisiana Port Commission, grantee of FTZ 124, on behalf of North American Shipbuilding, LLC (NAS), operator of Subzone 124B at NAS' shipbuilding facilities in Larose, Houma, and Port Fourchon, Louisiana, requesting authority to expand the subzone include a new site in Houma. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the Board's regulations (15 CFR part 400). It was formally filed on April 8, 2011.

Subzone 124B was approved by the Board in 1991 with authority granted for the construction and repair of oceangoing vessels at NAS' shipyard (*Site 1*) (14 acres) located at 800 Industrial Park Road on the Intercoastal Waterway in Larose (LaFourche Parish), Louisiana (Board Order 539, 56 FR 56627, 11–6–2001). The subzone was subsequently expanded to include two additional shipbuilding facilities: *Site 2* (27 acres)—208 North American Court ("North American Fabricators, LLC"), Houma (Terrebonne Parish); and, *Site 3* (26 acres)—106 9th Street ("C–Port, LLC"), Port Fourchon (LaFourche Parish) (Board Order 1021, 64 FR 7854, 2–17–1999). The facilities (1,437 employees) are used to construct, convert, and repair oceangoing vessels for commercial, research, and government customers. Components sourced from abroad include propulsion units, controllable pitch propellers, dynamic positioning systems, safety and firefighting equipment, centrifuges, compartment doors, electronic equipment, and guide rollers (duty rate range: Free–6.0%).

The applicant is now requesting authority to expand the subzone to include a new shipbuilding facility (proposed *Site 4*) located at 352 Dickson Road ("LaShip, LLC") in Houma. The application indicates that the facility will conduct production activity similar to that which occurs at NAS' existing subzone facilities. The applicant also requests that the scope of FTZ manufacturing authority be expanded to include additional foreign-sourced components to be used in FTZ production activity. New components to be sourced from abroad (representing 45% of the value of the finished vessels) include: winches, steering gears, motors, generators, structural components of iron, doors, tefrotex (ethylene-vinyl acetate), floor coatings, rock wool/mineral wool, wooden furniture, seal rings, pressure reduction valves, man holes, ladders, pumps, and vibration control dampeners (duty rate range: Free–6.5%). The application indicates that the company will not admit any foreign-origin steel mill products to the proposed subzone site for use in FTZ manufacturing activity. Expanded FTZ procedures could continue to exempt NAS from customs duty payments on the additional foreign-origin components used in production for export. On its domestic shipments, the company would be able to elect the duty rate that applies to finished oceangoing vessels (free) for the additional foreign-origin inputs noted above. Customs duties also could possibly be deferred or reduced on foreign status production equipment. NAS would also be exempt from duty payments on foreign inputs that become scrap during the production process. The production activity under FTZ procedures would continue to be subject to the "standard

shipyard restriction" applicable to foreign-origin steel mill products (*e.g.,* angles, pipe, plate), which requires that all applicable duties be paid on such items.

In accordance with the Board's regulations, Pierre Duy of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002. The closing period for receipt of comments is June 17, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 5, 2011.

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the address listed above and in the "Reading Room" section of the Board's Web site, which is accessible via *http://www.trade.gov/ftz.* For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: April 8, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–9325 Filed 4–15–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1748]

Approval for Extension of Subzone Status and Manufacturing Authority; Foreign-Trade Subzone 169A; Aso LLC; (Adhesive Bandages); Sarasota County, FL; Correction

The **Federal Register** notice (76 FR 19746, 4/8/2011) describing the approval of the application by the Manatee County Port Authority, grantee of Foreign-Trade Zone (FTZ) 169, to indefinitely extend subzone status and manufacturing authority on behalf of Aso LLC, to perform adhesive bandage manufacturing within FTZ Subzone 169A in Sarasota County, Florida, is corrected as follows:

Paragraph 1 should read: "WHEREAS, the Manatee County Port Authority, grantee of Foreign-Trade Zone (FTZ) 169, has requested to indefinitely extend subzone status and manufacturing authority on behalf of Aso LLC (Aso) to perform adhesive bandage manufacturing within FTZ Subzone 169A in Sarasota County, Florida, (FTZ Docket 55–2010, filed 9/23/2010);"

Dated: April 8, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–9324 Filed 4–15–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Travel and Tourism Advisory Board: Meeting of the U.S. Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda for an open meeting of the U.S. Travel and Tourism Advisory Board (Board). The agenda may change to accommodate Board business. The final agenda will be posted on the Department of Commerce Web site for the Board at *http://tinet.ita.doc.gov/TTAB/TTAB_Home.html.*

DATES: May 23, 2011, 2 p.m.–4:30 p.m. Pacific Daylight Time (PDT).

ADDRESSES: The meeting will be held at the Moscone Center, 747 Howard Street, San Francisco, California, Room 250–262.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, the U.S. Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, *telephone:* 202–482–4501, *e-mail: jennifer.pilat@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was re-chartered in September 2009, to advise the Secretary of Commerce on matters relating to the U.S. travel and tourism industries.

Topics to be considered: During the meeting, the Board will hear updates from two Board subcommittees on Travel Facilitation and Research. Representatives from the Departments of Homeland Security, State and Transportation will also provide updates on their respective agencies' work relating to the U.S. travel and tourism industries, and updates on their respective agencies' work relating to the recommendations of the Travel Facilitation subcommittee presented at the last meeting and adopted by the Board. The Marketing, Outreach and Coordination and Advocacy subcommittees will present their respective recommendations to the Board.

Public Participation: The meeting will be open to the public and will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Because of building security and logistics, all attendees must pre-register no later than 5 p.m. Eastern Daylight Time (EDT) on Friday, May 13, 2011 with Jennifer Pilat, the U.S. Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone 202–482–4501, *jennifer.pilat@trade.gov.* Please specify any requests for sign language interpretation, other auxiliary aids, or other reasonable accommodation no later than 5 p.m. EDT on May 16, 2011, to Jennifer Pilat at the contact information above. Last minute requests will be accepted, but may be impossible to fill.

No time will be available for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Pilat at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. EDT on May 13, 2011, to ensure transmission to the Board prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: April 13, 2011.

Jennifer Pilat,

Executive Secretary, U.S. Travel and Tourism Advisory Board.

[FR Doc. 2011–9355 Filed 4–15–11; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA369

Marine Mammals; File No. 14326 and 14329

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of applications for permit amendments.

SUMMARY: Notice is hereby given that the following permit holders have applied for amendments to Scientific Research Permits for taking marine mammals: NMFS National Marine Mammal Laboratory, Seattle, WA (File No. 14326) and North Pacific Universities Marine Mammal Research Consortium (NPUMMRC), University of British Columbia, Vancouver, B.C., Canada (File No. 14329).

DATES: Written, telefaxed, or e-mail comments must be received on or before May 18, 2011.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 14326 (NMML) or 14329 (NPUMMRC) from the list of available applications.

These documents are also available upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION**.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by e-mail to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the e-mail comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Amy Sloan, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 14326 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226). The subject amendment to Permit No. 14329 is being requested under the authority of the MMPA, the regulations governing the taking and importing of marine mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

File No. 14326. Permit No. 14326, issued on August 17, 2009 (74 FR 44822), authorizes the permit holder to measure population status, vital rates, foraging ecology, habitat requirements, and effects of natural and anthropogenic factors for Steller sea lions (*Eumetopias jubatus*) in the North Pacific Ocean, including rookeries and haulouts in CA, OR, WA, and AK. Annually in the western Distinct Population Segment (DPS) sea lions may be exposed to aerial surveys, rookery-based activities, and other incidental activities. Steller sea lions that are captured will have blood, skin, and swab samples collected; be hot-branded, have blubber and lesions biopsied, vibrissa removed; and stomach intubation. Instruments will be attached to some animals and others will receive a non-permanent mark if not hot-branded. Non-target species that may be harassed incidental to Steller sea lion research include northern fur seals (*Callorhinus ursinus*) in AK, California sea lions (*Zalophus californianus*) and northern elephant seals (*Mirounga angustrirostris*) in WA, OR, and CA, and harbor seals (*Phoca vitulina*) in all States. The permit also authorizes unintentional mortality of Steller sea lions from the western DPS and the eastern DPS. The permit was amended on October 26, 2010 (75 FR 67347), to allow takes of up to 20 adult female Steller sea lions annually by capture using additional drug combinations in the remotely delivered darts. The permit, as amended, is valid through August 31, 2014.

The permit holder is requesting the permit be amended to include authorization for the following in AK: (1) Double the number of non-pup sea lions surveyed (from 10,000 to 20,000 per year) to accommodate one winter aerial survey of the Aleutian Islands per year; (2) shift some resight effort from the non-breeding season (August–May) to the breeding season (June–July) with increased potential disturbance for June–July (increase from 300 to 800 pups and increase from 3,000 to 8,000 non-pups per year) and for August–May (decrease from 20,000 to 15,000 non-pups per year); (3) visit additional sites to supplement aerial surveys if logistics prevent aircraft access to sites with increased potential disturbance (from 120 to 400 pups; and from 600 to 1,000 non-pups per each permit year (previously 2011 and 2013 only)); (4) permanently mark (hot-brand) an additional 300 pups per year at rookeries in the Aleutian Islands (west of 170° W) in 2011 and 2013; and (5) for a subset of pups handled for permanent marking, add collection of blubber biopsies for fatty acid and toxicology analyses; collection of fecal loops for determination of parasites, disease, and hormone concentrations; collection of milk from stomach lavage; puling a vibrissae; and external ultrasound.

The permit holder is also requesting the permit be amended to include authorization for the following in CA, OR, WA: (1) Increase the number of aerial surveys flown per year from 4 to 12; (2) increase the number of vessel surveys that may occur at any one site per year (depending on funding, staffing, vessel availability, weather) from 12 to 24; and (3) increase the number of ground surveys that may occur at any one site per year (depending on funding, staffing, vessel availability, weather) from 5 to 24.

File No. 14329. Permit No. 14329, issued on August 17, 2009 (74 FR 44822), authorizes the permit holder to test hypotheses that might explain the decline of northern fur seals in AK and offer solutions for recovery. The research includes studies on foraging ecology, demographics, behavior, and changes in body size. Research activities involve: Disturbance associated with capture, observational studies, and scat collection; and capture, restraint, tissue sampling, and marking. The permit also authorizes research-related mortality of northern fur seals.

The permit holder is requesting the permit be amended to include authorization to conduct the following on lactating female fur seals already authorized for capture: (1) Glue a small tri-axial accelerometer to the fur on top of each female's head to detect prey-catching events at sea; (2) use gas anaesthesia (isoflurane); and (3) inject doubly labelled water, with serial blood samples and holding for up to 3 hours between blood draws. The permit holder also requests to capture and recapture pups (up to 35 per year) of the above mentioned lactating females following suckling to take morphometric measurement and assess energy transfer. The pups would be physically restrained and marked with flipper tags, hair dye, hair bleach, fluorescent paint, or a glued-on head marker.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS

2007), and that issuance of the permit amendments would not have a significant adverse impact on the human environment.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

File Nos. 14326 and 14329: Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376.

File Nos. 14326 and 14329: Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249.

File No. 14326 only: Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018.

File No. 14326 only: Northwest Region, NMFS, 7600 Sand Point Way, NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426.

Dated: April 12, 2011.

P. Michael Payne,

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

[FR Doc. 2011–9329 Filed 4–15–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA361

Fisheries of the Exclusive Economic Zone Off Alaska; Catch Accounting in the Longline Catcher/Processor Pacific Cod Fishery

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

ACTION: Notice of public workshop.

SUMMARY: NMFS announces a workshop to solicit input from owners and operators of longline catcher/processors (freezer longliners) engaged in the Pacific cod fisheries off Alaska. The workshop concerns proposed changes to equipment and operational requirements for monitoring catch under a voluntary cooperative. The workshop is open to the public, but NMFS is particularly seeking participation by people who are knowledgeable about the operations of Pacific cod freezer longliners and who can discuss with NMFS the potential operational impacts of proposed monitoring requirements.

DATES: The public workshop will be held on Tuesday, May 10, 2011, from 10 a.m. to 1 p.m. Pacific daylight savings time.

ADDRESSES: The workshop will be held at the Swedish Cultural Center, 1920 Dexter Avenue, N., Seattle, WA 98109. Directions to the Swedish Cultural Center are on its Web site at *http://www.swedishculturalcenter.org/contacts.htm.*

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 928–774–4362 or Jennifer Watson, 907–586–7537.

SUPPLEMENTARY INFORMATION: NMFS is developing proposed revisions to observer and equipment and operational requirements for Pacific cod freezer longliners in the Bering Sea and Aleutian Islands to support different catch accounting methods for Pacific cod catch. NMFS is considering proposed requirements related to the use of motion-compensated flow scales to weigh Pacific cod; additional work space for observers; video monitoring of areas where catch is sorted and weighed; and the use of electronic logbooks to facilitate timely vessel reporting of the Pacific cod for each haul.

This workshop is open to the public, but NMFS is particularly seeking input from those who work on Pacific cod freezer longliners, are familiar with the vessel operations, and have knowledge of the potential impact of changes in the handling of Pacific cod under the proposed monitoring requirements.

Special Accommodations

The workshop will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jennifer Watson, 907–586–7537, at least 10 working days prior to the meeting date.

Dated: April 13, 2011.

Margo Schulze-Haugen,

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

[FR Doc. 2011–9350 Filed 4–15–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Closed Meeting of the Department of Defense Wage Committee

AGENCY: Department of Defense.

ACTION: Notice of closed meetings.

SUMMARY: Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on Tuesday, May 3, 2011, Tuesday, May 17, 2011, and Tuesday, May 31, 2011, at 10 a.m. at 1400 Key Boulevard, Level A, Room A101, Rosslyn, Virginia 22209.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: April 12, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–9332 Filed 4–15–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Closed Meeting of the Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Defense Science Board will meet in closed session on May 11–12, 2011; at the Pentagon, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived

needs of the Department of Defense. At this meeting, the Board will discuss interim finding and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2) and 41 CFR 102–3.155, the Department of Defense has determined that these Defense Science Board Quarterly meetings will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology and Logistics), with the coordination of the DoD Office of General Counsel, has determined in writing that all sessions of these meetings will be closed to the public because they will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(1).

Interested persons may submit a written statement for consideration by the Defense Science Board. Individuals submitting a written statement must submit their statement to the Designated Federal Official at the address detailed below, at any point, however, if a written statement is not received at least 10 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Science Board. The Designated Federal Official will review all timely submissions with the Defense Science Board Chairperson, and ensure they are provided to members of the Defense Science Board before the meeting that is the subject of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via e-mail at *debra.rose@osd.mil,* or via phone at (703) 571–0084.

Dated: April 12, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–9334 Filed 4–15–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2011–OS–0042]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Logistics Agency is proposing to amend a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective without further notice on May 18, 2011 unless comments are received which would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and/Regulatory Information Number (RIN) and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045, or Privacy Act Officer, Headquarters Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's system of record notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the **FOR FURTHER INFORMATION CONTACT** address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: April 12, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S510.30

SYSTEM NAME:

Freedom of Information Act/Privacy Act Requests and Administrative Appeal Records (January 22, 2009, 74 FR 4009).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221 and the FOIA/Privacy Act Offices of the DLA Primary Level Field Activities. Mailing addresses for the DLA Primary Level Field Activities may be obtained from the system manager."

* * * * *

SAFEGUARDS:

Delete entry and replace with "Information in this system is safeguarded in accordance with applicable laws, rules, and policies. Access is limited to those officers and employees of the agency who have an official need for access in order to perform their duties. Access to electronic media is further restricted by the use of a two-factor authentication process, Common Access Card and registered login name. Physical entry is restricted by the use of locks, guards, and administrative procedures. Employees are periodically briefed on the consequences of improperly accessing restricted databases."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Senior Privacy and FOIA Officer, DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the DLA Activity to which the initial request was addressed and/or directed or you may submit your request to the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Written inquiry should contain the subject individual's full name, current address, telephone number, a description of the records sought, and correspondence tracking number, if known."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the DLA Activity to which the initial request was addressed and/or directed or you may submit your request to the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Written inquiry should contain the subject individual's full name, current address, telephone number, a description of the records sought, and correspondence tracking number, if known."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221."

* * * * *

S510.30

SYSTEM NAME:

Freedom of Information Act/Privacy Act Requests and Administrative Appeal Records.

SYSTEM LOCATION:

DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221 and the FOIA/Privacy Act Offices of the DLA Primary Level Field Activities. Mailing addresses for the DLA Primary Level Field Activities may be obtained from the System manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit Freedom of Information Act (FOIA) and Privacy Act (PA) requests, or FOIA/PA administrative appeals; individuals whose requests and/or records have been referred to the Defense Logistics Agency by other agencies; and in some instances includes attorneys representing individuals submitting such requests and appeals, or individuals who are the subjects of such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records created or compiled in response to FOIA and Privacy Act requests and administrative appeals and includes the original requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes, and other related or supporting documentation; and, in some instances, copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552, Freedom of Information Act, as amended; and 5 U.S.C. 552a, The Privacy Act of 1974, as amended.

PURPOSE(S):

This system is maintained for the purpose of processing access requests and administrative appeals under the FOIA, access and amendment requests and administrative appeals under the Privacy Act; for the purpose of participating in litigation regarding agency action on such requests and appeals; and for the purpose of assisting the Defense Logistics Agency in carrying out any other responsibilities under the FOIA and the Privacy Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be provided to other Federal, State, and local agencies when it is necessary to coordinate responses or denials.

The DoD 'Blanket Routine Uses' also apply to this system of records.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

STORAGE:

Records may be stored on paper and/or on electronic media.

RETRIEVABILITY:

Records are retrieved by the name of the requester or appellant; the case number assigned to the request or appeal; and in some instances may be retrieved by the name of the attorney representing the requester or appellant, or the name of an individual who is the subject of such a request or appeal.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules, and policies. Access is limited to those officers and employees of the agency who have an official need for access in order to perform their duties. Access to electronic media is further restricted by the use of a two-factor authentication process, Common Access Card and registered login name. Physical entry is restricted by the use of locks, guards, and administrative procedures. Employees are periodically briefed on the consequences of improperly accessing restricted databases.

RETENTION AND DISPOSAL:

Freedom of Information Act Requests Full disclosure files are destroyed 2 years after date of reply; FOIA request denial files are destroyed after 6 years if not appealed; FOIA appeal files are destroyed 6 years after final determination by agency, or 6 years after the time at which a requester could file suit, or 3 years after adjudication by courts, whichever is later.

Privacy Act Requests—Requests totally granted are destroyed 2 years after date of reply; requests totally or partially denied and not appealed are destroyed 5 years after date of reply; requests totally or partially denied and appealed are destroyed 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Privacy and FOIA Officer, DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the DLA Activity to which the initial request was addressed and/or directed or you may submit your request to the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Written inquiry should contain the subject individual's full name, current address, telephone number, a description of the records sought, and correspondence tracking number, if known.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system of records should address written inquiries to the DLA Activity to which the initial request was addressed and/or directed or you may submit your request to the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Written inquiry should contain the subject individual's full name, current address, telephone number, a description of the records sought, and correspondence tracking number, if known.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Data is provided by the record subject, the FOIA/Privacy Act staff, and program software. Those individuals who submit initial requests and administrative appeals pursuant to the FOIA and the Privacy Act; the agency records searched in the process of responding to such requests and appeals; other agencies or entities that have referred to the Defense Logistics Agency requests concerning Defense Logistics Agency records, or that have consulted with the Defense Logistics Agency regarding the handling of particular requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a FOIA/Privacy Act action, exempt materials from other systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those other systems of records are entered into these FOIA/PA case records, Defense Logistics Agency hereby claims the same exemptions for the records as claimed in the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 323. For additional information contact the System manager.

[FR Doc. 2011–9335 Filed 4–15–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2011–OS–0043]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action would be effective without further notice on May 18, 2011 unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and/Regulatory Information Number (RIN) and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard at (703) 588–6830, or Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the **FOR FURTHER INFORMATION CONTACT** address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 12, 2011, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 12, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DPR 35

SYSTEM NAME:

Defense Injury and Unemployment Compensation System (November 14, 2007, 72 FR 64056).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete and replace with "Individuals name, Social Security Number (SSN) or employee ID, date of birth, gender, home phone number, component, occupation, assignment and duty location information, wages, benefits, entitlement data necessary to injury or unemployment claim management, Department of Labor/Office of Workers Compensation Programs claim data, authorization for medical care, related DoD personnel records such as, timekeeping and payroll data, reports descriptive of the incident and extent of injury for use in Department of Labor/Office of Workers Compensation Program (DOL/OWCP) adjudication of the claim, initial notification to agency safety personnel for Occupational Safety and Health Act (OSHA) reporting purposes, reports related to payment of benefits through SESA offices, State where the claim for unemployment compensation was filed and approximate date filed with the SESA."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. Chapter 81, Compensation for Work Injuries; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Instruction (DoDI) 1400.25–V810, DoD Civilian Personnel Management System: Injury Compensation; DoDI 1400.25–V850, DoD Civilian Personnel Management System: Unemployment Compensation; DoD 1400.25–M, DoD Civilian Personnel Manual; and E.O. 9397(SSN), as amended."

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with "In addition to those disclosures generally

permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Office of Personnel Management and Social Security Administration for the purpose of ensuring appropriate payment of benefits.

The DoD "Blanket Routine Uses" set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices apply to this system of records."

* * * * *

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the OSD/Joint Staff, Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Requests should include the name and number of this system of records notice, include the individual's full name, SSN, address, and be signed. If the request involves unemployment compensation, it should include the State where the claim for unemployment compensation was filed and approximate date filed with the SESA."

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with "Individual, Defense Civilian Personnel Data System profile and position data, Defense Civilian Pay System wage and earnings data, and DOL/OWCP claim records."

* * * * *

DPR 35

SYSTEM NAME:

Defense Injury and Unemployment Compensation System.

SYSTEM LOCATION:

Civilian Personnel Management Services, 1400 Key Blvd., Rosslyn, VA 22209–5144.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DoD civilian appropriated fund employees and/or their survivors who have filed a claim for workers compensation benefits under the Federal Employees Compensation Act (FECA) by reason of injuries sustained while in the performance of civilian duty or who have filed claims for unemployment compensation through State employment security agencies (SESAs).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals name, Social Security Number (SSN) or employee ID, date of birth, gender, home phone number, component, occupation, assignment and duty location information, wages, benefits, entitlement data necessary to injury or unemployment claim management, Department of Labor/Office of Workers Compensation Programs claim data, authorization for medical care, related DoD personnel records such as, timekeeping and payroll data, reports descriptive of the incident and extent of injury for use in Department of Labor/Office of Workers Compensation Program (DOL/OWCP) adjudication of the claim, initial notification to agency safety personnel for Occupational Safety and Health Act (OSHA) reporting purposes, reports related to payment of benefits through SESA offices, State where the claim for unemployment compensation was filed and approximate date filed with the SESA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 81, Compensation for Work Injuries; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Instruction (DoDI) 1400.25–V810, DoD Civilian Personnel Management System: Injury Compensation; DoDI 1400.25–V850, DoD Civilian Personnel Management System: Unemployment Compensation; DoD 1400.25–M, DoD Civilian Personnel Manual; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To process FECA claims seeking monetary, medical, and similar benefits for injuries or deaths sustained while performing assigned duties.

Data is collected for incident notification to safety personnel responsible for OSHA recording. Safety claim records are used to support DoD management responsibilities under the applicable regulations and to obtain appropriate injury compensation benefits for qualifying employees or their dependents.

Records are maintained for the purpose of auditing the State itemized listings of unemployment compensation charges, identifying erroneous charges and requesting credits from the SESAs, and tracking the charges to ensure that credits are received from the appropriate State jurisdictions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Office of Personnel Management and Social Security Administration for the purpose of ensuring appropriate payment of benefits.

The DoD "Blanket Routine Uses" set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Individual's name, SSN, and/or claim number.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for a need-to-know. Access to computerized data is restricted by passwords, which are changed periodically according to agency security policy.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration approves retention and disposal schedule, records will be treated as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Specialist, Benefits and Information Systems, Civilian Personnel Management Services, Injury and Unemployment Compensation Division, 1400 Key Blvd, Rosslyn, VA 22209–5144.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Injury Compensation Program Administrator (ICPA) designated by their servicing Human Resources office, or contact the Benefits and Information Systems,

Civilian Personnel Management Services, Injury Compensation Unemployment Compensation Division, 1400 Key Boulevard, Rosslyn, VA 22209–5144 for assistance in identifying the Injury Compensation Program Administrator.

Requests should be signed, include the individual's full name, SSN, and address. It should include the State where the claim for unemployment compensation was filed and approximate date filed with the SESA.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the OSD/Joint Staff, Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Requests should include the name and number of this system of records notice, include the individual's full name, SSN, address, and be signed. If the request involves unemployment compensation, it should include the State where the claim for unemployment compensation was filed and approximate date filed with the SESA.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, Defense Civilian Personnel Data System profile and position data, Defense Civilian Pay System wage and earnings data, and DOL/OWCP claim records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011–9338 Filed 4–15–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Under the provisions of 10 U.S.C. 7102(d) and the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.50(a), the Department of Defense gives notice that it is renewing the charter for the Board of Visitors, Marine Corps University (hereafter referred to as the Board).

The Board is a non-discretionary Federal advisory committee that shall provide the Secretary of Defense through the Secretary of the Navy and the Commanding General, Marine Corps Combat Development Command, independent advice and recommendations on matters pertaining to:

a. U.S. Marine Corps Professional Military Education;

b. All aspects of the academic and administrative policies of the Marine Corps University (hereafter referred to as the University;

c. Higher education and standards and cost effective operations of the University; and

d. The operation and accreditation of the National Museum of the Marine Corps.

The Secretary of the Navy, unless otherwise directed by statute, may act upon the Board's advice and recommendations.

The Board shall be composed of at least nine members, who are eminent authorities in the field of education, and no more than six additional members, who are eminent authorities in the fields of study directly related to the University's mission and goals.

Board members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109, and these individuals shall serve as special government employees. As special government employees, these individuals are appointed to provide advice on behalf of the government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

Board members, unless otherwise directed by the Secretary of Defense, shall be appointed by the Secretary of Defense for four-year terms, and their appointments shall be renewed on an annual basis. With the exception of travel and per diem for official travel, Board members shall serve without compensation.

The Secretary of Defense authorizes the Board's voting membership to select the Board President. The Board President is subject to annual renewal by the Secretary of Defense, shall serve a two-year term as Board President.

With the exception of the President of the Marine Corps University, no full-time or permanent part-time University employee shall serve on the Board. The Secretary of Defense authorizes the President of the Marine Corps University to serve as a non-voting ex officio member of the Board, and his membership shall not count toward the total membership.

With DoD approval, the Board is authorized to establish subcommittees, as necessary and consistent with its mission and these subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and other appropriate Federal regulations. In addition, the Department of Defense authorizes the Board to maintain two standing subcommittees—the National Museum of the Marine Corps Subcommittee and the Executive Subcommittee.

Such subcommittees shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Board, nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

The Board President, unless otherwise directed by the Secretary of Defense, may select any Secretary of Defense appointed member of the Board of Visitors, Marine Corps University to serve on the Board's subcommittees. If additional subcommittee members are required, then the Board president, in consultation with the Designated Federal Officer, may request that additional members be appointed by the Department of Defense.

Subcommittee members, who are not Board members, shall be appointed in the same manner as the Board members. Such individuals, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109, and serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of the president of the Marine Corps University, no full-time or permanent part-time University employees shall serve on any subcommittee.

Subcommittee members, unless otherwise directed by the Secretary of Defense, shall be appointed by the Secretary for four-year terms, and their appointments shall be renewed on an annual basis. With the exception of travel and per diem for official travel,

subcommittee members shall serve without compensation.

The National Museum of the Marine Corps Subcommittee shall be composed of not more than five members who are eminent authorities in the fields related to museum management, including, but not limited to, areas related to: Public trust and accountability; mission and planning; leadership and organization; collections stewardship; education and interpretation; financial stability; and facilities and risk management. The membership of the National Museum of the Marine Corps Subcommittee shall be in addition to the Board's membership.

The Executive Subcommittee shall be composed of not more than four members, and these individuals shall be officers or former officers of the Board membership. Specifically, they shall be the Board's president, the President-elect, the past President, and the Secretary of the Board. The Executive Subcommittee shall meet to discuss only administrative or preparatory matters that may occur between regularly scheduled Board meetings, and do not require deliberation by the full Board membership.

The Secretary of Defense authorizes the President of the Marine Corps University to serve as a non-voting ex-officio member of the Executive Subcommittee. In addition, the Secretary of Defense authorizes the Director of the National Museum of the Marine Corps to serve as a non-voting ex officio member of the National Museum of the Marine Corps Subcommittee. These appointments shall not count toward the subcommittee's total membership.

SUPPLEMENTARY INFORMATION: The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the President of the Marine Corps University; the Commanding General, Marine Corps Combat Development Command; and the Board President. The Board shall meet at least once per year.

The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all meetings, however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Board of Visitors, Marine Corps University membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Board of Visitors, Marine Corps University.

All written statements shall be submitted to the Designated Federal Officer for the Board of Visitors, Marine Corps University, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board of Visitors, Marine Corps University Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board of Visitors, Marine Corps University. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

FOR FURTHER INFORMATION CONTACT: Contact Jim Freeman, Deputy Advisory Committee Management Officer for the Department of Defense, 703–601–6128.

Dated: April 12, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–9333 Filed 4–15–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Extension of Public Comment Period for the Draft Supplemental Environmental Impact Statement for the Disposal and Reuse of Hunters Point Naval Shipyard, San Francisco, CA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (Navy) is extending the public comment period for the Draft Supplemental Environmental Impact Statement (SEIS) for the Disposal and Reuse of Hunters Point Naval Shipyard (HPS), San Francisco, California until Friday, May 6, 2011. A Notice of Availability (NOA) and Notice of Public Hearing (NOPH) for the Draft SEIS were published in the **Federal Register** on Wednesday, February 23, 2011 (**Federal Register**/Vol. 76, No. 36, Pages 10012–10014/Wednesday, February 23, 2011/Notices). Those notices announced the initial public comment period, including a public hearing that took place on Tuesday, March 15, 2011, and also provided additional information on the background and scope of the Draft SEIS. The initial public comment period requested the submission of all comments on the Draft SEIS to the Navy by Tuesday, April 12, 2011. In response to a request from the U.S. Environmental Protection Agency (EPA), the Navy is extending the public comment period until Friday, May 6, 2011.

FOR FURTHER INFORMATION CONTACT: Director, BRAC PMO West, Attn: Mr. Ronald Bochenek, 1455 Frazee Road, Suite 900, San Diego, CA 92108–4310, telephone 619–532–0906, fax 619–532–9858, *e-mail*: *ronald.bochenek.ctr@navy.mil*.

SUPPLEMENTARY INFORMATION: The Navy, as lead agency, has prepared and filed the Draft SEIS for the Disposal and Reuse of HPS, San Francisco, California in accordance with the requirements of the NEPA of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR parts 1500–1508). The Draft SEIS evaluates the potential environmental consequences associated with the disposal and reuse of HPS. The Draft SEIS is a supplement to the Navy's 2000 Final Environmental Impact Statement for the Disposal and Reuse of HPS (March 2000).

A NOA and NOPH for the Draft SEIS were published in the **Federal Register** on Wednesday, February 23, 2011 (**Federal Register**/Vol. 76, No. 36, Pages 10012–10014/Wednesday, February 23, 2011/Notices), to solicit comments on the Draft SEIS from Federal, State, and local agencies and interested members of the public. In response to requests from the EPA, the Navy is extending the public comment period for the Draft SEIS until Friday, May 6, 2011.

The purpose of the proposed action is the disposal of HPS from Federal ownership and its subsequent reuse by the County and City of San Francisco in a manner consistent with the Hunters Point Naval Shipyard Redevelopment Plan as developed by the San Francisco Redevelopment Agency in July 1997, and amended in August 2010. The Draft SEIS has identified and considered six reuse alternatives and a no action alternative. Navy disposal is assumed as part of each reuse alternative.

More information of the Draft SEIS can be found in the previously published NOA and NOPH (*see* **Federal Register**/Vol. 76, No. 36, Pages 10012–10014/Wednesday, February 23, 2011/Notices).

Federal, State, and local agencies, as well as interested individuals, are invited and encouraged to review and comment on the Draft SEIS. Comments can be made in the following ways:
(1) Written comments mailed to the BRAC PMO address in this notice; or
(2) written comments faxed to the BRAC PMO fax number in this notice; or
(3) comments submitted via e-mail using the BRAC PMO e-mail address in this notice.

The Draft SEIS has been distributed to various Federal, State, local agencies, and Native American Tribes, as well as other interested individuals and organizations. In addition, copies of the Draft SEIS have been distributed to the following libraries and publicly accessible facilities for public review:

1. San Francisco Main Library, 100 Larkin Street, San Francisco, CA 94102.

2. San Francisco State University Library, 1360 Holloway Avenue, San Francisco, CA 94132.

3. Hastings Law Library, UC Hastings College of the Law, 200 McAllister Street, 4th Floor, San Francisco, CA 94102.

4. Jonsson Library of Government Documents, Cecil H. Green Library, Bing Wing, Stanford, CA 94305–6004.

5. Institute of Governmental Studies Library, UC Berkeley, 109 Moses Hall, #2370, Berkeley, CA 94720.

6. San Francisco Redevelopment Agency (By Appointment), One South Van Ness Avenue, Fifth Floor, San Francisco, CA 94103.

7. City Planning Department (By Appointment), 1650 Mission Street, Fourth Floor, San Francisco, CA 94103.

An electronic copy of the Draft SEIS is also available for public viewing at *http://www.bracpmo.navy.mil.*

Comments can be submitted in writing or e-mailed to: Director, BRAC PMO West, *Attn:* Mr. Ronald Bochenek, 1455 Frazee Road, Suite 900, San Diego, CA 92108–4310, fax 619–532–9858, *e-mail: ronald.bochenek.ctr@navy.mil.*

To be considered, all comments must be received by Friday, May 6, 2011. Such comments will become part of the public record and will be responded to in the Final SEIS.

Dated: April 11, 2011.

D.J. Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–9271 Filed 4–15–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability for Final PEA and Draft FONSI

AGENCY: Department of the Navy, DoD.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act of 1969 (NEPA) (42 United States Code 4321), as implemented by the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508), and Marine Corps NEPA directives (Marine Corps Order P5090.2A), the Department of the Navy announces the availability of, the Final Programmatic Environmental Assessment (PEA) and draft Finding of No Significant Impact (FONSI) for the development and operation of small-scale wind energy projects at United States Marine Corps (USMC) facilities throughout the Continental United States (CONUS). It is anticipated that site-specific NEPA analysis may be tiered off this document, as appropriate.

Dates and Addresses: The waiting period for the Final PEA and FONSI will end 30 days after publication of a Notice of Availability in the **Federal Register.**

The Final PEA and draft FONSI are available for electronic viewing at *http://marines.mil/unit/marforres/MFRHQ/FACILITIES/FACILITIES.aspx*, or by sending a request to Alain Flexer, USMC Marine Forces Reserves (MARFORRES), by telephone 504–678–8489, by fax 504–678–6823, by e-mail to *alain.flexer@usmc.mil* or by writing to: MARFORRES, Facilities, Attn: Alain Flexer, 4400 Dauphine Street, New Orleans, Louisiana 70146–5400.

FOR FURTHER INFORMATION CONTACT: MARFORRES: Attn: Alain Flexer, telephone 504–678–8489 or by e-mail *alain.flexer@usmc.mil.*

Dated: April 12, 2011.

D.J. Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–9359 Filed 4–15–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant a Partially Exclusive Patent License; PopTest Cortisol LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to PopTest Cortisol LLC, a revocable, nonassignable, partially exclusive license to practice worldwide the Government owned inventions described in U.S. Patent Application Serial No. 12/163,412 entitled "Fluorescence polarization instruments and methods for detection of exposure to biological materials by fluorescence polarization immunoassay of saliva, oral or bodily fluids"; U.S. Patent Application Serial No. 11/328,486, entitled "Method for the detection of stress biomarkers including cortisol by fluorescence polarization"; and U.S. Patent Application Serial No. 11/726,203 entitled "Method for the detection of target molecules by fluorescence polarization using peptide mimics" in the field of "Development of a saliva based cortisol rapid response detection devices utilizing fluorescence polarization"

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than May 3, 2011.

ADDRESSES: Written objections are to be filed with the Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500.

FOR FURTHER INFORMATION CONTACT: Roxanne Charles, Office of Legal and Technology Services, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone 301–319–9846.

Dated: April 11, 2011.

D.J. Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–9273 Filed 4–15–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Ocean Research and Resources Advisory Industry Sub-Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The Ocean Research and Resources Advisory Industry Sub-Panel will hold a meeting. The meeting will be open to the public.

DATES: The meeting will be held on Tuesday, May 24, 2011, from 8:30 a.m. to 5:30 p.m. and Wednesday, May 25, 2011, from 8:30 a.m. to 5 p.m. Members of the public should submit their comments in advance of the meeting to the meeting Point of Contact.

ADDRESSES: The meeting will be held at the Consortium for Ocean Leadership, 1201 New York Avenue, NW., 4th Floor, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street, Suite 1425, Arlington, VA 22203–1995, telephone 703–696–4118.

SUPPLEMENTARY INFORMATION: This notice of open meeting is provided in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). Featuring Federal agencies and members of industry, this meeting will facilitate open discussions and creative problem-solving to overcome impediments to industry progress toward deploying operational projects.

Dated: April 11, 2011.

D.J. Werner,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–9275 Filed 4–15–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment Request.

SUMMARY: The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before May 18, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to ICDocketMgr@ed.gov. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: April 13, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title of Collection: Integrated Postsecondary Education Data System (IPEDS) Web-based Data Collection 2011–12 through 2013–14.

OMB Control Number: 1850–0582.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Government, State Education Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 64,800.

Total Estimated Annual Burden Hours: 819,932.

Abstract: Integrated Postsecondary Education Data System (IPEDS) is a system of surveys designed to collect basic data from approximately 7,000 Title IV postsecondary institutions in the United States and other jurisdictions. The IPEDS provides information on numbers of students enrolled, degrees completed, other awards earned, dollars expended, staff employed at postsecondary institutions, and cost and pricing information. The amendments to the Higher Education Act of 1998, Part C, Sec. 131, specify the need for the "redesign of relevant data systems to improve the usefulness and timeliness of the data collected by such systems." As a consequence, in 2000 IPEDS began to collect data through a Web-based data collection system. The data collection is now entirely Web-based, and is required for those institutions participating in Title IV Federal student aid programs; other institutions participate on a voluntary basis. IPEDS data are available to the public through the College Navigator and IPEDS Data Center Web sites. This clearance package seeks authorization from OMB to continue IPEDS data collection through 2014, describes revisions to the currently approved (2010–11) IPEDS burden estimates, and includes a number of proposed changes to the data collection.

Copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4507. 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 the Internet address *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.

[FR Doc. 2011–9354 Filed 4–15–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before May 18, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov*. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: April 13, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management.

Office of Vocational and Adult Education

Type of Review: Extension.

Title of Collection: Adult Education and Family Literacy Act State Plan (Pub. L. 105–220).

OMB Control Number: 1830–0026.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Businesses or other for-profit; State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 57.

Total Estimated Annual Burden Hours: 2,565.

Abstract: The Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Investment Act of 1998, Public Law 105–220 provides formula funding to States to support adult education instruction at the State level. Section 224 of Public Law 105–220 required States submit to the Department their plan for how they address the requirements of the Act, including agreeing upon levels of performance identified in section 212. Congress did not enact new legislation prior to the expiration of the law in 2003; however, it continued to extend program appropriations for each additional year in each subsequent annual appropriation law.

Section 211(b)(1) of Adult Education and Family Literacy Act (AEFLA) requires that States have an approved State plan on file in order to receive their allotments of Federal adult education funds. The Department is taking a targeted approach to ensure States not duplicate their efforts in submitting information. Office of Vocational and Adult Education's State Plan Guide for AEFLA emphasizes that the information requested is simply updating current original plans to reflect performance targets and any proposed new uses for program funds in upcoming years.

Copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4499. 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 the Internet address *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.

[FR Doc. 2011–9365 Filed 4–15–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 17, 2011.

ADDRESSES: 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. Please note that written comments received in response to this notice will be considered public records.

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, Information Management and Privacy 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.

Dated: April 13, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management.

Office of Postsecondary Education

Type of Review: Extension.

Title of Collection: Talent Search and Educational Opportunity Centers Annual Performance Report.

OMB Control Number: 1840–0561.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Not-for-profit institutions.

Total Estimated Number of Annual Responses: 596.

Total Estimated Number of Annual Burden Hours: 3,576.

Abstract: Talent Search and Educational Opportunity Centers grantees must submit the report annually. The reports provide the Department of Education with information needed to evaluate a grantee's performance and compliance with program compliance with program requirements and to award prior experience points in accordance with the program regulations. The data collection is also aggregated to provide national information on project participants and program outcomes.

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 4565. 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.

[FR Doc. 2011–9363 Filed 4–15–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before May 18, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov*. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: April 13, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management.

Office of Postsecondary Education

Type of Review: Revision.

Title of Collection: Hispanic-Serving Institutions Science Technology Engineering, Mathematics and Articulation Program.

OMB Control Number: 1840–0799.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Not-for-profit institutions.

Total Estimated Number of Annual Responses: 150.

Total Estimated Annual Burden Hours: 6,750.

Abstract: Collection of this information is necessary so that the Secretary of Education can carry out the Hispanic-Serving Institutions Science Technology Engineering, Mathematics and Articulation Program, authorized under section 371 of Part F of the Higher Education Act of 1965, as amended (HEA). The information will be used in the evaluation process to determine whether proposed activities are consistent with legislated activities and to determine the dollar share of the Congressional appropriation to be awarded to successful applicants.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4555. 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 the Internet address *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.

[FR Doc. 2011–9358 Filed 4–15–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division,

Information Management and Privacy Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before May 18, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov.* Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: April 13, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management.

Office of Postsecondary Education

Type of Review: Extension.

Title of Collection: College Access Challenge Grant Program Application for Formula Grants.

OMB Control Number: 1840–0800.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 57.

Total Estimated Annual Burden Hours: 2,280.

Abstract: This collection instrument is necessary because State agencies, designated by the governor of each State, must submit an application each year funding is available under the College Access Challenge Grant program. Applicants are required by statute to include information in the application, such as a description of the applicant's capacity to administer the grant, a plan for using grant funds, and proposed matching contributions. States must submit a viable plan to increase college access and completion for low-income students and a comprehensive outline of proposed expenditures.

Copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4496. 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 the Internet address *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.

[FR Doc. 2011–9362 Filed 4–15–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Record of Decision for Issuance of Loan Guarantees to Solar Partners I, LLC; Solar Partners II, LLC; and Solar Partners VIII, LLC (Solar Partners) for Ivanpah Solar Electric Generating System Units 1, 2, and 3

AGENCY: Loan Programs Office (LP), U.S. Department of Energy (DOE).

ACTION: Record of Decision (ROD).

SUMMARY: The U.S. Department of Energy (DOE) announces its decision to issue loan guarantees under Title XVII of the Energy Policy Act of 2005 (EPAct 05) to Solar Partners I, LLC; Solar Partners II, LLC; and Solar Partners VIII, LLC (Solar Partners) for construction and start-up of Units 1, 2, and 3 of the 370 megawatt (MW) Ivanpah Solar Electric Generating System (ISEGS) on 3,471.36 acres, all of which are managed by the U.S. Department of the Interior, Bureau of Land Management (BLM), in San Bernardino County, California. The environmental impacts of the construction and operation of this project were analyzed in the *Proposed California Desert Conservation Area Plan Amendment and Final Environmental Impact Statement for the Ivanpah Solar Electric Generating System, San Bernardino County, California* (75 FR 47592; 08/06/10) (Final EIS), prepared by the BLM Needles Field Office with DOE as a cooperating agency. DOE was consulted during the preparation of the EIS and provided comments, which BLM incorporated. DOE determined that the project analyzed in the Final EIS was substantially the same as the project that would be covered by the DOE loan guarantees, and a notice of DOE's adoption of the Final EIS as DOE/EIS–0416 was published by the U.S. Environmental Protection Agency (EPA) in the **Federal Register** on October 22, 2010 (75 FR 65320).

ADDRESSES: Copies of this ROD and the Final EIS may be obtained by calling Sharon Thomas, NEPA Document Manager, Environmental Compliance Division, Loan Programs Office (LP–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585; telephone 202–586–5335; or e-mail *Sharon.R.Thomas@hq.doe.gov*, or by accessing these documents on the DOE NEPA Web site at *http://www.nepa.energy.gov* and at the Loan Programs Web site at *http://www.loanprograms.energy.gov.*

FOR FURTHER INFORMATION CONTACT: Sharon Thomas, NEPA Document Manager, Environmental Compliance Division, Loan Programs Office (LP–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585; telephone, 202–586–5335; or e-mail *Sharon.R.Thomas@hq.doe.gov.* For general information about the DOE National Environmental Policy Act (NEPA) process contact Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585; telephone, 202–586–4600; leave a message at 800–472–2756; or e-mail *AskNEPA@hq.doe.gov.* Information about DOE NEPA activities

and access to DOE NEPA documents are available through the DOE NEPA Web site at *http://www.nepa.energy.gov*.

SUPPLEMENTARY INFORMATION:

Background

The ISEGS Project will be on 3,471.36 acres in the eastern part of San Bernardino County, California, approximately 40 miles southwest of Las Vegas, Nevada. The applicant plans to develop three power plants in separate and sequential phases to generate 370 MW of electricity. Ivanpah 1 will generate 120 MW, and Ivanpah 2 and 3 will each generate 125 MW. Each plant will be comprised of fields of heliostats (elevated mirrors guided by a tracking system) focusing solar energy on boilers located on centralized power towers. Each heliostat in the field will track the sun throughout the day and reflect the solar energy to a power tower boiler. In each of the three plants, one steam turbine will receive live steam from the power tower boiler for the generation of electricity.

On August 29, 2007, BLM received applications from subsidiaries of BrightSource Energy, Inc. (Solar Partners) pursuant to Title V of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1761) for right-of-way (ROW) grants to construct, operate, maintain, and decommission the ISEGS project on public land in San Bernardino County, California. BLM's California Desert Conservation Area (CDCA) Plan (1980, as amended), while recognizing the potential compatibility of solar power generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the plan amendment process. BrightSource Energy, Inc. applied to DOE for loan guarantees under Title XVII of EPAct 05, in November 2008 for ISEGS Phase 1 and in February 2009 for ISEGS Phases 2 and 3.

NEPA Review

BLM was the lead agency in the preparation of the Final EIS. Pursuant to a February 2009, Memorandum of Understanding between BLM and DOE, DOE participated as a cooperating agency with BLM in preparation of this EIS in order to consider the potential environmental impacts of DOE's proposed loan guarantees for construction and start-up of Units 1, 2, and 3 of the ISEGS project.

EPA published a Notice of Availability of the Draft EIS on November 13, 2009 (74 FR 58625), and BLM published a Notice of Availability of the Draft CDCA Plan Amendment in the **Federal Register** on November 10, 2009 (74 FR 58043). The Draft EIS was available for a 90-day public comment period which closed on February 11, 2010. After issuance of the Draft EIS for public review, BLM continued to coordinate and consult regarding possible refinements to avoid sensitive resources, including wildlife and plant species, on the ISEGS project site. As a result, two additional project alternatives that could avoid or reduce impacts were developed by the applicant and were analyzed by BLM in a Supplemental Draft EIS. These alternatives included the Mitigated Ivanpah 3 Alternative and the Modified I–15 Alternative. These alternatives included modification of the project boundaries in order to avoid sensitive resources, a reduction in overall project acreage from 4,073 acres to approximately 3,471 acres, a reduction in the number of heliostats, and a resulting reduction in the power output from 400 MW in the proposed project to 370 MW in each of the additional alternatives. EPA published a Notice of Availability of the Supplemental Draft EIS in the **Federal Register** on April 16, 2010 (75 FR 19992). The public comment period on the Supplemental Draft EIS closed on June 1, 2010. Comments received on the Draft EIS and the Supplemental Draft EIS were addressed in the Final EIS announced by EPA in the **Federal Register** on August 6, 2010 (75 FR 47591). Comments received on the Final EIS were addressed in Appendix 1 of the *Record of Decision for the Ivanpah Solar Electric Generating System Project and Associated Amendment to the California Desert Conservation Area Plan* (BLM ROD), which is available at *http://www.blm.gov* or by calling the BLM Needles Field Office at 760–326–7000.

On February 22, 2010, DOE announced its decision to offer conditional commitments to Solar Partners to provide up to $1.37 billion in loan guarantees to support the financing of the ISEGS project. The conditional commitments each contained a condition precedent which required completion of the NEPA process before the loan guarantees could be closed. Notice of DOE's adoption of the Final EIS was published by EPA in the **Federal Register** on October 22, 2010 (75 FR 65320).

Alternatives Considered

BLM considered four alternatives, including the project as identified in the Final EIS as the Proposed Action (the project as proposed by Solar Partners), the Mitigated Ivanpah 3 Alternative (selected by BLM in their ROD and identified in the Final EIS as the preferred alternative), the Modified I–15 Alternative, and the No Action Alternative. These alternatives were described in detail and fully analyzed in the Final EIS. The BLM decision to select the Mitigated Ivanpah 3 Alternative includes mitigation measures identified in the Final EIS chapter 4, Affected Environment and Environmental Consequences. These include measures specified in Terms and Conditions in the Biological Opinion (see BLM ROD Appendix 2, U.S. Fish and Wildlife Service Biological Opinion), and Terms and Conditions set out in the Programmatic Agreement between BLM, the Southern California Edison Company, the California State Historic Preservation Officer, and the Nevada State Historic Preservation Officer (see Appendix 3, Programmatic Agreement, in BLM ROD).

The complete language of these measures, terms, and conditions is provided in the Plan of Development for the ISEGS project and is contained in Appendix 4 of BLM's Compliance Monitoring Plan set out in the BLM ROD. BLM has incorporated these requirements as terms and conditions into the ROW grants. DOE's decision is whether or not to issue loan guarantees to Solar Partners for up to $1.37 billion to support construction and start-up of the ISEGS project. Accordingly, DOE's alternatives are (1) to issue loan guarantees to Solar Partners for the Mitigated Ivanpah 3 Project alternative selected in the BLM ROD, and (2) No Action Alternative, i.e., no loan guarantees.

Consultation

BLM is the lead Federal agency for compliance of the ISEGS project with Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, and the Bald and Golden Eagle Protection Act, and for Tribal consultation. The mitigation measures included in the BLM decision resulted from these consultations and are addressed in the Final EIS and BLM ROD. In addition, BLM has consulted with the U.S. Army Corps of Engineers who provided a written jurisdictional decision that the ISEGS project is unlikely to impact waters of the U.S.; and consulted and received required approvals from the Federal Aviation Administration regarding aviation impacts; the National Park Service regarding impacts on national parks; and the State of California and San Bernardino County regarding compliance with State and local laws.

Decision

On October 7, 2010, BLM issued its ROD and approved the Proposed Plan Amendment to the CDCA Plan to allow for solar energy right-of-way grants to Solar Partners for the ISGES project to be constructed on BLM-managed land. The Secretary of the Interior also issued Secretarial Approval of these decisions on this date.

DOE has decided to select alternative (1) identified above: To issue loan guarantees for construction and start-up of the Mitigated Ivanpah 3 Project, which BLM selected in its ROD. The Mitigated Ivanpah 3 Project would be the development of three solar concentrating thermal power plants. Under alternative (2), the No Action Alternative, DOE would not issue loan guarantees for the project, and it is unlikely that Solar Partners would implement the project as currently planned. While the direct and indirect environmental impacts of the ISEGS would be avoided under the No Action Alternative, the benefits of reduced greenhouse gas (GHG) emissions and the opportunity to make use of new technology to reduce GHG emissions and air pollutants would be lost.

Approval of the loan guarantees for the ISEGS project responds to DOE's purpose and need pursuant to Title XVII of EPAct 05 (42 U.S.C. 16511–16514) for eligible projects under Section 1703 of Title XVII, which authorizes the Secretary of Energy to make loan guarantees for projects that (1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases and (2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued. Issuance of loan guarantees for projects under Section 1703 of Title XVII of EPAct 05 facilitates the acceleration of the commercialization of innovative, environmentally-friendly technologies that will have an impact on ensuring clean, affordable, and reliable supplies of energy. The purpose and need for DOE's loan guarantee action is to comply with DOE's mandate under Title XVII of EPAct 2005 by selecting eligible projects that meet the goals of the Act.

In addition, approval of the loan guarantees for the ISEGS project also responds to DOE's purpose and need pursuant to Title XVII of the Energy Policy Act of 2005, which authorizes the Secretary to make loan guarantees for eligible projects under Section 1705 of Title XVII (implemented pursuant to Section 406 of the American Recovery and Reinvestment Act of 2009). Eligible projects include renewable energy projects and related manufacturing facilities, electric power transmission projects, and leading edge biofuels projects. The primary purposes of the Recovery Act are job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization. Issuances of loan guarantees for eligible projects under Section 1705 are designed to address the current economic conditions of the nation, in part, through renewable energy, transmission, and leading edge biofuels projects. Eligible projects must commence construction by September 30, 2011.

Mitigation

The ISEGS project that will be supported by issuance of the DOE loan guarantees includes all mitigation conditions applied by BLM in its ROW grants for this project. BLM is the Federal lead agency for the ISEGS project under NEPA and is responsible for ensuring compliance with all adopted mitigation measures for the ISEGS project set out in the Final EIS. The complete language of all the measures is provided in the BLM ROD and in Appendix 4, Compliance Monitoring Plan. BLM has also incorporated these mitigation measures into the ROW grants as terms and conditions.

DOE's loan guarantee agreements require the applicant to comply with all applicable laws and the terms of the ROW grants, including mitigation measures contained therein. An applicant's failure to comply with applicable laws and the ROW grants would constitute a default. Upon the continuance of a default, DOE would have the right under the loan guarantee agreement between it and the applicant to exercise usual and customary remedies. To ensure that the applicant so performs, the DOE Loan Programs Office proactively monitors all operative loan guarantee transactions.

Environmentally Preferred Alternative

Following analysis and comparison of the alternatives in the Supplemental Draft and Final EISs, the 370 MW Mitigated Ivanpah 3 Alternative was identified by BLM as the Environmentally Preferred Alternative and is the Selected Alternative identified in the BLM ROD.

DOE has decided that its alternative (1), to issue loan guarantees for construction and start-up of the Mitigated Ivanpah 3 Project, is environmentally preferable. DOE has determined that this alternative offers substantial environmental benefits due to reductions in GHG emissions and that all practicable means to avoid or minimize environmental harm have, as described in the BLM ROD and Appendices for the ISEGS project, been adopted as mitigation measures by BLM.

Issued in Washington, DC, on April 4, 2011.

Jonathan M. Silver,

Executive Director, Loan Programs Office.

[FR Doc. 2011–9272 Filed 4–15–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12796–004]

City of Wadsworth, OH; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Original License.

b. *Project No.:* P–12796–004.

c. *Date filed:* March 28, 2011.

d. *Applicant:* City of Wadsworth, Ohio.

e. *Name of Project:* R.C. Byrd Hydroelectric Project.

f. *Location:* On the Ohio River at the U.S. Army Corps of Engineers' (Corps), R.C. Byrd Locks and Dam (river mile 279.2), approximately 12.7 miles south of the confluence of the Ohio River and the Kanawha River, nine miles south of the Town of Gallipolis, Gallia County, Ohio. The project would occupy 7.6 acres of Federal land managed by the Corps.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C., 791(a)–825(r).

h. *Applicant Contact:* Mr. Chris Easton, Director of Public Service, the City of Wadsworth, Ohio, 120 Maple Street, Wadsworth, OH 44281 (330–335–2777); Philip E. Meier, Hydro Development, American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, OH (614–540–0913).

i. *FERC Contact:* Gaylord Hoisington, (202) 502–6032 or *gaylord.hoisington@ferc.gov*.

j. *Cooperating agencies:* Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the

instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* May 27, 2011.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/efiling.asp*). Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filings, 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.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would utilize the existing Corps' R.C. Byrd Locks and Dam and would consist of the following new facilities: (1) A 1,200-foot long intake channel; (2) a trashrack located in front of each of the generating unit intakes, with a bar spacing of approximately 8 inches; (3) a reinforced concrete powerhouse measuring approximately 258 feet long by 145 feet wide by 110 feet high, and housing two bulb-type turbine generator units with a total installed capacity of 50 megawatts; (4) a 900-foot-long tailrace channel; (5) a 2.41-mile-long, 138-kilovolt transmission line; and (6) appurtenant facilities. The proposed project would have an average annual generation of 266 gigawatt-hours.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Ohio State Historic Preservation Officer (SHPO), as required by 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance	July 2011
Issue Scoping Document I	August 2011.
Comments on Scoping Document I	September 2011.
Revised Scoping Document	November 2011.
Issue notice of ready for environmental analysis	November 2011.
Commission issues EA, draft EA	April 2012.
Notice of the availability of the EA	June 2012.

Dated: April 11, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–9249 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP04–274–028.

Applicants: Kern River Gas Transmission Company.

Description: Additional Refund Report of Kern River Gas Transmission Company.

Filed Date: 04/04/2011.

Accession Number: 20110404–5088.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP10–1152–002.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.203: Implement Settlement correction to be effective 4/1/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5080.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1918–001.

Applicants: Pine Needle LNG Company, LLC.

Description: Pine Needle LNG Company, LLC submits tariff filing per 154.205(b): PN EP and Fuel Tracker Amended For Approved Stipulation and Agreement Rates to be effective 5/1/2011.

Filed Date: 04/06/2011.

Accession Number: 20110406–5086.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1776–001.

Applicants: Nautilus Pipeline Company, L.L.C.

Description: Nautilus Pipeline Company, L.L.C. submits tariff filing per 154.203: Nautilus Non-Conforming Agreements Refile to be effective 2/14/2011.

Filed Date: 04/07/2011.

Accession Number: 20110407–5109.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 19, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified

comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 12, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9297 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2434–002.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric Power Company submits tariff filing per 35: FERC Rate Schedule 115 Amended Service Agreement Compliance Filing to be effective 9/9/2010.
Filed Date: 04/05/2011.
Accession Number: 20110405–5044.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3290–000.
Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.
Description: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii): AEPSC filed a 25th revision to the AEPSC & Buckeye ILDSA under SA No. 1336 to be effective 3/8/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5034.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3291–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Queue No. W4–030; Original Service Agreement No. 2804 to be effective 3/7/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5036.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3292–000.
Applicants: NSTAR Electric Company.
Description: NSTAR Electric Company submits tariff filing per 35.13(a)(2)(iii): GenOn Diesels Distribution Service Agreement—Amendment to First Supplement to be effective 6/1/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5052.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3293–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): Amendment to IFA and Service Agreement with PAPCO to be effective 4/16/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5053.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3294–000.
Applicants: Sempra Generation.
Description: Sempra Generation submits tariff filing per 35.13(a)(2)(iii): Revision to Sempra Generation FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5058.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3295–000.
Applicants: El Dorado Energy, LLC.
Description: El Dorado Energy, LLC submits tariff filing per 35.13(a)(2)(iii): Revision to El Dorado Energy LLC FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5059.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3296–000.
Applicants: Mesquite Power, LLC.
Description: Mesquite Power, LLC submits tariff filing per 35.13(a)(2)(iii): Revision to Mesquite Power LLC FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5060.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3297–000.
Applicants: Termoelectrica U.S., LLC.
Description: Termoelectrica U.S., LLC submits tariff filing per 35.13(a)(2)(iii): Revision to Termoelectrica U.S. LLC FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5062.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF11–207–000.
Applicants: PowerSecure, Inc.
Description: Form 556—Notice of self-certification of qualifying cogeneration facility status of PowerSecure, Inc.
Filed Date: 04/04/2011.
Accession Number: 20110404–5079.
Comment Date: None Applicable.

Docket Numbers: QF11–208–000.
Applicants: Cambridge Housing Authority.
Description: Form 556—Notice of self-certification of qualifying cogeneration facility status of Cambridge Housing Authority- Lyndon B. Johnson Apartments.
Filed Date: 04/04/2011.
Accession Number: 20110404–5105.
Comment Date: None Applicable.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying

facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 05, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9299 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2882–001.
Applicants: ReEnergy Sterling CT Limited Partnership.
Description: ReEnergy Sterling CT Limited Partnership submits tariff filing per 35: Compliance Filing to Submit Revised Market-Based Rate Tariff to be effective 1/14/2011 under ER11–2882–001 Filing Type: 80.
Filed Date: 04/05/2011.
Accession Number: 20110405–5076.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3290–000.
Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.
Description: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii: AEPSC filed a 25th revision to the AEPSC & Buckeye ILDSA under SA No. 1336 to be effective 3/8/2011 under ER11–3290–000 Filing Type: 10.
Filed Date: 04/05/2011.
Accession Number: 20110405–5034.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3291–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Queue No. W4–030; Original Service Agreement No. 2804 to be effective 3/7/2011 under ER11–3291–000 Filing Type: 10.
Filed Date: 04/05/2011.
Accession Number: 20110405–5036.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3292–000.
Applicants: NSTAR Electric Company.
Description: NSTAR Electric Company submits tariff filing per 35.13(a)(2)(iii: GenOn Diesels Distribution Service Agreement—Amendment to First Supplement to be effective 6/1/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5052.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3293–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: Amendment to IFA and Service Agreement with PAPCO to be effective 4/16/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5053.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3294–000.
Applicants: Sempra Generation.
Description: Sempra Generation submits tariff filing per 35.13(a)(2)(iii: Revision to Sempra Generation FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5058.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3295–000.
Applicants: El Dorado Energy, LLC.
Description: El Dorado Energy, LLC submits tariff filing per 35.13(a)(2)(iii: Revision to El Dorado Energy LLC FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5059.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3296–000.
Applicants: Mesquite Power, LLC.
Description: Mesquite Power, LLC submits tariff filing per 35.13(a)(2)(iii: Revision to Mesquite Power LLC FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5060.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3297–000.
Applicants: Termoelectrica U.S., LLC.
Description: Termoelectrica U.S., LLC submits tariff filing per 35.13(a)(2)(iii: Revision to Termoelectrica U.S. LLC FERC Electric MBR Tariff to be effective 4/5/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5062.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3298–000.
Applicants: Louisville Gas and Electric Company.
Description: Louisville Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: 04_05_11 Sec 205_Rev Att C to be effective 4/1/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5075.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3299–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Submission of Change to Loss Factor for Midwest Energy, Inc. to be effective 9/1/2010.
Filed Date: 04/05/2011.
Accession Number: 20110405–5078.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3300–000.
Applicants: Southern California Edison Company.
Description: Cancellation of letter agreement with First Solar for 150 MW Desert Sunlight PV 1 Project by Southern California Edison Company.
Filed Date: 04/05/2011.
Accession Number: 20110405–5094.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3301–000.
Applicants: Keystone Energy Partners, LP.
Description: Keystone Energy Partners, LP submits tariff filing per 35.1: Base Line Filing to be effective 4/15/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5100.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3302–000.
Applicants: Black Hills Wyoming, LLC.
Description: Black Hills Wyoming, LLC submits tariff filing per 35.13(a)(2)(iii: Power Purchase Agreement with Cheyenne Light, Fuel and Power Co. to be effective 6/1/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5116.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Docket Numbers: ER11–3303–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Idaho Power Three Mile Knoll Cap Bank O&M Agreement to be effective 4/6/2011.
Filed Date: 04/05/2011.
Accession Number: 20110405–5118.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–100–004.
Applicants: Duke Energy Carolinas, LLC.
Description: Annual Penalty filing of Duke Energy Carolinas, LLC.
Filed Date: 04/05/2011.
Accession Number: 20110405–5092.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 26, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 6, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9301 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2759–001, ER11–27–001, ER11–3320–001, ER10–2744–001, ER10–2740–001, ER11–3321–001.
Applicants: Bridgeport Energy, LLC, Riverside Generating Company, L.L.C., Rocky Road Power, LLC, LSP Safe Harbor Holdings, LLC, LSP University Park, LLC, WALLINGFORD ENERGY LLC.
Description: NOTIFICATION OF CHANGE IN STATUS of Bridgeport Energy, LLC, *et al.*
Filed Date: 04/06/2011.
Accession Number: 20110406–5151.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3317–000.
Applicants: South Carolina Electric & Gas Company.
Description: South Carolina Electric & Gas Company submits tariff filing per 35: Section 23.1 to be effective 4/7/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5019.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3318–000.
Applicants: Woodway Energy Partners, LLC.
Description: Woodway Energy Partners, LLC submits tariff filing per 35.12: Petition for Acceptance of Initial Tariff, Waivers, and Blanket Authority to be effective 6/7/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5041.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3319–000.
Applicants: Troy Energy, LLC.
Description: Troy Energy, LLC's Notice of Cancellation of Reactive Power Rate Schedule.
Filed Date: 04/07/2011.
Accession Number: 20110407–5088.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3320–000.
Applicants: PPL University Park, LLC.
Description: PPL University Park, LLC submits tariff filing per 35.13(a)(2)(iii): LSP University Park, LLC MBR Notice of Succession to be effective 3/9/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5114.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3321–000.
Applicants: PPL Wallingford Energy LLC.
Description: PPL Wallingford Energy LLC submits tariff filing per 35.13(a)(2)(iii): LSP Wallingford, LLC MBR Notice of Succession to be effective 3/9/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5115.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3322–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Revisions to the Tariff and OA re Emerg. Load Response Program "Reporting" to be effective 6/1/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5126.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3323–000.
Applicants: PPL University Park, LLC.
Description: PPL University Park, LLC submits tariff filing per 35.13(a)(2)(iii): LSP University Park, LLC Reactive Rate Schedule Notice of Succession to be effective 3/9/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5131.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3324–000.
Applicants: Otter Tail Power Company.
Description: Notice of Cancellation of Service Agreement of Otter Tail Power Company.
Filed Date: 04/08/2011.
Accession Number: 20110408–5106.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER97–324–023, ER97–3834–030, ER00–1816–011, ER05–1469–008, ER07–415–008, ER01–2317–013, ER08–1418–006, ER10–663–005, ER09–1061–005.
Applicants: DTE Energy Trading, Inc., The Detroit Edison Company, DTE Stoneman, LLC, DTE Pontiac North, LLC, DTE East China, LLC, Metro Energy, L.L.C., DTE Energy Supply, Inc., Woodland Biomass Power Ltd., DTE River Rouge No. 1, L.L.C.
Description: Notice of Change in Status of The Detroit Edison Company *et al.*
Filed Date: 04/07/2011.
Accession Number: 20110407–5132.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 8, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9303 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG11–61–000.
Applicants: Paulding Wind Farm II LLC.
Description: Amended Notice of Self-Certification of EWG Status of Paulding Wind Farm II LLC.
Filed Date: 03/02/2011.
Accession Number: 20110302–5022.
Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–1981–001.
Applicants: Alcan Power Marketing, Inc.
Description: Alcan Power Marketing, Inc. submits tariff filing per 35: Revised Tariff Filing to be effective 4/8/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5064.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–2574–002.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits tariff filing per 35: 2011–04–08 CAISO Tariff Clarifications Compliance to be effective 2/28/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5121.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3013–001.
Applicants: Coolidge Power LLC.
Description: Coolidge Power LLC submits tariff filing per 35.17(b): Coolidge Power LLC Market Based Rate Schedule 1.1 to be effective 4/29/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5095.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3262–001.
Applicants: Trans Bay Cable LLC.
Description: Trans Bay Cable LLC submits tariff filing per 35.17(b): Tariff Volume 1, Transmission Owner Tariff to be effective 4/8/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5119.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3277–001.
Applicants: Sky River LLC.
Description: Sky River LLC submits tariff filing per 35.17(b): Errata to Attachment K of the Sky River OATT to be effective 4/2/2011.
Filed Date: 04/07/2011.
Accession Number: 20110407–5137.
Comment Date: 5 p.m. Eastern Time on Thursday, April 28, 2011.

Docket Numbers: ER11–3288–001.
Applicants: Portland General Electric Company.
Description: Portland General Electric Company submits tariff filing per 35.17(b): Errata to Amendment to Rate Schedule FERC No. 72 Docket No. ER11–3288 to be effective 6/1/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5000.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3325–000.
Applicants: Whiting Clean Energy, Inc.
Description: Whiting Clean Energy, Inc. submits tariff filing per 35.13(a)(2)(iii: Corrected Baseline MBR Tariff Filing of Whiting Clean Energy, Inc. to be effective 4/9/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5181.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3326–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: G931 Amended GIA to be effective 4/9/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5184.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3327–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: G996 Amended GIA to be effective 4/9/2011.
Filed Date: 04/08/2011.
Accession Number: 20110408–5186.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Docket Numbers: ER11–3328–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. Notice of Cancellation of Original Service Agreement No. 2555.
Filed Date: 04/08/2011.
Accession Number: 20110408–5201.
Comment Date: 5 p.m. Eastern Time on Friday, April 29, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 11, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9305 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1978–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Quality of Gas Revision to be effective 6/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5082.
Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1979–000.
Applicants: Pine Needle LNG Company, LLC.
Description: Pine Needle LNG Company, LLC submits tariff filing per 154.203: Implementation of Approved Stipulation and Agreement in Docket No. RP10–1284, to be effective 4/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5085.
Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1980–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Modify 90 Day Rule Filing to be effective 5/6/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5087.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1981–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amendment to QEP K37657 4/7/11 to be effective 4/5/2011.

Filed Date: 04/07/2011.

Accession Number: 20110407–5042.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 19, 2011.

Docket Numbers: RP11–1982–000.

Applicants: Trunkline Gas Company, LLC.

Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Non-Conforming Agreements to be effective 5/8/2011.

Filed Date: 04/07/2011.

Accession Number: 20110407–5136.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 19, 2011.

Docket Numbers: RP11–1983–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.204: Non-Conforming Service Agreements to be effective 5/8/2011.

Filed Date: 04/07/2011.

Accession Number: 20110407–5138.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 19, 2011.

Docket Numbers: RP11–1984–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: GT&C Section 25 Monthly Imbalance Resolution & Section 35 Standards to be effective 7/1/2011.

Filed Date: 04/08/2011.

Accession Number: 20110408–5074.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 20, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 08, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9314 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1973–000.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate Service Agreement—CEMI to be effective 4/1/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5191.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1974–000.

Applicants: CenterPoint Energy Gas Transmission Company, LLC.

Description: CenterPoint Energy Gas Transmission Company, LLC submits tariff filing per 154.204: CEGT LLC cleanup to be effective 5/6/2011.

Filed Date: 04/05/2011.

Accession Number: 20110405–5023.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1975–000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Revise Types of Discounts to be effective 5/5/2011.

Filed Date: 04/05/2011.

Accession Number: 20110405–5027.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1976–000.

Applicants: Kinder Morgan Interstate Gas Transmission LLC.

Description: Kinder Morgan Interstate Gas Transmission LLC submits tariff filing per 154.204: Negotiated Rate 2011–04–05 Mieco (A&R) to be effective 4/5/2011.

Filed Date: 04/05/2011.

Accession Number: 20110405–5063.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Docket Numbers: RP11–1977–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rates 2011–04–05 to be effective 4/6/2011.

Filed Date: 04/05/2011.

Accession Number: 20110405–5117.

Comment Date: 5 p.m. Eastern Time on Monday, April 18, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 06, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9313 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1960–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.601: NNS Negotiated Rate—Wisconsin Gas—Wisconsin Electric to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5018.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1961–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Equitrans, LP Negotiated Rate Service Agreement Filing to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5040.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1962–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Revise FSS–B Form of Service Agreement to be effective 5/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5065.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1963–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Duke Energy negotiated rates—to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5086.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1964–000.
Applicants: Questar Pipeline Company.
Description: Questar Pipeline Company submits tariff filing per 154.204: Inactive Meters/Facilities to be effective 5/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5089.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1965–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: Non-Conforming Service Agreement—Devlar Release to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5134.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1966–000.
Applicants: CenterPoint Energy Gas Transmission Company, LLC.
Description: CenterPoint Energy Gas Transmission Company, LLC submits tariff filing per 154.204: CEGT LLC—Negotiated Rate—April, 2011 to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5207.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1967–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: Non-Conforming Service Agreement—NSP Release to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5211.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1968–000.
Applicants: CenterPoint Energy—Mississippi River Transmission LLC.
Description: CenterPoint Energy—Mississippi River Transmission, LLC submits tariff filing per 154.204: Negotiated Rate Filing 4/1/2011 for 4226 and 4100 to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5213.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1969–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Compliance Filing to Implement NAESB Version 1.9 under Order 587–U to be effective 6/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5214.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1970–000.
Applicants: Kinder Morgan Interstate Gas Transmission LLC.
Description: Kinder Morgan Interstate Gas Transmission LLC submits tariff filing per 154.204: Errata to RP11–1953 (NRA Mieco and TMV on 3–31–11) to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5217.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1971–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Con Ed–VPEM 2011–04–01 Release to be effective 4/1/2011.
Filed Date: 04/01/2011.
Accession Number: 20110401–5219.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP11–1723–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Limited Partnership submits tariff filing per: RP11–1723 Compliance to be effective N/A.
Filed Date: 03/29/2011.
Accession Number: 20110329–5042.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 4, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9312 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1985–000.

Applicants: Horizon Pipeline Company, L.L.C.

Description: Penalty Revenue Crediting Report of Horizon Pipeline Company, L.L.C.

Filed Date: 04/08/2011.

Accession Number: 20110408–5105.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 20, 2011.

Docket Numbers: RP11–1986–000.

Applicants: Gas Transmission Northwest Corporation.

Description: Gas Transmission Northwest Corporation submits tariff filing per 154.204: GTN Name Change to be effective 4/4/2011.

Filed Date: 04/11/2011.

Accession Number: 20110411–5066.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: RP11–1987–000.

Applicants: Gas Transmission Northwest Corporation.

Description: Gas Transmission Northwest Corporation submits tariff filing per 154.601: Powerex Corp Negotiated Rate to be effective 4/11/2011.

Filed Date: 04/11/2011.

Accession Number: 20110411–5105.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: RP11–1988–000.

Applicants: Northwest Pipeline GP.

Description: Northwest Pipeline GP submits tariff filing per 154.204: NWP Consolidated Nominations to be effective 6/1/2011.

Filed Date: 04/12/2011.

Accession Number: 20110412–5044.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 12, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9311 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1674–001.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.203: Service Agreements—Compliance to be effective N/A.

Filed Date: 03/28/2011.

Accession Number: 20110328–5077.

Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP10–1152–001.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.203: Implement RP10–21 Rate Settlement to be effective 4/1/2011.

Filed Date: 03/29/2011.

Accession Number: 20110329–5093.

Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1880–001.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.205(b): EnCana Amendment Filing to be effective 3/11/2011.

Filed Date: 03/29/2011.

Accession Number: 20110329–5076.

Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP00–257–001.

Applicants: Ozark Gas Transmission, L.L.C.

Description: Ozark Gas Transmission, L.L.C.'s Annual Actual Fuel Use Report.

Filed Date: 04/01/2011.

Accession Number: 20110401–5174.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: RP10–1398–002.

Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Company submits tariff filing per 154.203: System-Wide Rate Case Motion Filing to be effective 4/1/2011.

Filed Date: 04/01/2011.

Accession Number: 20110401–5001.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: CP11–5–001.

Applicants: Rager Mountain Storage Company LLC.

Description: Rager Mountain Storage Company LLC's application request for certificate of public convenience and necessity.

Filed Date: 03/31/2011.

Accession Number: 20110331–5295.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: CP11–6–001.

Applicants: Peoples Natural Gas Company LLC.

Description: Peoples Natural Gas Company LLC's application request for certificate of public convenience and necessity.

Filed Date: 03/31/2011.

Accession Number: 20110331–5301.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 4, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9310 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP08–350–005.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: Southern Star Central Gas Pipeline, Inc. Annual Report—Non-HCA Pipeline and Storage Lateral Integrity Expenses.

Filed Date: 03/31/2011.

Accession Number: 20110331–5067.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1907–001.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.205(b): Amendment to RP11–1907–000 (QEP 37657–3) to be effective 4/1/2011.

Filed Date: 03/31/2011.

Accession Number: 20110331–5312.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1908–001.

Applicants: Columbia Gulf Transmission Company.

Description: Columbia Gulf Transmission Company submits tariff filing per 154.205(b): Negotiated Rate Service Agreement Errata—PXP to be effective 5/1/2011.

Filed Date: 03/31/2011.

Accession Number: 20110331–5322.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1916–001.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.205(b): Amendment to RP11–1916–000 (QEP 36601–4) to be effective 4/1/2011.

Filed Date: 03/31/2011.

Accession Number: 20110331–5313.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 1, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9309 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1940–000.
Applicants: Chesapeake Energy Marketing Inc, BHP Billiton Petroleum (Fayetteville) LL.
Description: Joint Petition of BHP Billiton Petroleum (Fayetteville) LLC and Chesapeake Energy Marketing, Inc. for Temporary Waivers of Capacity Release Regulations and Related Pipeline Tariff Provisions.
Filed Date: 03/31/2011.
Accession Number: 20110331–5152.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1941–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits tariff filing per 154.204: 20110331 Negotiated Rate to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5153.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1942–000.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits tariff filing per 154.204: Quality Interchangeability to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5154.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1943–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.203: AGT Gas Quality RP07–504 Compliance Filing to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5166.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1944–000.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline L.P. submits tariff filing per 154.204: 2011 Summer Auction Filing to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5167.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1945–000.
Applicants: North Baja Pipeline, LLC.
Description: North Baja Pipeline, LLC submits tariff filing per 154.204: Imperial Irrigation District Negotiated Rates to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5173.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1946–000.
Applicants: Enbridge Offshore Pipelines (UTOS) LLC.
Description: Enbridge Offshore Pipelines (UTOS) LLC submits tariff filing per 154.204: Negotiated Rate and Non-Conforming to be effective 1/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5191.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1947–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Antero 2 to Tenaska Capacity Release Negotiated Rate to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5200.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1948–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Newfield K18 Capacity Release Negotiated Rate Agreement to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5201.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1949–000.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits tariff filing per 154.203: Gas Quality Compliance Filing to be effective 5/27/2010.
Filed Date: 03/31/2011.
Accession Number: 20110331–5206.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1950–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: TransColorado Gas Transmission Company LLC submits tariff filing per 154.204: Negotiated Rate 2011–03–31 Enterprise to be effective 3/31/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5212.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1951–000.
Applicants: Horizon Pipeline Company, L.L.C.
Description: Horizon Pipeline Company, L.L.C. submits tariff filing per 154.204: Revisions to Form of Service Agreements to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5217.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1952–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: 85 North Expansion—Negotiated Rate and Non-Conforming Agreements to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5219.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1953–000.
Applicants: Kinder Morgan Interstate Gas Transmission LLC.
Description: Kinder Morgan Interstate Gas Transmission LLC submits tariff filing per 154.204: Negotiated Rate 3–31–11 Mieco and Tenaska to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5234.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1954–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits its Annual Gas Compressor Fuel Report.
Filed Date: 03/31/2011.
Accession Number: 20110331–5242.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1955–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Update to List of Non-Conforming Service Agreements to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5260.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1956–000.
Applicants: Rockies Express Pipeline LLC.
Description: Annual Sales Report of Rockies Express Pipeline LLC.
Filed Date: 03/31/2011.
Accession Number: 20110331–5261.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1957–000.
Applicants: Stingray Pipeline Company, L.L.C.
Description: Stingray Pipeline Company, L.L.C. submits tariff filing per 154.312: Stingray General Section 4 Rate Case to be effective 5/1/2011.
Filed Date: 03/31/2011.

Accession Number: 20110331–5277.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1958–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: Maritimes & Northeast Pipeline, L.L.C. submits tariff filing per 154.204: MNUS Negotiated Rate Filing to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5325.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1959–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Non-Conforming Agreement Filing—Equitable Gas Company, LLC to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5326.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 1, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9308 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1917–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: J–2 Lateral Description to be effective 5/1/2011.
Filed Date: 03/29/2011.
Accession Number: 20110329–5140.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1918–000.
Applicants: Pine Needle LNG Company, LLC.
Description: Pine Needle LNG Company, LLC submits tariff filing per 154.403(d)(2): PN 2011 Electric Power and Fuel Tracker Filing to be effective 5/1/2011.
Filed Date: 03/30/2011.
Accession Number: 20110330–5035.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1919–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: Penalty Revenue Credits Timeline to be effective 4/29/2011.
Filed Date: 03/30/2011.
Accession Number: 20110330–5055.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1920–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Enterprise K12 Negotiated Rate Agreement Amendment Filing to be effective 4/1/2011.
Filed Date: 03/30/2011.
Accession Number: 20110330–5106.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1921–000.
Applicants: Vector Pipeline L.P.
Description: Annual Fuel Use Report of Vector Pipeline L.P.
Filed Date: 03/30/2011.
Accession Number: 20110330–5116.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1922–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Non-Conforming Agreement—Patriots Energy Group to be effective 4/1/2011.
Filed Date: 03/30/2011.
Accession Number: 20110330–5189.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1923–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rate Agreement—Patriots Energy Group to be effective 4/1/2011.
Filed Date: 03/30/2011.
Accession Number: 20110330–5202.
Comment Date: 5 p.m. Eastern Time on Monday, April 11, 2011.

Docket Numbers: RP11–1924–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.403(d)(2): DTCA 2011 to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5048.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1925–000.
Applicants: Northern Border Pipeline Company.
Description: Northern Border Pipeline Company submits tariff filing per 154.403(d)(2): CSU Fuel Filing to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5049.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1926–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.203: 85 North Expansion Project—Phase 2 Rate Filing to be effective 5/1/2011.

Filed Date: 03/31/2011.
Accession Number: 20110331–5050.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1927–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits tariff filing per 154.204: 2011 April IG Filing to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5053.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1928–000.
Applicants: CenterPoint Energy Gas Transmission Company, LLC.
Description: CenterPoint Energy Gas Transmission Company, LLC submits tariff filing per 154.403: CEGT LLC—Revenue Crediting, to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5056.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1929–000.
Applicants: CenterPoint Energy Gas Transmission Company.
Description: CenterPoint Energy Gas Transmission Company Amended 2010 Penalty Crediting Report.
Filed Date: 03/31/2011.
Accession Number: 20110331–5068.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1930–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Penalty Revenue Crediting Report of Natural Gas Pipeline Company of America.
Filed Date: 03/31/2011.
Accession Number: 20110331–5070.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1931–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: TETLP Cleanup Filing March 2011 to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5073.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1932–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.203: Annual Flow-Through of Cash-Out Revenues to be effective N/A.
Filed Date: 03/31/2011.
Accession Number: 20110331–5074.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1933–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.203: Annual Report of Flow-Through of Penalty Revenues to be effective N/A.
Filed Date: 03/31/2011.
Accession Number: 20110331–5075.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1934–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: Ozark Gas Transmission, L.L.C. submits tariff filing per 154.204: Negotiated Rate—Southwestern—contract 820131 to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5076.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1935–000.
Applicants: Bison Pipeline LLC.
Description: Bison Pipeline LLC submits tariff filing per 154.601: Amendments to Negotiated Rate Agreements to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5096.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1936–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Millennium Pipeline Company, LLC submits tariff filing per 154.204: RAM 2011 to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5124.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1937–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: East Tennessee Natural Gas, LLC's 2009–2010 Cashout Report.
Filed Date: 03/31/2011.
Accession Number: 20110331–5127.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1938–000.
Applicants: Egan Hub Storage, LLC.
Description: Egan Hub Storage, LLC submits tariff filing per 154.204: Egan Hub Contract 310448 to be effective 4/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5128.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Docket Numbers: RP11–1939–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Trailblazer Pipeline Company LLC submits tariff filing per 154.403(d)(2): Tracking Filing to be effective 5/1/2011.
Filed Date: 03/31/2011.
Accession Number: 20110331–5129.
Comment Date: 5 p.m. Eastern Time on Tuesday, April 12, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 31, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9306 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–62–000.
Applicants: Evergreen Wind Power III, LLC, Evergreen Gen Lead, LLC.
Description: Application of Evergreen Wind Power III, LLC, and Evergreen Gen Lead, LLC.
Filed Date: 04/06/2011.
Accession Number: 20110406–5145.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3323–002.
Applicants: Indeck-Olean Limited Partnership.
Description: Indeck-Olean Limited Partnership submits tariff filing per 35: Indeck-Olean Compliance File Baseline FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 04/06/2011.
Accession Number: 20110406–5014.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER10–3326–002.
Applicants: SESCO Enterprises LLC.
Description: SESCO Enterprises LLC submits tariff filing per 35: SESCO Enterprises, LLC Comp Filing to baseline FERC Electric Tariff Sched No. 1 to be effective 9/30/2010.
Filed Date: 04/06/2011.
Accession Number: 20110406–5026.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER10–3328–002.
Applicants: SESCO Enterprises Canada Ltd.
Description: SESCO Enterprises Canada Ltd. submits tariff filing per 35: SESCO Enterpr Comp Filing to Baseline FERC Elec Tariff Sched No. 1 to be effective 9/30/2010.
Filed Date: 04/06/2011.
Accession Number: 20110406–5015.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–5–002.
Applicants: Great Bay Energy, LLC.
Description: Great Bay Energy, LLC submits tariff filing per 35: Great Bay Energy Compliance File Baseline FERC Electric Tariff Schedule No. 1 to be effective 9/30/2010.
Filed Date: 04/06/2011.
Accession Number: 20110406–5055.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–2580–002.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits tariff filing per 35: Tie Benefits Compliance Filing to be effective 3/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5061.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–2642–001.
Applicants: FPL Energy South Dakota Wind, LLC.
Description: FPL Energy South Dakota Wind, LLC submits tariff filing per 35: South Dakota Revision to Tariff to be effective 1/6/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5063.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3304–000.
Applicants: Duke Energy Indiana, Inc.
Description: Duke Energy Indiana, Inc. submits tariff filing per 35.13(a)(2)(iii: Amendments to RS No. 253 to be effective 7/29/2010.
Filed Date: 04/06/2011.
Accession Number: 20110406–5025.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3305–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: Vaca-Dixon Solar Station WDT SGIA to be effective 4/28/2010.
Filed Date: 04/06/2011.
Accession Number: 20110406–5051.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3306–000; ER11–3307–000.
Applicants: Duke Energy Corporation, Progress Energy, Inc.
Description: Duke Energy Corporation and Progress Energy, Inc. (Applicants) submitted for filing a pro forma joint Open Access Transmission Tariff (OATT) between Duke Energy Carolinas, Inc., Florida Power Corporation and Carolina Power & Light Company in Docket No. ER11–3306–000 and a pro forma Joint Dispatch Agreement between Duke Energy Carolinas LLC and Carolina Power and Light Company in Docket No. ER11–3307–000. Applicants state that the pro forma OATT and the pro forma Joint Dispatch Agreement are a companion filing to its merger request in Docket No. EC11–60–000. Applicants propose to file an OATT and a Joint Dispatch Agreement to be effective on the date that the merger is consummated.
Filed Date: 04/04/2011.
Accession Number: 20110404–5222; 20110404–5223.
Comment Date: 5 p.m. Eastern Time on Friday, June 3, 2011.

Docket Numbers: ER11–3308–000.
Applicants: Louisville Gas and Electric Company.
Description: Louisville Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: 04_06_11 EKPC NITSA to be effective 6/6/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5073.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3309–000.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Allegheny Energy Supply Company, LLC submits tariff filing per 35: Allegheny Energy Supply Compliance ER11–2817 to be effective 3/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5083.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3310–000.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Allegheny Energy Supply Company, LLC submits tariff filing per 35: Allegheny Energy Supply ER11–2633 Compliance to be effective 6/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5084.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3311–000.
Applicants: Public Service Company of New Mexico.
Description: Public Service Company of New Mexico submits tariff filing per 35.1: PNM Cost Based Tariff Vol No. 7 to be effective 4/7/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5101.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3312–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO Filing-Data Sharing Framework with State PSCs/ISOs/MMUs to be effective 6/5/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5110.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3313–000.
Applicants: Optim Energy Marketing LLC.
Description: Optim Energy Marketing LLC submits tariff filing per 35.1: Optim Cost Based Sales Tariff Vol No. 2 to be effective 4/7/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5115.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3314–000.
Applicants: Troy Energy, LLC.
Description: Troy Energy, LLC submits tariff filing per 35.1: Troy Initial Reactive Power Rate Schedule PJM to be effective 6/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5128.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Docket Numbers: ER11–3315–000.
Applicants: The Connecticut Light and Power Company.
Description: The Connecticut Light and Power Company submits tariff filing per 35.13(a)(2)(iii: CTMEEC Agreement For CONVEX Services Rate Schedule No. 582 to be effective 6/1/2011.
Filed Date: 04/06/2011.
Accession Number: 20110406–5129.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–23–000.
Applicants: The Detroit Edison Company.
Description: Application of The Detroit Edison Company for Authorization to Issue Short-term Debt Securities.
Filed Date: 04/06/2011.
Accession Number: 20110406–5148.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA10–4–000.
Applicants: NextEra Energy Companies.
Description: NextEra Energy Companies Fourth Quarter 2010 Site Control Quarterly Filing submitted Out-of-Time.
Filed Date: 04/06/2011.
Accession Number: 20110406–5144.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 27, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 7, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9302 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–60–000.
Applicants: Progress Energy, Inc., Duke Energy Corporation.
Description: Duke Energy Corporation and Progress Energy, Inc. Application for Authorization of Disposition of Jurisdictional Assets and Merger under section 203 of the Federal Power Act.
Filed Date: 04/04/2011.
Accession Number: 20110404–5212.
Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: EC11–61–000.
Applicants: TPF Generation Holdings, LLC, LS Power Development, LLC.
Description: TPF Generation Holdings, LLC, University Park Energy, LLC, and LSP
Park Generating, LLC, Joint Application for Authorization of
Transaction under section 203 of the Federal Power Act and Request for Expedited Consideration.
Filed Date: 04/04/2011.
Accession Number: 20110404–5218.
Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER06–613–011.
Applicants: ISO New England Inc., New England Power Pool
Description: ISO New England Inc's Tenth Compliance Report Regarding Possible Implementation of a Forward Ten-Minute Spinning Reserve Market under ER06–613.
Filed Date: 04/04/2011.
Accession Number: 20110404–5208.
Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–2224–005.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35: NYISO Errata to March 29,

2011 ICAP Demand Curve Filing to be effective 12/31/9998.

Filed Date: 04/04/2011.

Accession Number: 20110404–5054.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–2962–001.

Applicants: Tropicana Manufacturing Company Inc.

Description: Tropicana Manufacturing Company Inc. submits tariff filing per 35.17(b): Amended Application for Market-Based Rate Authority to be effective 3/1/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5073.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3283–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: PJM Queue No. W1–077 ISA, Original Service Agreement No. 2848 to be effective 3/4/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5090.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3284–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Queue No. V3–070; Original Service Agreement No. 2803 to be effective 3/4/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5096.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3285–000.

Applicants: PJM Interconnection, L.L.C.

Description: Application of PJM Interconnection, L.L.C. under New Docket for Limited Waiver Duke Access to EMS Data.

Filed Date: 04/04/2011.

Accession Number: 20110404–5104.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3286–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc.'s Notice of Cancellation of Large Generator Interconnection Agreement.

Filed Date: 04/04/2011.

Accession Number: 20110404–5125.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3287–000.

Applicants: WSPP Inc.

Description: WSPP Inc. submits tariff filing per 35.13(a)(2)(iii: Revisions to PSCo Schedule Q to be effective 6/3/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5147.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3288–000.

Applicants: Portland General Electric Company.

Description: Portland General Electric Company submits tariff filing per 35.1: General Transfer Agreement between PGE and BPA—FERC Rate Schedule 72 to be effective 6/1/2011.

Filed Date: 04/04/2011.

Accession Number: 20110404–5178.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Docket Numbers: ER11–3289–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits notice of cancellation of interconnection service agreement.

Filed Date: 04/04/2011.

Accession Number: 20110404–5220.

Comment Date: 5 p.m. Eastern Time on Monday, April 25, 2011.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 05, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9300 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3318–000]

Woodway Energy Partners, 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 Woodway Energy Partners, LLC's application for market-based rate authority, with an accompanying rate tariff, 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 May 2, 2011.

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 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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 11, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9304 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP03–398–018; RP04–155–009 (Consolidated)]

Northern Natural Gas Company; Notice of Petition for Approval of Settlement Amendment

Take notice that on March 28, 2011, Northern Natural Gas Company (Northern) tendered for filing a *Petition for Approval of Settlement Amendment* including a proposed Amendment to Stipulation and Agreement of Settlement.

Any person desiring to intervene or to protest in any of the above proceedings 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 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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 Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on Friday, April 15, 2011.

Dated: April 11, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–9248 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–28–000]

Solutions for Utilities, Inc.v. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, California Public Utilities Commission; Notice of Petition

Take notice that on March 21, 2011, pursuant to section 210(h)(2) of the Public Utility Regulatory Policies Act of 1978 (PURPA),[1] Solutions for Utilities, Inc. filed a petition requesting that the Federal Energy Regulatory Commission (Commission) enforce the requirements of PURPA against Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and the California Public Utilities Commission (CPUC), and find that the CPUC failed to follow Commission Rules and Regulations for interstate wholesale sales of electricity and the Commission's Regulations implementing PURPA, in addition to finding PG&E, SCE, & SD&E mislead renewable energy developers regarding interconnection to the electric grid; price to be paid to renewable generators; and non-price terms.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies

[1] 16 U.S.C. 824a–3(h)(2) (2006).

of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on April 20, 2011.

Dated: April 5, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–9298 Filed 4–15–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9297–2; Docket ID No. EPA–HQ–ORD–2009–0398]

Draft Toxicological Review of Methanol (Non-Cancer) in Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period and listening session.

SUMMARY: EPA is announcing a 60-day public comment period and listening session for the external review draft human health assessment titled, "Toxicological Review of Methanol (Non-Cancer): In Support of Summary Information on the Integrated Risk Information System (IRIS)" (EPA/635/R–11/001). The draft assessment was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). EPA is releasing this draft assessment solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This draft assessment has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

In January 2010, EPA released an external peer review draft IRIS Toxicological Review for methanol (EPA/635/R–09/013), containing both cancer and non-cancer analyses, and requested that the Science Advisory Board conduct a review of this human health assessment. Following a report from the National Toxicology Program, EPA placed the external peer review of the draft IRIS Methanol Toxicological Review on hold. The National Toxicology Program report recommended that pathology reviews be carried out to resolve differences of opinion in the diagnoses of certain tumors reported in a Ramazzini Institute methanol research study, which was cited and used to support some of the conclusions in the draft IRIS assessment. As a result, EPA and the National Institute of Environmental Health Sciences plan to jointly sponsor an independent Pathology Working Group (PWG) review of select studies conducted at the Institute. EPA is today releasing the draft IRIS Methanol Toxicological Review (Non-Cancer) for public comment while continuing to hold the cancer assessment that was previously released in January 2010. The data and studies used in the draft IRIS Methanol Toxicological Review (Non-Cancer) are unrelated to the tumor diagnoses being re-examined by the PWG. The information, analyses and conclusions of the draft assessment announced in this notice are identical to the non-cancer portions of the draft assessment previously released in January 2010. Comments relevant to the non-cancer methanol assessment that were received during the previous public comment period for the joint cancer and non-cancer assessment will be considered along with new comments.

An EPA listening session will be held on May 26, during the public comment period for this draft assessment. The purpose of the listening session is to allow all interested parties to present scientific and technical comments on the draft IRIS health assessment to EPA and other interested parties attending the listening session. EPA welcomes the comments that will be provided to the Agency by the listening session participants. The comments will be considered by the Agency as it revises the draft assessment after the external peer review. EPA will compile a list of meeting participants, including the name, principal affiliation, and sponsor of each person attending or calling in to the meeting. The list of listening session participants as well as presentations and written materials given to NCEA will be made a part of the public record.

After public review and comment, an EPA contractor will hold a meeting of expert panelists for independent external peer review of this draft assessment. The public comment period and external peer review meeting are separate processes that provide opportunities for all interested parties to comment on the assessment. The external peer review meeting, to be scheduled at a later date, will be open to the public and announced in the **Federal Register**. Public comments submitted during the public comment period will be provided to the external peer reviewers before the panel meeting and considered by EPA in the disposition of public comments. Public comments received after the public comment period closes will not be submitted to the external peer reviewers and will only be considered by EPA if time permits.

DATES: The public comment period begins April 18, 2011, and ends June 17, 2011. Comments should be in writing and must be received by EPA by June 17, 2011.

The listening session on the draft assessment for methanol will be held on May 26, beginning at 9 a.m. and ending at 4 p.m., Eastern Time. Interested parties who wish to attend the listening session should register no later than May 19. If you wish to present at the listening session, indicate in your registration that you would like to make oral comments and provide the length of your presentation. To register to speak and/or listen send an e-mail to *IRISListeningSession@epa.gov* (subject line: Methanol Listening Session); call Christine Ross at 703–347–8592; or fax a registration request to 703–347–8689. Please reference the "Methanol Listening Session" and include your name, title, affiliation, sponsor information, full address and contact information. Indicate if you will need audio-visual equipment (*e.g.,* laptop computer and slide projector). In general, each presentation should be no more than 30 minutes. If, however, there are more requests for presentations than the allotted time allows, then the time limit for each presentation will be adjusted. A copy of the agenda for the listening session will be available at the meeting. If no speakers have registered by May 19, the listening session will be cancelled, and EPA will notify those registered of the cancellation.

ADDRESSES: The draft "Toxicological Review of Methanol (Non-Cancer): In Support of Summary Information on the Integrated Risk Information System (IRIS)" is available primarily via the Internet on the NCEA home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from the Information

Management Team (Address: Information Management Team, National Center for Environmental Assessment (Mail Code: 8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8561; facsimile: 703–347–8691). If you request a paper copy, please provide your name, mailing address, and the draft assessment title.

Comments may be submitted electronically via *http://www.regulations.gov,* by e-mail, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

The listening session on the draft assessment for methanol will be held at the EPA offices at Potomac Yard North Building, N–7100, 2733 South Crystal Drive, Arlington, Virginia 22202. Please note that to gain entrance to this EPA building to attend the Methanol Listening Session, you must have photo identification and must register at the guard's desk in the lobby. The guard will retain your photo identification and will provide you with a visitor's badge. At the guard's desk, you should provide the name Christine Ross and the telephone number 703–347–8592 to the guard on duty. The guard will contact Ms. Ross who will meet you in the reception area to escort you to the meeting room. When you leave the building, please return your visitor's badge to the guard and you will receive your photo identification.

A teleconference line will also be available for registered attendees/speakers. The teleconference number is 866–299–3188, and the access code is 926–378–7897, followed by the pound sign (#). The teleconference line will be activated at 8:45 a.m., and you will be asked to identify yourself and your affiliation and sponsors at the beginning of the call.

Information on Services for Individuals with Disabilities: EPA welcomes public attendance at the Methanol Listening Session and will make every effort to accommodate persons with disabilities. For information on access or services for individuals with disabilities, please contact Christine Ross by phone at 703–347–8592 or by e-mail at *IRISListeningSession@epa.gov.* To request accommodation for a disability, please contact Ms. Ross, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Additional Information: For information on the docket, *http://www.regulations.gov,* or the public comment period, please contact the Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: 202–566–1752; facsimile: 202–566–1753; or e-mail: *ORD.Docket@epa.gov.*

For information on the Methanol Listening Session, please contact Christine Ross, IRIS Staff, National Center for Environmental Assessment (Mail Code: 8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8592; facsimile: 703–347–8689; or e-mail: *IRISListeningSession@epa.gov.*

For information on the draft assessment, please contact Jeffrey Gift, PhD, U.S. Environmental Protection Agency, National Center for Environmental Assessment, Mail Code B243–01, 109 T.W. Alexander Drive, Durham, NC 27711; telephone: 919–541–4828; facsimile: 919–541–0245 or e-mail: *gift.jeff@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Information About IRIS

EPA's IRIS is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemical substances found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities. The IRIS database contains information for more than 540 chemical substances that can be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. When supported by available data, IRIS provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic noncancer health effects and cancer assessments. Combined with specific exposure information, government and private entities use IRIS to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

II. How to Submit Comments to the Docket at *http://www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2009–0398 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ORD.Docket@epa.gov.*
- *Facsimile:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The telephone number is 202–566–1752. If you provide comments by mail, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.
- Hand Delivery: The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2009–0398. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov*, including any personal information provided, unless comments include information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send e-mail comments directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comments that are placed in the public docket and made available on the Internet. If you

submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comments and with any disk or CD–ROM you submit. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comments. Electronic files should avoid the use of special characters and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: March 28, 2011.

Darrell A. Winner,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2011–9293 Filed 4–15–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

April 7, 2011.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 17, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via e-mail to *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0061.

Title: Annual Report of Cable Television Systems, FCC Form 325.

Form Number: FCC Form 325.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,200 respondents; 1,200 responses.

Estimated Time per Response: 2.166 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 4(i), 601 and 602 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,599 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission uses Form 325 "Annual Report of Cable Television Systems" to solicit basic operational information from the cable television industry. The information requested includes: the operator's name and address; system-wide capacity and frequency information; channel usage; and number of subscribers. The purpose of the form is to require operational cable television systems to verify, correct and/or furnish the Commission with the most current information on their respective cable systems.

OMB Control Number: 3060–0178.

Title: Section 73.1560, Operating Power and Mode Tolerances.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 80 respondents; 80 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 80 hours.

Total Annual Costs: $20,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR 73.1560(d) requires that licensees of AM, FM or TV stations file a notification with the FCC when operation at reduced power will exceed ten consecutive days and upon restoration of normal operations. If causes beyond the control of the licensee prevent restoration of authorized power within a 30-day period, an informal written request must be made for any additional time as may be necessary to restore normal operations.

OMB Control Number: 3060–0706.

Title: Sections 76.952 and 76.990, Cable Act Reform.

Type of Review: Extension a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 70 respondents; 70 responses.

Estimated Time per Response: 1–8 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in the Telecommunications Act of 1996, Public Law 104–104, Sections 301 and 302, 110 Stat. 56, 114–124.

Total Annual Burden: 210 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR 76.952 states that all cable operators must provide to the subscribers on monthly bills the name, mailing address and phone number of the franchising authority, unless the franchising authority in writing requests that the cable operator omits such information. The cable operator must also provide subscribers with the FCC community unit identifier for the cable system in their communities.

47 CFR 76.990(b)(1) requires that a small cable operator may certify in writing to its franchise authority at any time that it meets all criteria necessary to qualify as a small operator. Upon request of the local franchising authority, the operator shall identify in writing all of its affiliates that provide cable service, the total subscriber base of itself and each affiliate, and the aggregate gross revenues of its cable and non-cable affiliates. Within 90 days of receiving the original certification, the local franchising authority shall determine whether the operator qualifies for deregulation and shall notify the operator in writing of its decision, although this 90-day period shall be tolled for so long as it takes the operator to respond to a proper request for information by the local franchising authority. An operator may appeal to the Commission a local franchise authority's information request if the operator seeks to challenge the information request as unduly or unreasonably burdensome. If the local franchising authority finds that the operator does not qualify for deregulation, its notice shall state the grounds for that decision. The operator may appeal the local franchising authority's decision to the Commission within 30 days.

47 CFR 76.990(b)(3) requires that within 30 days of being served with a local franchising authority's notice that the local franchising authority intends to file a cable programming services tier rate complaint, an operator may certify to the local franchising authority that it meets the criteria for qualification as a small cable operator. This certification shall be filed in accordance with the cable programming services rate complaint procedure set forth in § 76.1402. Absent a cable programming services rate complaint, the operator may request a declaration of CPST rate deregulation from the Commission pursuant to § 76.7.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–9250 Filed 4–15–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 7, 2011.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 17, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0214.

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for-profit institutions.

Number of Respondent and Responses: 52,285 respondents; 52,285 responses.

Estimated Time per Response: 2.5–109 hours.

Frequency of Response: Recordkeeping requirement; third party disclosure requirement.

Obligation to Respond: Required to obtain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 1,831,706.

Total Annual Cost: None.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The information collection requirements that are apart of this collection and are being extended by the Commission are as follows:

47 CFR 73.3526(a) and 73.3527(a) require that licensees and permittees of commercial and noncommercial educational (NCE) broadcast stations maintain a local public inspection file. The contents of the file vary according to type of service and status. A separate file shall be maintained for each station for which an application is pending or for which an authorization is outstanding. The public inspection file must be maintained so long as an authorization to operate the station is outstanding.

47 CFR 73.3526(b) and 73.3527(b) require that the public inspection file be maintained at the main studio of the station. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio.

47 CFR 73.3526(c) and 73.3527(c) require the licensee/permittee to make the file available for public inspection at any time during regular business hours. All or part of this file may be maintained in a computer database as long as a computer terminal is made available to members of the public. Materials in the public file must be made available for review, printing or reproduction upon request.

Licensees that maintain their main studios and public file outside their communities of license are required to mail a copy of "The Public and Broadcasting" to anyone requesting a copy. Licensees shall be prepared to assist members of the public in identifying the documents they may want to be sent to them by mail.

47 CFR 73.3526(d) and 73.3527(d) require an assignor to maintain the public inspection file until such time as the assignment is consummated. At that time, the assignee is required to maintain the file.

Under rule sections 47 CFR 73.3526(e) and 73.3527(e) the contents of the public inspection files are specified. The documents to be retained in the public inspection files are as follows:

(a) A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization;

(b) A copy of any application tendered for filing with the FCC, together with all related material, and copies of Initial Decision and Final Decisions in hearing cases. If petitions to deny are filed against the application, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition;

(c) For commercial broadcast stations, a copy of every written citizen agreement;

(d) A copy of any service contour maps, submitted with any application, together with any other information in the application showing service contours and/or main studio and transmitter location;

(e) A copy of the most recent, complete Ownership Report (FCC Form 323) filed with the FCC for the station, together with any statements filed with the FCC certifying that the current Report is accurate;

(f) A political file of records required by 47 CFR 73.1943 concerning broadcasts by candidates for public office;

(g) An Equal Employment Opportunity File required by 47 CFR 73.2080;

(h) A copy of the most recent edition of the manual entitled "The Public and Broadcasting";

(i) For commercial broadcast stations, all written comments and suggestions (letters and electronic mail) received from the public regarding operation of the station;

(j) Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant/permittee/licensee has been advised;

(k) For commercial radio and TV broadcast stations and non-exempt NCE broadcast stations, a list of programs that have provided the station's most significant treatment of community issues. This list is kept on a quarterly basis and contains a brief description of how each issue was treated;

For commercial TV broadcast stations, records sufficient to permit substantiation of the station's certification, in its license renewal application, of compliance with the commercial limits on children's television programming. The records must be placed in the public file quarterly. The FCC Form 398, Children's Television Programming Reports, reflecting efforts made by the licensee during the preceding quarter, and efforts planned for the next quarter, to serve the educational and informational needs of children must be placed in the public file quarterly;

(l) For Commercial radio stations, a list of community issues addressed by the station's programming. This list is kept on a quarterly basis and contains a brief description of how each issue was treated;

(m) For NCE stations, a list of donors supporting specific programs. The list is to be retained for two years from the date of the broadcast of the specific program supported, and will be reserved for sponsors/underwriters of specific programming;

(n) Each applicant for renewal of license shall place in the public file a statement certifying compliance with the pre-filing and post-filing local public notice announcements. These statements shall be placed in the public file within 7 days of the last day of broadcast;

(o) Commercial radio and TV licensees who provide programming to another licensee's station, pursuant to time brokerage agreements, are required to keep copies of those agreements in their public inspection files, with confidential information blocked out where appropriate; and

(p) Commercial TV stations must make an election between retransmission consent and must-carry status once every three years. Television stations that fail to make an election will be deemed to have elected must-carry status. This statement must be placed in the station's public inspection file. This rule codifies Section 325(b)(3)(B) of the Communications Act of 1934, as amended.

(q) NCE television stations requesting mandatory carriage on any cable system pursuant to 47 CFR 76.56 shall place in its public file the request and relevant correspondence.

(r) Commercial radio and TV licensees who have entered into joint sales agreements must place the agreements in the public inspection file, with confidential and propriety information blocked out where appropriate.

47 CFR 73.3526(e)(11)(iv) and 73.3527(e)(13) contain recordkeeping requirements for both full-power commercial (see § 73.3526(e)(11)(iv)) and noncommercial educational ("NCE") (see § 73.3527(e)(13)) TV broadcast stations (both analog and digital) for the contents of their public inspection files. Stations must retain in their public inspection file a copy of their FCC Form 388—DTV Consumer Education Quarterly Activity Report on a quarterly basis. The Report for each quarter is to be placed in the public inspection file by the tenth day of the succeeding calendar quarter. These Reports shall be retained in the public inspection file for one year. Broadcasters must publicize in an appropriate manner the existence and location of these Reports.

47 CFR 76.1701 and 73.1943 require every cable television system and licensees of broadcast stations to keep and permit public inspection of a complete record (political file) of all requests for cablecast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file as soon as possible and maintained for a period of two years. 47 CFR 76.1701 also requires that, when an entity sponsors origination cablecasting material that concerns a political matter or a discussion of a controversial issue of public importance, a list must be maintained in the public file of the system that includes the sponsoring entity's chief executive officers, or members of its executive committee or of its board of directors.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–9251 Filed 4–15–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 10–2318 and DA 11–55]

Emergency Access Advisory Committee; Announcement of Establishment, and of Members and Co-Chairpersons, and Announcement of Date of First Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: The Federal Communication Commission published a document in the **Federal Register** on December 15, 2010 (75 FR 78244), announcing the establishment of the Emergency Access Advisory Committee (hereinafter "the Committee" or "EAAC") pursuant to The Twenty-First Century Communications and Video Accessibility Act ("CVAA"), the date of the first meeting, and further announced the membership of the Committee. The Notice contained incorrect and/or omitted names of members or their affiliations and did not designate alternates.

FOR FURTHER INFORMATION CONTACT: Cheryl King, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 202–418–2284 (voice), 202–418–0416 (TTY), or *Cheryl.King@fcc.gov* (e-mail).

Correction

In the **Federal Register** of December 15, 2010, in FR Doc. 2010–31513, on page 78244, column 2, correct the last paragraph of the **SUPPLEMENTARY INFORMATION** caption to read:

The Chairman of the Commission is appointing thirty-four (34) members of the EAAC. Of this number, eleven (11) represent interests of persons with disabilities and researchers; seven (7) represent interests of communication service providers; six (6) represent interests of State and local emergency responders and emergency subject matter technologies; three (3) represent venders, developers and manufacturers of systems, facilities and equipment; four(4) represent Federal agencies; and three (3) represent industry organizations. The EAAC's membership is designed to be representative of the Commission's many constituencies, and the diversity achieved ensures a balance among individuals with disabilities and other stakeholders, as required by the CVAA. All appointments are effective immediately and shall terminate December 7, 2012, or when the Committee is terminated, whichever is earlier.

On page 78244, column 3, paragraph 2 and continuing on page 78245, column 1, paragraph 1, correct the list of appointed members of the EAAC to read:

The membership of the EAAC, designated by organization or affiliation as appropriate, is as follows:

- American Foundation for the Blind—Brad Hodges
- AT&T—Brian Daly, alternate Peter Musgrove
- Avaya Labs—Paul Michaelis, alternate Mark Fletcher
- Center for Public Safety Innovation/National Terrorism Preparedness Institute—Christopher Littlewood
- City of Los Angeles Department on Disability and National Emergency Number Association's Accessibility Committee—Richard Ray
- Comcast Cable—Angel Arocho
- Communication Service for the Deaf—Alfred Sonnenstrahl
- CTIA, The Wireless Association—Matthew Gerst
- Fairfax County Emergency Management—Bruce McFarlane
- Gallaudet University—Norman Williams
- Hearing, Speech & Deafness Center—Donna Platt
- Intrado, Inc.—John Snapp
- Livingston Parrish (Louisiana) Communication District 911—Ronnie Cotton
- Microsoft—Bernard Aboba, alternate Laura Ruby
- National Association of the Deaf, Telecommunications for the Deaf, Inc. and NorCal Center for Deaf and Hard of Hearing—Sheri A. Farinha, alternate Claude Stout
- Omnitor—Gunnar Hellstrom
- Partners for Access, LLC—Joel Ziev
- Purple Communications—Mark Stern
- RealTime Text Task Force (R3TF)—Arnoud van Wijk
- Research in Motion (RIM)—Gregory Fields
- Speech Communication Assistance for the Telephone, Inc.—Rebecca Ladew
- TeleCommunications Systems, Inc.—Don Mitchell
- Telecommunications Industry Association and the Mobile Manufacturers Forum—David J. Dzumba
- Time Warner Cable Communications—Martha (Marte) Kinder
- T–Mobile, 911 Policy—Jim Nixon
- Trace R&D Center, University of Wisconsin (IT&Tel-RERC)—Gregg Vanderheiden
- U.S. Department of Commerce, NIST—Douglas Montgomery
- U.S. Department of Homeland Security, Federal Emergency Management Agency—Marcie Roth
- U. S. Department of Justice, Civil Rights Division/DRS—Robert Mather
- U. S. Department of Transportation, NHTSA—Laurie Flaherty
- Verizon Communications—Kevin Green, alternate Susan Sherwood
- Vonage Holding Corp.—Brendan Kasper
- Washington Parish, LA Communications District—James Coleman

Dated: April 8, 2011.

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2011–9337 Filed 4–15–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 11–428]

Twenty-First Century Communications and Video Programming Accessibility Act; Announcement of Town Hall Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission announces that it held a Town Hall meeting on The Twenty-First Century Communications and Video Programming Accessibility Act (the Act or CVAA) hosted by the California State University at Northridge (CSUN). The Town Hall meeting provided an orientation to the Act, and discussed the advanced communications and video programming changes required by the Act.

DATES: The Town Hall meeting was held on Thursday, March 17th, 2011 from 9:20 a.m. to 11:40 a.m.

ADDRESSES: The Manchester Grand Hyatt Hotel, One Market Place, Room H–I, San Diego, CA 92101.

FOR FURTHER INFORMATION CONTACT: Pam Gregory, Consumer and Governmental Affairs Bureau, 202–418–2498 (voice), 202–418–1169 (TTY), or *Pam.Gregory@fcc.gov* (e-mail); or Jamal Mazrui, Wireline Competition Bureau, 202–418–0069, *Jamal.Mazrui@fcc.gov* (e-mail).

SUPPLEMENTARY INFORMATION: On October 8, 2010, President Obama signed The Twenty-First Century Communications and Video Programming Accessibility Act, Public

Law 111–260, as amended by Public Law 111–265. The Commission hosted a Town Hall meeting at the 26th Annual International Technology and Persons with Disabilities Conference, hosted by CSUN. The purpose of the Town Hall meeting was to educate the public about the Act's provisions, and answer consumers' questions regarding the Act. The Town Hall meeting was one of the many steps that the Commission has taken to obtain public feedback as it implements the Act. The Town Hall meeting at CSUN began with an orientation to the CVAA that focused on what the CVAA means to consumers with disabilities. The FCC then conducted an open dialogue on the Act's provisions, providing an opportunity for attendees to express their opinions on ways the FCC can best implement the CVAA. For purposes of the Commission's *ex parte* rules regarding permit-but-disclose proceedings (47 CFR 1.1206(b)(2) of the Commission's rules), any comments made at the Town Hall on the implementation of the CVAA that pertain to the Act's provisions on advanced communications services, video description, the deaf-blind equipment distribution program, and TRS contributions by VoIP providers, were deemed oral *ex parte* presentations in the pending rulemaking proceedings to which they relate. A written transcript of the Town Hall meeting (captured from computer-aided real-time transcription) was placed in the dockets of the relevant proceedings to comply with the disclosure requirements of the *ex parte* rules. The event was free and open to the public.

Synopsis

The CVAA is designed to ensure that people with disabilities have access to emerging twenty-first century communications and video programming technologies. The Act seeks to implement many recommendations of the National Broadband Plan, and will ensure access to advanced communications equipment and services, expand the availability of hearing aid compatible telephones used with those services, enhance the scope of and contributions to the nation's telecommunications relay services, and create an equipment distribution program for people who are deaf-blind. In addition, the law will fill accessibility gaps in video programming through the provision of video description on television and closed captioning on television programming re-shown on the Internet, ensure the accessibility of video programming devices, and require televised emergency programming to be accessible by people who are blind or visually impaired. As it works through its implementation of the CVAA, the Commission is collaborating closely with consumer and industry stakeholders through two mandated advisory committees.

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2011–9339 Filed 4–15–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WT Docket No. 11–35; DA 11–613]

Wireless Telecommunications Bureau Extends Period for Filing Comments and Reply Comments on Petition for Declaratory Ruling Asking To Clarify the Scope of Preemption of Wireless Entry Regulation

AGENCY: Federal Communications Commission.

ACTION: Notice; extension of filing and reply comment period.

SUMMARY: In this document, the Wireless Telecommunications Bureau extends the deadline for filing comments and reply comments in response to the Public Notice seeking comment on the December 3, 2010 petition for declaratory ruling (Petition) filed by CTIA—The Wireless Association (Petitioners). The Petitioners asked the Federal Communications Commission (Commission) to clarify "the scope of Section 332(c)(3)(A)'s ban on state and local entry regulation."

DATES: Interested parties may file comments on or before June 10, 2011, and reply comments on or before July 11, 2011.

ADDRESSES: You may submit comments, identified by WT Docket No. 11–35, by any of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://fjallfoss.fcc.gov/ecfs2/*. Follow the instructions for submitting comments.
- *People with Disabilities*: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by *e-mail*: *FCC504@fcc.gov* or *phone*: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the supplementary information section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice released on April 5, 2011. The full text of the public notice is available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554; the contractor's Web site, *http://www.bcpiweb.com;* or by calling (800) 378–3160, facsimile (202) 488–5563, or e-mail *FCC@BCPIWEB.com*. Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov*.

On February 25, 2011, the Wireless Telecommunications Bureau (Bureau) released a Public Notice seeking comment on the CTIA petition for declaratory ruling asking the Commission to clarify "the scope of Section 332(c)(3)(A)'s ban on state and local entry regulation." The Petitioners stated that the Connecticut Department of Public Utility Control (Connecticut PUC) "ordered that wireless providers must apply for and obtain a Certificate of Public Convenience and Necessity (CPCN) from the [Connecticut PUC] before they can request permission to access public rights-of-way." The Petitioners asked the Commission to declare that Connecticut's CPCN requirement is a form of entry regulation that is prohibited by section 332(c)(A)(3).

On April 1, 2011, the Petitioners along with the Connecticut PUC (collectively, the "Parties") submitted a joint request for a 60-day extension of the comment and reply comment deadlines in this proceeding. The Parties state that the Connecticut PUC recently published draft changes to the requirements at issue in this matter and that a 60-day extension is "in the public interest because it will allow commenters a meaningful period of time to review, analyze, and respond to any final actions the [Connecticut PUC] takes on the draft decision."

The Bureau finds that granting the Parties' request and extending the

comment and reply comment deadlines by 60 days is in the public interest. Extending the comment period will ensure that parties have sufficient time to consider and address developments in this matter and the extent to which they moot the controversy at issue in the Petition. Therefore, interested parties will now have until June 10, 2011 to file comments and July 11, 2011 to file reply comments as opposed to the April 11, 2011 and May 11, 2011 deadlines set forth in the Public Notice.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/* or the Federal eRulemaking Portal: *http://www.regulations.gov.*

• *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Federal Communications Commission.

Nese Guendelsberger,

Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2011–9199 Filed 4–15–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 11–06]

Indigo Logistics, LLC, Liliya Ivanenko, and Leonid Ivanenko—Possible Violations of Section 19 of the Shipping Act of 1984 and the Commission's Regulations; Order of Investigation and Hearing

AGENCY: Federal Maritime Commission.

ACTION: Notice of Order of Investigation and Hearing.

Authority: 46 U.S.C. 41302.

DATES: The Order of Investigation and Hearing was served April 7, 2011.

SUPPLEMENTARY INFORMATION: On April 7, 2011 the Federal Maritime Commission instituted an Order of Investigation and Hearing entitled Indigo Logistics, LLC; Liliya Ivanenko; and Leonid Ivanenko—Possible Violations of Section 19 of the Shipping Act of 1984 and the Commission's Regulations at 46 CFR part 515. Acting pursuant to Section 11 of the Shipping Act, 46 U.S.C. 41302, that investigation is instituted to determine:

(1) Whether Indigo Logistics, LLC, Liliya Ivanenko, and Leonid Ivanenko violated Section 19 of the Shipping Act, 46 U.S.C. 40901, 40902, and the Commission's regulations at 46 CFR part 515, by acting as an ocean freight forwarder without a license or evidence of financial responsibility;

(2) Whether, in the event violations of Section 19 of the Shipping Act of 1984 are found, civil penalties should be assessed against Indigo Logistics, LLC, Liliya Ivanenko, and/or Leonid Ivanenko, and, if so, the amount of penalties to be assessed; and

(3) Whether, in the event violations are found, appropriate cease and desist orders should be issued.

The Order may be viewed in its entirety at *http://www.fmc.gov.*

Karen V. Gregory,

Secretary.

[FR Doc. 2011–9282 Filed 4–15–11; 8:45 am]

BILLING CODE 6730–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0200; Docket 2011–0001; Sequence 1]

General Services Administration Acquisition Regulation; Information Collection; Sealed Bidding

AGENCY: Office of the Chief Acquisition Officer, GSA.

ACTION: Notice of request for comments regarding a renewal to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat (MVCB) 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 sealed bidding.

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: June 17, 2011.

FOR FURTHER INFORMATION CONTACT: Michael O. Jackson, Procurement Analyst, Contract Policy Branch, at telephone (202) 208–4949 or *michaelo.jackson@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0200 by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting "Information Collection 3090–0200" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 3090–0200". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 3090–0200" 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 3090–0200.

Instructions: Please submit comments only and cite Information Collection 3090–0200, 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 General Services Administration is requesting that the Office of Management and Budget (OMB) review and approve information collection, 3090–0200, Sealed Bidding. The information requested regarding an offeror's monthly production capability is needed to make progressive awards to ensure coverage of stock items.

B. Annual Reporting Burden

Respondents: 10.
Responses per Respondent: 1.
Hours per Response: .5.
Total Burden Hours: 5.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 3090–0200, Sealed Bidding, in all correspondence.

Dated: April 11, 2011.

Millisa Gary,

Acting Director, Office of Governmentwide Acquisition Policy.

[FR Doc. 2011–9264 Filed 4–15–11; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats. In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by June 17, 2011.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by e-mail at *doris.lefkowitz@AHRQ.hhs.gov.* Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *dorislefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats

The Patient Safety and Quality Improvement Act of 2005 (hereafter the Patient Safety Act), 42 U.S.C. 299b–21 to 299b–26, was enacted in response to growing concern about patient safety in the United States and the Institute of Medicine's 1999 report, To Err is Human: Building a Safer Health System. The goal of the statute is to improve patient safety by providing an incentive for health care providers to work voluntarily with experts in patient safety to reduce risks and hazards to the safety and quality of patient care. The Patient Safety Act signifies the Federal Government's commitment to fostering a culture of patient safety among health care providers; it offers a mechanism for creating an environment in which the causes of risks and hazards to patient safety can be thoroughly and honestly examined and discussed without fear of penalties and liabilities. It provides for the voluntary formation of Patient Safety Organizations (PSOs) that can collect, aggregate, and analyze confidential information reported voluntarily by health care providers. By analyzing substantial amounts of patient safety event information across multiple institutions, PSOs will be able to identify patterns of failures and propose measures to eliminate or reduce patient safety risks and hazards.

In order to implement the Patient Safety Act, the Department of Health and Human Services (HHS) issued the Patient Safety and Quality Improvement Final Rule (hereafter the Patient Safety Rule), 42 CFR part 3, which became effective on January 19, 2009. The Patient Safety Rule establishes a framework by which hospitals, doctors, and other health care providers may voluntarily report information to PSOs, on a privileged and confidential basis, for the aggregation and analysis of patient safety events. In addition, the Patient Safety Rule outlines the requirements that entities must meet to become PSOs and the process by which the Secretary of HHS (hereafter the Secretary) will review and accept certifications and list PSOs.

In addition to the Patient Safety Act and the Patient Safety Rule, HHS issued Guidance Regarding Patient Safety Organizations' Reporting Obligations and the Patient Safety and Quality Improvement Act of 2005 (hereafter Guidance) on December 30, 2010. The Guidance addresses questions that have arisen regarding the obligations of PSOs where they or the organization of which they are a part are legally obligated under the Federal Food, Drug, and Cosmetic Act (FDCA) and its implementing regulations to report certain information to the Food and Drug Administration (FDA) and to provide FDA with access to its records, including access during an inspection of its facilities. This Guidance applies to all entities that seek to be or are PSOs or component PSOs that have mandatory FDA-reporting obligations under the FDCA and its implementing regulations ("FDA-regulated reporting entities") or are organizationally related to such FDA-regulated reporting entities (*e.g.,* parent organizations, subsidiaries, sibling organizations).

When PSOs meet the requirements of the Patient Safety Act, the information collected and the analyses and deliberations regarding the information receive Federal confidentiality and privilege protections under this legislation. The Secretary delegated authority to the Director of the Office for Civil Rights (OCR) to enforce the confidentiality protections of the Patient Safety Act. 71 **Federal Register** 28701–28702 (May 17, 2006). OCR is responsible for enforcing protections regarding patient safety work product (PSWP), which generally includes information that could improve patient safety, health care quality, or health care outcomes and (1) is assembled or developed by a provider for reporting to a PSO and is reported to a PSO or (2) is developed by a PSO for the conduct of patient safety activities. Civil money penalties may be imposed for knowing or reckless impermissible disclosures of

PSWP. AHRQ implements and administers the rest of the Patient Safety Act's provisions.

Pursuant to 42 CFR 3.102, an entity that seeks to be listed as a PSO by the Secretary must certify that it meets certain requirements and, upon listing, will meet other criteria. To remain listed for renewable three-year periods, a PSO must recertify that it meets these obligations and will continue to meet them while listed. The Patient Safety Act and Patient Safety Rule also impose other obligations, discussed below, that a PSO must meet to remain listed. In order for the Secretary to administer the Patient Safety Act and Rule, the entities seeking to be listed and to remain listed must complete the proposed forms attached hereto.

Method of Collection

With this submission, AHRQ is requesting approval of the following proposed administrative forms:

1. PSO Certification for Initial Listing Form. This form, which is to be completed by an entity seeking to be listed by the Secretary as a PSO for an initial three-year period, contains certifications that the entity meets the requirements for listing as a PSO, in accordance with 42 U.S.C. 299b–24(a)(1) and 42 CFR 3.102.

2. PSO Certification for Continued Listing Form. In accordance with 42 U.S.C. 299b–24(a)(2) and the Patient Safety Rule, this form is to be completed by a listed PSO seeking continued listing as a PSO by the Secretary for an additional three year period.

3. PSO Two Bona Fide Contracts Requirement Certification Form. To remain listed, a PSO must have contracts with more than one provider, within successive 24 month periods, beginning with the date of its initial listing. 42 U.S.C. 299(b)(1)(C). This form is to be used by a PSO to certify whether it has met this requirement.

4. PSO Disclosure Statement Form. A PSO must submit this form when it (i) has a Patient Safety Act contract with a health care provider and (ii) it has financial, reporting, and contractual relationships with that contracting provider or is not independent of that contracting provider. 42 U.S.C. 299b–24; 42 CFR 3.102(d)(2).

5. PSO Information Form. This form gathers information on PSOs and the type of healthcare providers and settings that they are working with to conduct patient safety activities in order to improve patient safety. It is designed to collect a minimum level of data necessary to develop aggregate statistics relating to the Patient Safety Act, including types of institutions participating and their general location in the US. This information will be included in AHRQ's annual quality report, as required by 42 U.S.C. 299b–23(c).

OCR is requesting approval of the following administrative form:

Patient Safety Confidentiality Complaint Form. The purpose of this collection is to allow OCR to collect the minimum information needed from individuals filing patient safety confidentiality complaints with our office so that we have a basis for initial processing of those complaints.

In addition, AHRQ is requesting approval for a set of common definitions and reporting formats (hereafter Common Formats). Pursuant to 42 U.S.C. 299b–23(b), AHRQ coordinates the development of the Common Formats that allow PSOs and health care providers to voluntarily collect and submit standardized information regarding patient safety events.

Estimated Annual Respondent Burden

While there are a number of information collection forms described below, they will be implemented at different times and frequency due to the voluntary nature of seeking listing as a PSO and using the Common Formats. Exhibit 1 shows the estimated annualized burden hours for the respondent to provide the requested information, and Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to provide the requested information. The total burden hours are estimated to be 75,764 hours annually and the total cost burden is estimated to be $2,538,852 annually.

PSO Certification for Initial Listing Form

The average annual burden for the collection of information requested by the certification forms for initial listing is based upon a total average estimate of 15 respondents per year and an estimated time of 18 hours per response. This collection of information takes place on an ongoing basis.

Certification for Continued Listing Form

The average annual burden for the collection of information requested by the certification form for continued listing is based upon the estimate that 90% of the listed PSOs during the 3 years of this clearance, or 24 PSOs annually, will submit forms with an estimated time of eight hours per response. The Certification for Continued Listing Form will be completed by any interested PSO at least 75 days before the end of its current three-year listing period.

Two Bona Fide Contracts Requirement Certification

The average annual burden for the collection of information requested by the two-contract requirement is based upon an estimate of 40 respondents per year and an estimated one hour per response. This collection of information takes place when the PSO notifies the Secretary that it has entered into two contracts.

Disclosure Statement Form

AHRQ assumes that only a small percentage of entities will need to file a disclosure form. However, AHRQ is providing a high estimate of 7 respondents annually and thus presumably overestimating respondent burden. The average annual burden estimate of 21 hours for the collection of information requested by the disclosure form is based upon an estimated three hours per response. This information collection takes place when a PSO first reports having any of the specified types of additional relationships with a health care provider with which it has a contract to carry out patient safety activities.

Information Form

The overall annual burden estimate of 240 hours for the collection of information requested by the PSO Information Form is based upon an estimate of 80 respondents per year and an estimated three hours per response. This information collection will begin in 2011; newly listed PSOs will first report in the calendar year after their listing by the HHS Secretary.

Patient Safety Confidentiality Complaint Form

The overall annual burden estimate of 1 hour for the collection of information requested by the form is based on an estimate of two respondents per year and an estimated 20 minutes per response. OCR's information collection using this form will not begin until after there is at least one PSO receiving and generating PSWP and there is an allegation of a violation of the statutory protection of PSWP.

Common Formats

AHRQ estimates that 5% FTE of a Patient Safety Manager at a hospital will be spent to administer the Common Formats, which is approximately 100 hours a year. AHRQ estimates the number of hospitals using Common Formats in the first year as 500, then 750 in year 2, and 1000 in year 3, for an annual average of 750 over 3 years.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Patient Safety Organization Certification for Initial Listing Form	15	1	18	270
Certification for Continued Listing Form	24	1	8	192
Two Bona Fide Contracts Requirement Form	40	1	1	40
Disclosure Statement Form	7	1	3	21
Information Form	80	1	3	240
Patient Safety Confidentiality Complaint Form	2	1	20/60	1
Common Formats	750	1	100	75,000
Total	918	NA	NA	75,764

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form	Number of respondents	Total burden hours	Average hourly wage rate *	Total burden cost
Certification for Initial Listing Form	15	270	$33.51	$9,048
Certification for Continued Listing Form	24	192	33.51	6,434
Two Bona Fide Contracts Requirement Form	40	40	33.51	1,340
Disclosure Statement Form	7	21	33.51	704
Information Form	80	240	33.51	8,042
Patient Safety Confidentiality Complaint Form	2	1	33.51	34
Common Formats	750	75,000	33.51	2,513,250
Total	918	75,764	NA	2,538,852

* Based upon the mean of the hourly wages for healthcare practitioner and technical occupation, National Compensation Survey, May 2009, "U.S. Department of Labor, Bureau of Labor Statistics."

Estimated Annual Costs to the Federal Government

a. AHRQ

The total cost to the Federal Government for the PSO forms and Common Formats is $1,737,390 per year, including project management and support for the review and administration of the PSO forms and the development and maintenance of the Common Formats.

b. OCR

Through an interagency agreement (IAA), OCR provides management for and support of the enforcement of the confidentiality protections of the Patient Safety Act and the Patient Safety Rule. The cost of this IAA is approximately $300,000 annually.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 29, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–9252 Filed 4–15–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, AHRQ [has submitted a Generic Information Collection Request (Generic ICR): "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*).

This proposed information collection was previously published in the **Federal Register** on December 22nd, 2010 (75 FR 80542) and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments must be submitted May 18, 2011.

ADDRESSES: Written comments may be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (*attention:* AHRQ's desk officer) or by e-mail at *OIRAsubmission@omb.eop.gov* (*attention:* AHRQ's desk officer).

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@AHRO.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will gamer qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Below we provide AHRQ's projected average annual estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 10.

Respondents: 10,900.

Annual Responses: 10,900.

Frequency of Response: Once per request.

Average Minutes per Response: 19.

Burden Hours: 3,383.

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 Office of Management and Budget control number.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March, 31 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–9253 Filed 4–15–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–11–11CC]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Development and Evaluation of Eagle Books and Youth Eagle Books for American Indians and Alaska Natives (AI/ANs)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The development of effective diabetes prevention programs targeting AI/AN youth is a compelling priority in education and public health. AI/AN individuals develop type 2 diabetes at younger ages, experience more years of disease burden and have a high probability of developing diabetes-related complications. However, research shows that type 2 diabetes can be prevented or delayed with healthy foods and nutrition, moderate physical activity, and social support. A number of health communication products have been developed specifically for AI/AN youth. These include the Eagle Books, the Youth Books, and the Diabetes Education in Tribal Schools (DETS) curriculum.

The Eagle Books are a series of four books that have been incorporated into the lesson plans for the Kindergarten (K) through fourth grades of the DETS curriculum. The materials are a result of a project that engaged eight Tribal Colleges and Universities, NIH, CDC, and IHS to develop culturally-grounded, scientifically sound lessons to promote awareness about diabetes and lifestyle adaptations. CDC is currently developing additional books for Native American youth ages nine to thirteen (the "Youth Books").

CDC plans to conduct a descriptive evaluation of the Eagle Books and the DETS curriculum. Data collection will involve discussion groups and in-depth interviews conducted during site visits to 12 selected American Indian communities. Each site visit will consist of: (i) Interviews with up to 3 community health representatives; (ii) Interviews with up to 2 school administrators from a local elementary school and a middle school; (iii) One discussion (focus) group with teachers from a local elementary school and one discussion group with teachers from a

local middle school; (iv) Two discussion (focus) groups with children: One group with younger children (grades K–1) and one group with older children (grades 2–4); (v) Two discussion (focus) groups with parents: one group with parents of younger children and one group with parents of older children; and (vi) Observational tours of the community.

During the site visits, respondents will be asked to provide general feedback about the Eagle Books and how the Eagle Books have affected knowledge, attitudes, and behaviors; how materials currently support or could be used to support other local diabetes prevention efforts; and how the planned Youth Books could support the DETS curriculum. De-identified information will be collected and analyzed by staff from CDC's Native Diabetes Wellness Program (NDWP), with the assistance of a data collection contractor.

Findings will be used to identify "best practices" with regard to implementation and use of the Eagle Books and DETS curriculum; to inform the development of similar materials; and to enhance current and future community outreach and technical assistance efforts aimed at preventing or controlling diabetes in AI/AN youth.

Information will be collected in an average of four communities per year over three years. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 132.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Community Health Representatives.	Interview Guide for Community Health Representatives	12	1	1
Administrators	Interview Guide for Administrators Grades K–4	4	1	1
	Interview Guide for Administrators Grades 5–8	4	1	1
Teachers	Discussion Guide for Teachers Grades K–4	16	1	75/60
	Discussion Guide for Teachers Grades 5–8	16	1	75/60
Parents	Discussion Guide for Parents Grades K–4	48	1	1
Children	Discussion Guide for Children Grades K–1	16	1	45/60
	Discussion Guide for Children Grades 2–3–4	16	1	45/60

Daniel Holcomb,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2011–9280 Filed 4–15–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Health Disparities Subcommittee (HDS), Advisory Committee to the Director, Centers for Disease Control and Prevention (ACD, CDC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), CDC announces the following meeting of the aforementioned subcommittee:

Time and Date: 12 p.m.–1 p.m., April 27, 2011.

Place: Teleconference. To participate, please dial 1–866–816–2692 and enter passcode 9011361 for access.

Status: Open to the public; teleconference access limited only by the availability of telephone ports. The public is welcome to participate during the public comment period, which is tentatively scheduled from 12:55 p.m., until 1 p.m.

Purpose: The Subcommittee will provide advice to the CDC Director through the ACD on strategic and other health disparities and health equity issues and provide guidance on opportunities for CDC.

Matters To Be Discussed: The agenda will include the following: (1) A review of the charge and membership status of the Health Equity Workgroup; (2) an overall Health Equity activities update including the CDC Health Disparities and Inequalities Report, U.S. 2011; the National Prevention Strategy; Healthy People 2020; and Social Determinants of Health Strategy Brief.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Leandris Liburd, PhD, M.P.H., M.A., Designated Federal Officer, HDS, ACD, CDC, 1600 Clifton Road, NE., Mailstop E–67, Atlanta, Georgia 30333, *Telephone:* (404) 498–2320, *E-mail: LEL1@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 11, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–9241 Filed 4–15–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Conducting Public Health Research in Kenya, Request for Application (RFA) GH10–003, Panel B, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–4 p.m., June 23, 2011 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Conducting Public Health Research in Kenya, RFA GH10–003, Panel B, initial review."

Contact Person for More Information: Lata Kumar, M.B.A., M.P.H., Scientific Review Officer, Center of Global Health Science Office, Center for Global Health, CDC, 1600

Clifton Road, NE., Mailstop D69, Atlanta, Georgia 30333, Telephone: (404) 553–8311.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: April 11, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–9240 Filed 4–15–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Conducting Public Health Research in Kenya, Request for Application (RFA) GH10–003, Panel A, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–4 p.m., June 21, 2011 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Conducting Public Health Research in Kenya, RFA GH10–003, Panel A, initial review."

Contact Person for More Information: Lata Kumar, M.B.A., M.P.H., Scientific Review Officer, Center of Global Health Science Office, Center for Global Health, CDC, 1600 Clifton Road, NE., Mailstop D69, Atlanta, Georgia 30333, *Telephone:* (404) 553–8311.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: April 11, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–9239 Filed 4–15–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Funding Opportunity Announcement (FOA) CK11–0010101PPHF11, Initial Review

The meeting announced below concerns "Public Health Prevention Fund: Streamlined Surveillance for Ventilator-Associated Pneumonia: Reducing Burden and Demonstrating Preventability," FOA CK11–0010101PPHF11, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–2 p.m., May 26, 2011 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Public Health Prevention Fund: Streamlined Surveillance for Ventilator-Associated Pneumonia: Reducing Burden and Demonstrating Preventability," FOA CK11–0010101PPHF11, initial review.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 498–2293.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 7, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–9242 Filed 4–15–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Evaluation of Tribal Health Profession Opportunity Grants (HPOG).

OMB No.: New Collection.

Billing Accounting Code (BAC): 418408.

Description: The Administration for Children and Families (ACF) is proposing information collection activities as part of the Evaluation of the Tribal Health Profession Opportunity Grants (HPOG) (HHS–2010–ACF–OFA–FY–0124). Through this information collection, ACF seeks to conduct a comprehensive process and outcome evaluation to provide documentation and lessons learned about diverse programmatic approaches to health professions trainings for Tribal populations.

The goals of the Tribal HPOG evaluation are to: (1) Provide an in-depth, systematic analysis of program structure, implementation and outcomes of the sites served by the five Tribal HPOG grantees funded in FFY 2010, and (2) compare these data within and across grantees to generate hypotheses about the effectiveness of different program approaches for Tribal populations.

Both of these goals require collecting information from Tribal HPOG grantees and other program stakeholders on an annual basis for three years. The information collection will include data gathered through in-person and telephone interviews and focus groups. Program operations data related to this effort will be collected through a Web-based performance management system under a separate information collection (the **Federal Register** Notice for this information collection was published in Vol. 76, No. 18, January 27, 2011, page 4912).

Respondents

Respondents to the Grantee and Partner Administrative Staff interview will be the administrators of the Tribal HPOG program, workforce development and TANF agencies, public and private university-based partners, and not-for profit organizations.

Respondents to the Program Implementation Staff interview will be instructors, trainers, and providers of program or supportive services.

Respondents to the Program Participant focus groups or interviews

will be current program participants. Interviews will be conducted in lieu of focus groups with program participants at secondary implementation sites (additional locations where the Tribal HPOG program are being implemented) in Year 2.

Respondents to the Employers interview will be local or regional employers at public or private companies or organizations that are partnering with the Tribal HPOG program or have employed program participants.

Respondents to the Program Completers interview will be program completers.

Respondents to the Program Non-completers interview will be individuals who did not complete the programs.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Grantee and partner administrative staff interview	35	1	1	35
Program implementation staff interview	120	1	1.5	180
Program participant focus groups	108	1	1.5	162
Employer interview	60	1	.75	45
Program completers interview	67	1	1	67
Program non-completers interview	20	1	.30	6
Total Estimated Annual Burden				495

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. E-mail address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: April 11, 2011.

Seth F. Chamberlain,

Reports Clearance Officer.

[FR Doc. 2011–9222 Filed 4–15–11; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

State Median Income Estimate for a Four-Person Family: Notice of the Federal Fiscal Year (FFY) 2012 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Administration for Children and Families, Office of Community Services, Division of Energy Assistance, HHS.

ACTION: Notice of State median income estimates for FFY 2012.

SUMMARY: This notice announces to LIHEAP grantees the estimated median income of four-person families in each State and the District of Columbia for FFY 2012 (October 1, 2011, to September 30, 2012). LIHEAP grantees that choose to base their income eligibility criteria on these State median income (SMI) estimates may adopt these estimates (up to 60 percent) on the estimates' date of publication in the **Federal Register** or on a later date as discussed below. This enables these grantees to implement this notice during the period between the heating and cooling seasons. However, by October 1, 2011, or the beginning of the grantees' fiscal years, whichever is later, these grantees must adjust their income eligibility criteria so that such criteria are in accord with the FFY 2012 SMI.

This listing of 60 percent of SMI provides one of the maximum income criteria that LIHEAP grantees may use in determining a household's income eligibility for LIHEAP.

LIHEAP appropriations for FFY 2009 through FFY 2010 raised this criterion from 60 percent of SMI to 75 percent of SMI for those years. The Continuing Resolutions covering FFY 2011 through the date of this publication have maintained this criterion at 75 percent of SMI. This criterion will remain at 75 percent SMI for FFY 2011 unless Congress acts otherwise after the date of this publication. This criterion will return to 60 percent of SMI for FFY 2012 unless Congress acts otherwise in providing FFY 2012 appropriations after the publication of this notice. This is because no change to the LIHEAP authorizing statute has been made.

DATES: *Effective Date:* For each LIHEAP grantee, these estimates become effective at any time between their date of publication in the **Federal Register** and the later of October 1, 2011, or the beginning of that grantee's fiscal year.

FOR FURTHER INFORMATION CONTACT: Peter Edelman, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Telephone:* (202) 401–5292, *E-Mail: peter.edelman@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(11) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law (Pub. L.) 97–35, as amended, HHS announces the estimated median income of four-person families for each State, the District of Columbia, and the United States for FFY 2012 (October 1, 2011, through September 30, 2012).

Section 2605(b)(2)(B)(ii) of this Act provides that 60 percent of the median income of four-person families for each State and the District of Columbia (State median income, or SMI), as annually

established by the Secretary of Health and Human Services, is one of the income criteria that LIHEAP grantees may use in determining a household's eligibility for LIHEAP.

LIHEAP was last authorized by the Energy Policy Act of 2005, Public Law 109–58, which was enacted on August 8, 2005. This authorization expired on September 30, 2007, and reauthorization remains pending.

The SMI estimates that HHS publishes in this notice are three-year estimates derived from the American Community Survey (ACS) conducted by the U.S. Census Bureau, U.S. Department of Commerce (Census Bureau). HHS obtained these estimates directly from the Census Bureau. For additional information about the ACS State median income estimates, see *http://www.census.gov/hhes/www/income/data/statemedian/index.html.* For additional information about the ACS in general, *see http://www.census.gov/acs/www/* or contact the Census Bureau's Housing and Household Economic Statistics Division at (301) 763–3243.

Under the advice of the Census Bureau, HHS switched to three-year estimates rather than single-year estimates to reduce the large year-to-year fluctuations that the single-year estimates tend to generate for certain States and the District of Columbia. HHS plans to use the Census Bureau's ACS-derived SMI three-year estimates for all fiscal years after 2010. For further information about ACS one-year and three-year estimates, *see http://factfinder.census.gov/jsp/saff/SAFFInfo.jsp?_content=acs_guidance.html.*

The SMI estimates, like those derived from any survey, are subject to two types of errors: (1) Nonsampling Error, which consists of random errors that increase the variability of the data and non-random errors that consistently direct the data into a specific direction; and (2) Sampling Error, which consists of the error that arises from the use of probability sampling to create the sample. For additional information about the accuracy of the ACS SMI estimates, *see http://www.census.gov/acs/www/Downloads/data_documentation/Accuracy/MultiyearACSAccuracyofData2009.pdf.*

A State-by-State listing of SMI and 60 percent of SMI for a four-person family for FFY 2012 follows. The listing describes the method for adjusting SMI for families of different sizes as specified in regulations applicable to LIHEAP, at 45 CFR 96.85(b), which were published in the **Federal Register** on March 3, 1988, at 53 FR 6824 and amended on October 15, 1999, at 64 FR 55858.

Dated: March 22, 2011.

Yolanda J. Butler,

Acting Director, Office of Community Services.

ESTIMATED STATE MEDIAN INCOME FOR A FOUR-PERSON FAMILY, BY STATE, FOR FEDERAL FISCAL YEAR (FFY) 2012, FOR USE IN THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

States	Estimated State median income for four-person families[1]	60 percent of estimated State median income for four-person families[2 3]
Alabama	$63,888	$38,333
Alaska	86,515	51,909
Arizona	69,119	41,471
Arkansas	56,219	33,731
California	78,666	47,200
Colorado	80,717	48,430
Connecticut	102,127	61,276
Delaware	83,602	50,161
District of Columbia	69,558	41,735
Florida	67,705	40,623
Georgia	68,908	41,345
Hawaii	87,463	52,478
Idaho	62,079	37,247
Illinois	80,607	48,364
Indiana	69,434	41,660
Iowa	73,413	44,048
Kansas	71,842	43,105
Kentucky	63,825	38,295
Louisiana	66,109	39,665
Maine	68,237	40,942
Maryland	101,997	61,198
Massachusetts	100,058	60,035
Michigan	73,433	44,060
Minnesota	86,099	51,659
Mississippi	55,809	33,485
Missouri	70,232	42,139
Montana	66,079	39,647
Nebraska	70,665	42,399
Nevada	71,230	42,738
New Hampshire	91,832	55,099
New Jersey	101,841	61,105
New Mexico	54,500	32,700
New York	82,531	49,519
North Carolina	67,966	40,780
North Dakota	74,177	44,506
Ohio	72,817	43,690
Oklahoma	61,881	37,129
Oregon	72,093	43,256

ESTIMATED STATE MEDIAN INCOME FOR A FOUR-PERSON FAMILY, BY STATE, FOR FEDERAL FISCAL YEAR (FFY) 2012, FOR USE IN THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)—Continued

States	Estimated State median income for four-person families[1]	60 percent of estimated State median income for four-person families[2 3]
Pennsylvania	78,287	46,972
Rhode Island	87,669	52,601
South Carolina	64,228	38,537
South Dakota	68,064	40,838
Tennessee	63,480	38,088
Texas	65,508	39,305
Utah	70,322	42,193
Vermont	74,877	44,926
Virginia	85,546	51,328
Washington	81,788	49,073
West Virginia	58,739	35,243
Wisconsin	77,946	46,768
Wyoming	75,998	45,599

Note: FFY 2012 covers the period of October 1, 2011, through September 30, 2012. The estimated median income for four-person families living in the United States for this period is $74,985. These estimates become effective for LIHEAP at any time between the date of this publication and October 1, 2011, or the beginning of a LIHEAP grantee's fiscal year, whichever is later.

[1] Prepared by the U.S. Census Bureau, U.S. Department of Commerce (Census Bureau), from three-year estimates from the 2007, 2008 and 2009 American Community Surveys (ACSs). These estimates, like those derived from any survey, are subject to two types of errors: (1) Non-sampling Error, which consists of random errors that increase the variability of the data and non-random errors that consistently direct the data into a specific direction; and (2) Sampling Error, which consists of the error that arises from the use of probability sampling to create the sample.

[2] These figures were calculated by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy Assistance (DEA) by multiplying the estimated State median income for a four-person family for each State by 60 percent.

[3] To adjust for different sizes of family, 45 CFR 96.85 calls for multiplying 60 percent of a State's estimated median income for a four-person family by the following percentages: 52 percent for one person, 68 percent for two persons, 84 percent for three persons, 100 percent for four persons, 116 percent for five persons, and 132 percent for six persons. For each additional family member above six persons, 45 CFR 96.85 calls for adding 3 percentage points to the percentage for a six-person family (132 percent) and multiply the new percentage by 60 percent of a State's estimated median income for a four-person family.

[FR Doc. 2011–8993 Filed 4–15–11; 8:45 am]

BILLING CODE 4184–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0214]

Guidance for Industry on How To Write a Request for Designation; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "How to Write a Request for Designation (RFD)." This guidance is intended to clarify the type of information the Office of Combination Products (OCP) recommends that a sponsor include in a Request for Designation (RFD). This final guidance supersedes the previous RFD guidance document issued August 2005.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Office of Combination Products, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5129, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kristina Lauritsen, Office of Combination Products, Food and Drug Administration, Bldg. 32, rm. 5132, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–8936.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "How to Write a Request for Designation (RFD)." This guidance addresses 21 CFR 3.7 and is intended to clarify the type of information OCP recommends that a sponsor include in an RFD. The goal of this guidance is to help a sponsor understand what information FDA needs to determine the regulatory identity or classification of a product as a drug, device, biological product, or combination product, and to assign the product to the appropriate Agency component for review and regulation. This final guidance supersedes the previously issued RFD guidance document which was published on FDA's Web site on August 2005.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on how to write an RFD. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 3 have been approved under OMB control number 0910–0523.

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/RegulatoryInformation/Guidances/ucm122047.htm* or *http://www.regulations.gov.*

Dated: April 11, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–9261 Filed 4–15–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0240]

Site Tours Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Tobacco Products (CTP) is announcing a notice for participation in its Site Tours Program. This program is intended to give CTP staff an opportunity to visit facilities involved in the growing, processing, or manufacturing of tobacco or tobacco products. These visits are intended to provide CTP staff with the opportunity to gain a better understanding of the tobacco industry and its operations. The purpose of this notice is to alert parties interested in participating in the Site Tours Program to submit requests to CTP.

DATES: Interested parties should submit either an electronic or written request for participation by June 17, 2011. The request should include a description of your facility, including as applicable, a list of all tobacco products processed and/or manufactured there. Please specify the physical address(es) of the site(s) for which you are submitting a request along with a proposed 1-day tour agenda.

ADDRESSES: If your facility is interested in offering a site visit, you should submit a request to participate in the program either electronically to *http://www.regulations.gov* or in writing to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lucinda Miner, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 877–287–1373, *e-mail: lucinda.miner@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 22, 2009, the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31; 123 Stat. 1776) was signed into law, amending the Federal Food, Drug, and Cosmetic Act (the FD&C Act) and giving FDA authority to regulate tobacco product manufacturing, distribution, and marketing. This includes, among other things, the authority to issue regulations related to health warnings, tobacco product standards, good manufacturing practices, as well as tobacco product constituents, ingredients, and additives.

CTP is instituting the Site Tours Program to provide its scientific and regulatory staff the opportunity to gain a better understanding of the tobacco industry and its operations, including tobacco product manufacturing and aspects of tobacco growing, processing, and storage that may affect the physical and chemical properties of tobacco. Although FDA generally does not regulate tobacco farms and tobacco warehouses, the Agency believes that gaining a better understanding of the operations performed at these facilities may be helpful. The goals of the Site Tours Program are to: (1) Provide CTP firsthand exposure to industry's manufacturing processes; (2) learn about control measures used by tobacco product manufacturers to ensure product consistency; (3) understand the processing of different forms of tobacco and the manufacturing processes used for various types of tobacco products and their influences on product constituents; and (4) understand how growing conditions, curing, storage, and manufacturing processes might influence the levels of tobacco or tobacco smoke constituents.

II. Description of Site Tours Program

In the Site Tours Program, small groups of CTP staff plan to observe the operations of tobacco growers, tobacco warehouses, and manufacturing facilities of cigarette, roll-your-own, and smokeless tobacco companies. Please note that the Site Tours Program is not intended to include official FDA inspections of facilities to determine compliance with the FD&C Act; rather, the program is meant to educate CTP staff and improve their understanding of the tobacco industry and its operations.

III. Site Selection

CTP plans to select one or more of each of the following types of facilities: A large cigarette manufacturing facility, a small cigarette manufacturing facility, a smokeless tobacco manufacturing facility, a burley tobacco farm, a flue-cured tobacco farm, a tobacco rolling paper facility, and a tobacco warehouse. All travel expenses associated with the site tours will be the responsibility of CTP. Final site selections will be based on the availability of CTP funds and resources for the relevant fiscal year, as well as the following factors:
(1) Compliance status of the requesting facility and affiliated firm, if applicable; (2) whether the requesting facility is in arrears for user fees; (3) whether the requesting facility or affiliated firm, if applicable, has a significant request or marketing application or submission pending with FDA; and (4) whether the requesting facility will be engaged in active manufacturing or processing during the proposed time of the visit.

IV. Requests for Participation

Requests are to be identified with the docket number found in brackets in the heading of this document. Requests received by the Agency are available for public examination in the Division of Dockets Management (*see* **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 11, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–9260 Filed 4–15–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Noncompetitive Program Extension Supplemental Awards

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) will be issuing non-competitive supplemental funding to the Maternal Child and Health Bureau's (MCHB) Comprehensive Hemophilia Diagnostic and Treatment Centers. MCHB's Division of Children with Special Health Needs and the Genetic Services Branch are currently undergoing a strategic planning process. This will provide feasible time for the MCHB to align fiscal resources and programmatic goals as determined by this strategic planning process with the least disruption to the States, communities, and constituencies that currently receive assistance and services from these grantees.

SUPPLEMENTARY INFORMATION: *Intended Recipient of the Award:* Comprehensive Hemophilia Diagnostic and Treatment Centers—12 Regional Centers (see table below).

Amount of the Award: 12 awards ranging from $184,846 to $595,453.

CFDA Number: 93.110.

Project Period: The period of supplemental support is from June 1, 2011, to May 31, 2012.

Authority: This activity is under the authority of Section 501(a) (2) of the Social Security Act, the Maternal and Child Health Federal Set-Aside Program: Special Projects of Regional and National Significance (SPRANS) (42 U.S.C. 701).

REGIONAL COMPREHENSIVE HEMOPHILIA DIAGNOSTIC AND TREATMENT CENTERS

Grantee	Grant No.	Region	FY 2010 Funding Level
University of Massachusetts	H30 MC00037–12–00.	Region 1	$312,472
Mt. Sinai School of Medicine	H30 MC00019–20–00.	Region 2	595,453
Children's Hospital of Philadelphia	H30 MC09625–02–00.	Region 3	530,808
University of North Carolina	H30 MC05053–07–01.	Region 4–N	329,980
Hemophilia of Georgia	H30 MC00011–20–00.	Region 4–S	228,857
Hemophilia Foundation of Michigan	H30 MC00015–20–00.	Region 5–E	365,256
Great Lakes Hemophilia Foundation	H30 MC00032–21–02.	Region 5–W	446,520
University of Texas HSC at Houston	H30MC00029–20–06.	Region 6	455,871
Children's Mercy Hospital	H30 MC00040–10–00.	Region 7	371,228
University of Colorado	H30 MC00008–20–00.	Region 8	321,921
Children's Hospital of Orange County	H30 MC00036–12–00.	Region 9	714,832
Oregon Health and Science University	H30 MC00025–20–00.	Region 10	184,846

Justification for the Exception to Competition

Since the inception of HRSA's genetic services program, the landscape of our health care system has changed dramatically. In addition, our knowledge base for genetic medicine in general and blood disorders in particular has expanded. Unfortunately, the changes in our knowledge base and standards of care are not currently reflected in what we measure through this program nor how they are integrated into day to day activities that influence the health of individuals with hemophilia, thrombophilia and von Willebrand Disease and other congenital bleeding disorders.

To better reflect the current landscape, the MCHB is undertaking a strategic planning process this year. At the end of the process, we hope to have better defined measures that will reflect our new plan and the goals for the next 10 years. This will provide us with the basis to expand the applicant pool as well as improve the evidence base for the utility of the National Hemophilia Program.

MCHB proposes this course of action for three reasons: (1) To appropriately respond to the directions that will be outlined after the strategic planning process, (2) to provide for sufficient fiscal resource to continue programmatic activities at current levels, and (3) to maintain MCH programmatic support with the least disruption to the State, community, and MCH constituencies who are currently receiving assistance and services from these grantees and the grantees themselves. Without this approach, the programmatic changes indicated through the strategic planning process will not be outlined nor implemented for another 3 years when the next competitive process will begin. Delaying the competition into mid fiscal year 2011 ensures continuity of funding for all eligible entities, with no eligible entity being harmed by the extension.

FOR FURTHER INFORMATION CONTACT: Sara Copeland, M.D., Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–8860, *scopeland@hrsa.gov.*

Dated: April 12, 2011.

Mary K. Wakefield,

Administrator.

[FR Doc. 2011–9269 Filed 4–15–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Preclinical Services for the Development of Biopharmaceutical Products for Infectious Diseases.

Date: May 11, 2011.

Time: 12 p.m. to 6 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6610 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Yong Gao, PhD, Scientific Review Officer, Scientific Review Program, DHHS/NIH/NIAID, 6700B Rockledge Drive, Room 3246, Bethesda, MD 20892, 301–443–8115, *gaol2@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Immune Response to Viral Infections.

Date: May 12, 2011.

Time: 11 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817. (Telephone Conference Call.)

Contact Person: Richard W. Morris, PhD, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, Room 2217, 6700–B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, 301–496–2550, *rmorris@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 12, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–9322 Filed 4–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of a meeting of the Director's Council of Public Representatives.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Director's Council of Public Representatives.

Date: May 6, 2011.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: The Council will discuss issues related to how best to gather input from the public as well as how COPR can assist in promoting K–12 education. Further information will be available on the COPR Web site.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Sheria Washington, Executive Secretary/Outreach Program Specialist, Office of Communications and Public Liaison, Office of the Director, National Institutes of Health, 1 Center Drive, Room 331, Bethesda, MD 20892, 301–594–4837, *Sheria.Washington@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.copr.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS.)

Dated: April 12, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–9320 Filed 4–15–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[DHS Docket No. DHS–2009–0032]

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Office for Civil Rights and Civil Liberties, DHS.

ACTION: Notice; final policy guidance.

SUMMARY: The Department of Homeland Security is finalizing guidance to recipients of Federal financial assistance regarding Title VI's prohibition against national origin discrimination affecting persons with limited English proficient persons. This guidance is issued pursuant to Executive Order 13166 and is consistent with government-wide guidance previously issued by the Department of Justice.

DATES: This guidance is effective May 18, 2011.

FOR FURTHER INFORMATION CONTACT: Rebekah Tosado, Senior Advisor to the Officer for Civil Rights and Civil Liberties, Office for Civil Rights and Civil Liberties, Department of Homeland Security, 245 Murray Lane, SW., Building 410, Washington, DC 20528, Mail Stop 0190. Toll free: 1–866–644–8360 or TTY 1–866–644–8361. Local: 202–401–1474 or TTY: 202–401–0470.

SUPPLEMENTARY INFORMATION: Executive Order 13166 directs each Federal agency that extends assistance subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.,* to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency,* 65 FR 50121 (August 11, 2000). Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed by the Department of Justice (DOJ). See *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency,* 65 FR 50123 (August 16, 2000) (DOJ Agency LEP Guidance).

The Department of Homeland Security (DHS) adopts guidance that adheres to the Government-wide compliance standards and framework detailed in the DOJ Agency LEP Guidance and in the DOJ's own guidance to its financial assistance recipients. *Guidance to Federal Financial Assistance Recipients*

Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455 (June 18, 2002) (DOJ Recipient LEP Guidance). The Departments of Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs, the Environmental Protection Agency, and several other independent and Executive Branch agencies have issued similar guidance. DHS solicited comments on the nature, scope, and appropriateness of the DHS-specific examples set out in this guidance explaining and/or highlighting how those Federal-wide guidelines are applicable to recipients of DHS financial assistance.

This guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act. 5 U.S.C. 553. This guidance was published for public comment in the **Federal Register** pursuant to the instructions in Executive Order 13166.

A. Response to Comments

The DHS draft guidance on DHS recipients' obligations to take reasonable steps to ensure access by LEP persons was published on June 17, 2010. See 75 FR 34465. The comment period was clarified to extend to July 17, 2010. See 75 FR 38821 (July 6, 2010). DHS received 9 comments representing at least 24 organizations in response to its publication of draft guidance on DHS recipients' obligations to take reasonable steps to ensure access to programs and activities by LEP persons. The comments reflected the views of individuals, organizations serving LEP populations, national civil rights organizations, a public policy and law institute, and several legal service providers.

The comments were generally supportive of DHS's effort to issue this guidance, and all provided constructive comments for amplifying specific examples, strengthening certain language, and better ensuring the effectiveness of the guidelines. No comments generally unfavorable to the guidance were received, and seven comments endorsed or applauded the guidance as a general matter. Nearly all comments noted that failure to communicate with or understand an LEP person can pose a risk to life, limb, and property in cases of emergency, disaster, or law enforcement activity. DHS agrees; the final guidance informs recipients that if they provide benefits and services or operate in the context of emergency preparedness, response and recovery, health and safety, or law enforcement they should be prepared to provide language services to LEP persons in the jurisdictions in which they operate. DHS looks forward to continued progress, in partnership with recipients and beneficiaries, on ensuring meaningful access to LEP persons.

One comment urged DHS's Office for Civil Rights and Civil Liberties to provide technical assistance to recipients on meeting their responsibilities under Title VI as outlined in the guidance and to serve as a centralized resource center on model plans and promising practices for recipients to better serve LEP persons. As noted in the guidance, CRCL will be available to provide such technical assistance and will continue to work with the U.S. Department of Justice and other agencies to make resources available through LEP.gov (*http://www.lep.gov*), the Web site of the Federal Interagency Working Group, with information for recipients, Federal agencies, and the communities being served. Two comments urged that DHS proceed to issuance of LEP guidance for Federally conducted activities as well, as required by Executive Order 13166. A plan for DHS is forthcoming; in the meantime, this guidance recognizes, in footnote 4, that Departmental activities are subject to the same four-factor framework for providing LEP access as are recipients. One comment proposed revising draft LEP guidance prepared by the Federal Emergency Management Agency (FEMA) in 2002, prior to its transfer into DHS, and consider issuing LEP guidance by other DHS components. DHS disagrees, and believes uniform department-wide LEP guidance will provide a clearer framework for recipients of assistance than potentially conflicting guidance from different components. This guidance to recipients will apply to all DHS components.

The comments received on more specific subjects are summarized and addressed below.

1. Motor Vehicle Departments and Mass Transit Providers

Three comments recommended express mention of motor vehicle departments, and two recommended inclusion of mass transit providers, as recipients with high rates of contact with, and potential obstacles to meaningful participation by, LEP persons. Mass transit authorities were already included in the draft guidance. The guidance now includes motor vehicle departments as well.

2. Detention

Five comments urged revisions to the guidance to discuss alien detention programs operated by U.S. Immigrations and Customs Enforcement (ICE). Federally conducted activity, including ICE's immigration detention, is not regulated by Title VI and is not within the scope of this guidance. We note again, however, that Executive Order 13166 governs DHS's own Federally conducted activity. DHS and ICE take very seriously the need to strengthen the provision of language access for all ICE detainees who are LEP. ICE detention standards, including detention standards related to health care, grievances, searches, sexual abuse prevention, and staff-detainee communication, require that detainees be provided information in a language they can understand. Among other steps, ICE has increased the number of translated forms available and commercial interpreter lines are used to facilitate communication with detainees. ICE has provided training to detention managers on Executive Order 13166, and on how to provide meaningful access to LEP persons who are detained and will continue to make training and resources available to personnel that interact with LEP detainees. In addition, LEP persons in ICE detention will be covered by the forthcoming LEP plan for DHS activities. Similarly, ICE's immigration enforcement activities and its alternatives to detention programs, which were addressed by several comments, are Federally conducted activities that fall outside the scope of this guidance but will be covered by the LEP plan. Several other comments referred to "detention" generally, with one comment suggesting greater incorporation of language included in the DOJ Recipient LEP Guidance with respect to conditions of confinement and provision of health services. As explained below, where DOJ is the primary provider of Federal assistance to recipients—as it is with recipients that operate non-immigration detention—recipients will generally be well served by referring directly to that guidance, which these guidelines incorporate by reference. Because State and local jails and prisons are primarily assisted by DOJ, additional references to the unique issues presented by detention would not clarify the guidance for recipients of Departmental assistance.

3. State and Local Law Enforcement and Other Specific Recipients

At least four comments suggested more expansive discussion of local law enforcement agencies, with particular attention to programs through which State and local law enforcement entities partner with ICE through a joint memorandum of agreement (MOA) to perform certain functions of an immigration officer in the enforcement of Federal immigration law within their jurisdiction. Immigration and Nationality Act, as amended (INA), section 287(g), 8 U.S.C. 1357(g). The MOA between ICE and participating agencies states that Title VI, including the necessity of providing access for LEP persons, applies to all participating State and local law enforcement personnel. The agreements already make clear that law enforcement agencies have obligations to provide language services to LEP persons encountered in exercising the authority under the INA and the guidance already lists State and local police departments as examples of DHS recipients to which the guidance applies. Nevertheless, the guidance has been revised in several places to emphasize aspects pertinent to State and local law enforcement agencies receiving assistance from DHS.

Four comments suggested that the guidance should expressly refer recipients to guidance by other agencies, including DOJ and HHS, that conclude that LEP assistance must be provided in certain critical environments. Recipients should look chiefly to the guidance promulgated by the agency that is the primary source of Federal assistance to an entity—as, for example, DOJ is for State and local law enforcement. Thus, the guidance refers to DOJ's and other agencies' guidance. In addition, the guidance notes that it is (and is intended to be) consistent with other agencies' LEP guidance. For that reason, DHS has concluded that specific reference to particular DHS programs, such as those related to INA section 287(g), would not provide any additional clarity to entities covered by this guidance. The guidance has been revised to direct recipients to other agency guidance where appropriate.

In addition to revisions to the guidance, two comments proposed substantive revisions to all memoranda of agreement implementing INA section 287(g) agreements pertaining to issues that may involve LEP persons including domestic abuse and human trafficking. While these agreements fall outside the scope of this publication, DHS is committed to strengthening its technical assistance to and oversight of these law enforcement partners in meeting their obligations toward LEP persons under Title VI. For example, in reminding State and local partners about their obligations with LEP persons, ICE has shared a host of resources, including the following materials developed by DOJ and available online at LEP.gov: Planning Tool for Creating a Language Assistance Policy and Plan for a Law Enforcement Agency, and *Lost in Translation: Limited English Proficient Populations and the Police* by Bharathi A. Venkatraman, Attorney, Civil Rights Division, U.S. Department of Justice. ICE has also made language interpretation resources available to its INA section 287(g) partners.

Two comments urged that State, county, and municipal courts be expressly included among entities subject to the guidance. As DHS is not the principal source of Federal assistance to such entities, and rarely a significant source of assistance, any such recipients will comply with their LEP obligations by adhering to the guidance promulgated by the primary source of such assistance. DOJ recently addressed LEP issues in State and municipal courts in a letter from Assistant Attorney General Thomas E. Perez to State chief justices and court administrators, available at *http://www.LEP.gov.*

4. Application of the Four Factors

Several comments recommended additional language guiding application of the four factors used in determining the extent of a recipient's LEP obligations with regard to particular recipients or activities. With the exception of areas already discussed as implicating only DHS conducted activity, such as ICE detention, these helpful comments have generally been incorporated into the guidance. For example, part V.3. of the guidance now discusses the importance of being prepared to provide language access for recipients that provide services and benefits or operate in the context of emergency preparedness; response and recovery; health and safety; and law enforcement. encountering LEP persons.

5. Interpretation and Translation

Three comments provided suggestions regarding forms, methods, and practices in interpretation and translation. The final guidance better reflects the relevance of accreditation and certification of interpreters and translators, and to make clear that summarization is not an acceptable form of interpretation. The guidance suggests that certification of interpreters may be required (when possible) when legal rights are at stake. The guidance also reflects one comment's suggestions that legal advocates, civil rights groups, and similar associations can play a valuable role in determining how best to provide language assistance services when important rights are at stake. Other suggestions, though well taken, are already reflected in the guidance, such as one comment's observation that bilingual staff may not necessarily have appropriate skills to translate documents.

One comment suggested DHS recognize "back-translation" as a safe harbor practice; two others suggested cooperation with legal and other community organizations as a safe harbor. While back-translation is an excellent technique for verifying a translation, DHS declines to depart from other agencies' guidance by creating new safe harbors. The guidance is sufficiently flexible to ensure that recipients can readily incorporate community organizations and other best practices to create an appropriate LEP policy. DHS incorporated one comment's suggestion that recipients be urged to develop a systemic process for determining which documents to translate.

DHS disagrees with one comment's suggestion that the guidance demand high-quality interpretation in all circumstances. A rigid requirement that denies recipients the ability to intelligently allocate LEP resources would be counter-productive. Similarly, DHS disagrees with a comment's argument that in-person oral interpretation is always preferable to telephonic interpretation. Recipients should consider which interpretative techniques are best-suited to a given program or situation; one size does not fit all. Likewise, DHS does not agree with a comment urging it to mandate that all language services for LEP persons be provided in the same manner and timeframe as they are for English speakers. Nevertheless, the guidance explains that it is more likely that a recipient is providing meaningful access in certain cases when there is immediate access to competent bilingual staff or on-site or telephonic interpretation. DHS agrees with, and has adopted, one comment's recommendation that recipients ensure staff are suitably trained in, and have appropriate equipment to utilize, telephonic interpretation services.

The guidance has been revised in light of multiple comments concerning use of informal interpretation or interpretation by family members, or friends. The use of such informal interpreters is strongly discouraged in

certain situations, such as in most medical encounters where recipients should make regular use of competent interpreters. DHS disagrees with a comment suggesting that documentation necessarily be kept whenever an LEP person wishes to provide his or her own interpreter, but the guidance now suggests that any such choice be fully informed and voluntary. In addition, the guidance makes clear that recipients need not agree to using an LEP person's interpreter as the sole means of interpretation. In response to several comments, the guidance now rejects using minor children as interpreters except in temporary, emergency situations when other options are not readily available, and it makes clear that when interpreters are provided by recipients, they must be free of charge.

6. Language Assistance Plans

Five comments concerned written Language Assistance Plans. The DHS guidance now suggests that all appropriate staff receive a copy of the LEP plan; includes DHS's processes for receiving complaints; encourages involvement with civil rights groups and similar associations in developing and revising a plan; and encourages the tracking of encounters with LEP persons by, among other things, languages spoken. While many, or even most, recipients would be well advised to develop a written plan, DHS disagrees with comments advocating that such plans be mandatory; however, the guidance suggests that recipients that are likely to encounter LEP persons have a policy for providing language access and that recipients communicate the policy with staff and LEP persons. One comment suggested the guidance encourage recipients to partner with groups in the community to help determine whether a language access plan is necessary and in the creation of language access plans. DHS recognizes the value of this and has added language to this guidance to encourage such partnerships.

Finally, this guidance suggests that recipients have a policy as well as an implementation plan to address the identified language needs of the LEP populations they serve. Having such a policy, however simple, can serve to guide the recipient in its services to LEP persons and be a starting point from which to plan the delivery of services and benefits in a manner designed to ensure equal access to LEP individuals in the service area who are entitled to receive them.

7. Enforcement and Monitoring

DHS takes seriously its obligation under 6 CFR part 21 and 44 CFR 7.5(b) to enforce the non-discriminatory requirements of Title VI. The DHS Office for Civil Rights and Civil Liberties, along with FEMA's Office of Equal Rights and other component offices, will enforce and monitor efforts. As noted in the Guidance, the DHS Office for Civil Rights and Civil Liberties and FEMA's Office of Equal Rights accept complaints or inquires related to a recipient's provision of meaningful access to LEP persons and is prepared to take enforcement action in any case in which a violation has been established.

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

I. Introduction

Most individuals living in the United States read, write, speak, and understand English. Many individuals, however, do not read, write, speak, or understand English as their primary language. Based on the 2000 census, over 28 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or LEP. The 2000 census indicates that 28.1 percent of all Spanish-speakers, 28.2 percent of all Chinese-speakers, and 32.3 percent of all Vietnamese-speakers reported that they spoke English "not well" or "not at all." More recent data from the 2008 American Community Survey estimates that 24.4 million individuals in America, or 8.6 percent of the population 5 years and older, speak English less than "very well."

For LEP individuals, language can be a barrier to accessing important benefits or services, understanding and exercising important rights, providing timely and critical information to first responders in times of emergency, complying with applicable responsibilities, or understanding other information provided by Federally funded programs and activities. DHS, like other Federal agencies and the Federal Government as a whole, is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients should not overlook the long-term positive impacts of incorporating or offering English as a Second Language (ESL) programs in parallel with language assistance services. ESL courses can serve as an important adjunct to a proper LEP plan. However, the fact that ESL classes are made available does not obviate the statutory and regulatory requirement to provide meaningful access for those who are not yet English proficient. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.[1]

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from Federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and DHS Title VI regulations against national origin discrimination, 6 CFR part 21. The purpose of this policy guidance is to assist DHS recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This policy guidance clarifies existing legal requirements for LEP persons by providing a description of the factors DHS recipients should consider in fulfilling their responsibilities to LEP persons.[2] These are the same criteria DHS uses in evaluating whether recipients are in compliance with Title VI and its regulations.

Consistency among agencies of the Federal Government is particularly important. Inconsistency or contradictory guidance could confuse recipients of Federal funds and needlessly increase costs without rendering the meaningful access for LEP persons that this guidance is designed to address. This guidance is consistent with both the 2000 DOJ Agency LEP Guidance and the 2002 DOJ Recipient

[1] DHS recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for DHS recipients to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its program or activity, the current needs of the LEP population it encounters, and its prior experience in providing language services in the community it serves.

[2] The policy guidance is not a regulation but rather a guide. Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. This guidance provides an analytical framework that recipients may use to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient.

LEP Guidance. This guidance, moreover, includes additional information, resources, and guidance that have been developed by the Federal Government in the years that have followed the publication of Executive Order 13166 and the DOJ guidance.

As with most government initiatives, providing meaningful access for LEP persons requires balancing several principles. While this guidance discusses that balance in some detail, it is important to note the basic principles. First, we must ensure that Federally assisted programs aimed at the American public do not leave some behind simply because they face challenges communicating in English. This is of particular importance because, in many cases, LEP individuals form a substantial portion of those individuals encountered in Federally assisted programs. Second, we must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on small businesses, small local governments, or small non-profits that receive Federal financial assistance.

There are many productive steps that the Federal Government, either collectively or as individual grant agencies, can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller grantees may well choose not to participate in Federally assisted programs, threatening the critical functions that the programs strive to provide. DHS is committed to working with its recipients to provide information on language assistance measures, resources, and activities that can effectively be shared or otherwise made available to recipients. In addition, the Federal Interagency Working Group on LEP has developed a Web site, *http://www.lep.gov,* which assists in disseminating this information to recipients, Federal agencies, and the communities being served.

II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity "to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability." 42 U.S.C. 2000d–1.

DHS regulations promulgated pursuant to section 602 forbid recipients from "utiliz[ing] criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin." 6 CFR 21.5(b)(2).

The Supreme Court, in *Lau* v. *Nichols,* 414 U.S. 563 (1974), interpreted a regulation promulgated by the former Department of Health, Education, and Welfare, 45 CFR 80.3(b)(2), which is similar to the DHS Title VI interim regulation, 6 CFR part 21, to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national-origin discrimination. In *Lau,* a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in Federally funded educational programs.

On August 11, 2000, the President signed Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency,* 65 FR 50121 (August 11, 2000). Under that order, every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding funding recipients from "restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program" or from "utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin."

At the same time, DOJ provided further guidance to Executive Agency civil rights officers, setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. *Enforcement of Title VI of the Civil Rights Act of 1964 National Origin Discrimination Against Persons With Limited English Proficiency,* 65 FR 50123 (August 16, 2000) (DOJ Agency LEP Guidance).

Subsequently, the Supreme Court decided that Title VI does not create a private right of action to enforce regulations promulgated under Section 602. *Alexander* v. *Sandoval,* 532 U.S. 275, 293 (2001). Federal agencies raised questions regarding the requirements of the Executive Order, in light of the Supreme Court's decision in *Alexander* v. *Sandoval.* On October 26, 2001, DOJ's Assistant Attorney General for the Civil Rights Division advised agency General Counsels and civil rights directors, clarifying and reaffirming the DOJ Agency LEP Guidance in light of *Sandoval.*[3] The Assistant Attorney General stated that because *Sandoval* did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups—the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to Federally assisted programs and activities—the Executive Order remains in force. Mindful of the limitations on bringing a private action to enforce Title VI regulations addressing disparate impact, DHS is committed to vigorously enforcing the requirements of Title VI and its implementing regulations on behalf of LEP beneficiaries and other LEP persons encountered by DHS assisted agencies and entities.

DOJ developed further guidance for recipients of financial assistance from that agency. *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,* 67 FR 41455 (June 18, 2002) (DOJ Recipient LEP Guidance).

This guidance document is published pursuant to Executive Order 13166 and reflects the Assistant Attorney General's

[3] The memorandum noted that some commenters have interpreted *Sandoval* as impliedly striking down the disparate-impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to Federally assisted programs and activities. See, *e.g., Sandoval,* 532 U.S. at 286, 286 n.6 ("[W]e assume for purposes of this decision that § 602 confers the authority to promulgate disparate-impact regulations; . * * * We cannot help observing, however, how strange it is to say that disparate-impact regulations are 'inspired by, at the service or, and inseparably intertwined with' § 601 * * * when § 601 permits the very behavior that the regulations forbid."). The memorandum, however, made clear that DOJ disagreed with the commenters' interpretation. *Sandoval* holds principally that there is no private right of action to enforce Title VI disparate-impact regulations. The court explicitly stated in Sandoval that it did not address the validity of those regulations or Executive Order 13166 or otherwise limit the authority and responsibility of Federal grant agencies to enforce their own implementing regulations. 532 U.S. at 279.

October 26, 2001, clarifying memorandum.

III. Covered Recipients

DHS regulations, 6 CFR 21.5(b)(2) and 44 CFR 7.5(b), require all recipients of Federal financial assistance from DHS to provide meaningful access to LEP persons.[4] Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Examples of recipients of DHS assistance include, but are not limited to:

a. State and local fire departments;

b. State and local police departments;

c. State and local emergency management agencies;

d. State and local governments, together with certain qualified private non-profit organizations, when they receive assistance pursuant to a Presidential declaration of disaster or emergency;

e. Certain non-profit agencies that receive funding under the Emergency Food and Shelter Program;

f. Mass transit authorities;

g. Community Emergency Response Teams (CERT), which conduct training and other activities to enhance individual, community, family, and workplace preparedness;

h. State and local departments that operate jails and prisons;

i. Coast Guard assisted boating safety programs;

j. Entities that receive specialized training through the Federal Law Enforcement Training Center (FLETC);

k. Intercity bus programs; and

l. State motor vehicle departments.

The Catalogue of Federal Domestic Assistance (CFDA) contains current information on DHS Federal financial assistance and can be found at *http://www.cfda.gov/.* Sub-recipients likewise are covered when Federal funds are passed through from one recipient to a sub-recipient.

Coverage extends to a recipient's entire program or activity, *i.e.* to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance.[5] For example, if DHS provides assistance to a particular division of a State emergency management agency to improve planning capabilities in that division, all of the operations of the entire State emergency management agency—not just the particular division—are covered.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, DHS recipients continue to be subject to Federal non-discrimination requirements including those applicable to access to and provision of Federally assisted programs and activities to persons with limited English proficiency.

IV. Limited English Proficient Individual

Individuals who do not speak English as their primary language and those who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Examples of populations likely to include LEP persons who are encountered and/or served by DHS recipients and should be considered when planning language services include but are not limited to:

a. Persons who require the aid of a local or State police or fire department, or other emergency services;

b. Persons who seek assistance at airports that receive TSA funds;

c. Persons who are applying for assistance under a FEMA or State disaster relief program;

d. Persons who seek to enroll in a safe boating course that is offered by a State receiving funds;

e. Persons who use mass transit services such as buses or subways that receive DHS financial assistance;

f. Persons subject to or serviced by law enforcement activities, including for example, suspects, violators, witnesses, victims, those subject to immigration-related investigations by recipient law enforcement agencies, agencies, and community members seeking to participate in crime prevention and awareness activities; or

g. Parents and family members of LEP individuals.

V. Recipient Determination of the Extent of Its Obligation To Provide LEP Services

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;

2. The frequency with which LEP individuals come in contact with the program;

3. The nature and importance of the program, activity, or service provided by the program to people's lives; and

4. The resources available to the grantee/recipient and costs.

As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small non-profits.

After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages. For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. DHS recipients should apply the four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

1. The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a Federal grant agency as the recipient's service area. However, where, for instance, a fire station serves a large LEP population, the appropriate service area

[4] Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the DOJ Agency LEP Guidance are to additionally apply to the programs and activities of Federal agencies, including DHS.

[5] If, however, a Federal agency were to decide to terminate Federal funds based on noncompliance with Title VI or its regulations, this result would affect only funds directed to the particular non-compliant program or activity.

is most likely the area served by that station, and not the entire population served by the agency. Where no service area has previously been approved, the relevant service area may be that which is approved by State or local authorities or designated by the recipient itself, provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) when their English-proficient or LEP minor children and dependents access or encounter the recipients' services.

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Other data should be consulted to refine or validate a recipient's prior experience, including the latest census data for the area served, and data from school systems, community organizations, and State and local governments.[6] Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients' programs and activities if language services were provided.

2. The Frequency With Which LEP Individuals Come in Contact With the Program

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Many police departments and mass transit authorities, for example, may expect high rates of contact with LEP individuals. It is also advisable to consider the frequency of different types of language contacts. Frequent contacts with Spanish-speaking people who are LEP, for example, may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercially available telephonic interpretation service to obtain immediate interpreter services. In applying this standard, recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

3. The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate with individual disaster applicants or to provide fire safety information to residents of a predominantly LEP neighborhood differ, for example, from those to provide recreational programming on the part of a municipal parks department receiving disaster aid. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. In particular, recipients that provide services and benefits or operate in the context of emergency preparedness; response and recovery; health and safety; and law enforcement should be prepared to provide language services whenever serving or encountering LEP persons. In addition, decisions by a Federal, State, or local entity to make an activity compulsory, such as the requirement to complete an application to receive certain State disaster assistance benefits, can serve as strong evidence of the program's importance.

4. The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers may, for example, help reduce costs.[7] Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

This four-factor analysis necessarily implicates the "mix" of LEP services required. Recipients have two main ways to provide language services: oral and written.

Oral interpretation either in person or via telephone interpretation service (hereinafter "interpretation"): Oral interpretation can range from on-site interpreters for critical services

[6] The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language who speak or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be the languages spoken most frequently by limited English proficient individuals. When using demographic data, it is important to focus in on the languages spoken by those who are not proficient in English.

[7] Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

provided to a high volume of LEP persons to access through commercially available telephonic interpretation services.

Written translation (hereinafter "translation"): Written translation, likewise, can range from translation of an entire document to translation of a short description of the document.

In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a fire department in a largely Hispanic community may need oral interpreters immediately available and should give serious consideration to hiring some bilingual staff. (Of course, many fire departments have already made such arrangements). In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high, such as in the case of a voluntary general public tour of a firehouse, in which pre-arranged language services for the particular service may not be necessary. Regardless of the type of language service provided, quality and accuracy of those services can be critical in order to avoid serious consequences to the LEP person and to the recipient. Recipients have substantial flexibility in determining the appropriate mix, so long as the fundamental obligation of providing meaningful access to LEP persons is met.

VI. Selecting Language Assistance Services

Recipients have two main ways to provide language services, namely, oral and written language services. Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient.

A. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the following options for providing competent interpreters in a timely manner.

Competence of Interpreters. When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret in and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they:

- Demonstrate proficiency in, and ability to communicate information accurately in, both English and in the other language, and identify and employ the appropriate mode of interpreting (*e.g.,* consecutive, simultaneous, or sight translation);
- Have knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used by the LEP person;[8] and understand and follow appropriate confidentiality and impartiality rules; and
- Understand and adhere to their role as interpreters without deviating into a role as a counselor, legal advisor, or other roles (particularly during the assistance application process, in administrative hearings, or public safety contexts).

Some recipients, such as certain private nonprofit organizations or administrative courts, may have additional self-imposed requirements for interpreters. Where individual rights depend on precise, complete, and accurate interpretation or translations, such as in the context of law enforcement encounters, application for disaster or food and shelter assistance, or administrative hearings, the use of certified interpreters is strongly encouraged.[9] Where the process is lengthy, the interpreter will likely need breaks and team interpreting may be appropriate to ensure accuracy and to prevent errors caused by mental fatigue of interpreters.

While the quality and accuracy of language services is critical, the quality and accuracy of language services is nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services at a State-operated emergency assistance center, for example, must be extraordinarily high, while the quality and accuracy of language services in recreational programs sponsored by a DHS recipient need not meet the same exacting standards.

Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner. To be meaningfully effective, language assistance should be timely. While there is no single definition for "timely" applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as with certain activities of DHS recipients providing evacuation coordination, food and shelter, medical care, fire and rescue services, and when important legal rights are at issue, a recipient would more likely be providing meaningful access if it has immediate access to competent bilingual staff or on-site or telephonic interpreters, since these services can prevent delays for LEP persons that would be significantly greater than those for English proficient persons. Conversely, where access to or exercise of a service, benefit, or right is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

- *Hiring Bilingual Staff.* When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact and other positions involving potential contact with LEP individuals, such as 911 operators, law enforcement officers, fire safety educators, or application takers, with

[8] Many languages have "regionalisms," or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages which do not have an appropriate direct interpretation of some disaster-specific, nautical or legal terms, for example, the interpreter should be so aware and be able to provide the most appropriate interpretation. The interpreter should likely make the recipient aware of the issue and the interpreter and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.

[9] For those languages or interpretation settings for which no formal accreditation or certification currently exists, recipients should consider a formal process for establishing the credentials of the interpreter.

staff who are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff are fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

• *Hiring Staff Interpreters.* Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide such on-site interpreters in order to assure accurate and meaningful communication with an LEP person.

• *Contracting for Interpreters.* Contract interpreters may be a cost-effective option when there is no regular need for interpreters in a particular language. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

• *Using Telephone Interpreter Lines.* Telephone interpreter service lines often offer speedy interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters used are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help to resolve this issue where necessary. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the document prior to the discussion and any logistical problems should be addressed. It is also important to ensure that the equipment used is adequate and works appropriately and that staff have training or knowledge in the use of such services.

• *Using Community Volunteers.* In addition to consideration of bilingual staff, staff interpreters, or contract interpreters (either in person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers, working with, for instance, community-based organizations, may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipient's less crucial programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Recipients should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and to help ensure that services are available more regularly.

• *Use of Family Members, Friends, or Other Applicants as Interpreters.* Although recipients should not plan to rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, in some situations LEP persons, if they so desire, should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, friend, acquaintance, or other applicant), in place of or as a supplement to the free language services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member, friend, fellow inmate, or other applicant acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and implementation, recipients should be able to avoid most such situations.

Recipients, however, should take special care to ensure that family, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of the recipient's own administrative or mission-related interests in accurate interpretation. In many circumstances, family members, friends, or other applicants are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive, confidential, or potentially embarrassing medical, law enforcement, family or financial information to a family member, friend, acquaintance, or member of the local community.[10] In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to obtain greater assistance than the LEP person from a locally administered mitigation program. For these reasons, when oral language services are necessary, recipients should offer competent interpreter services free of cost to the LEP person. For some DHS recipients, such as those carrying out law enforcement and public safety operations and those performing disaster assistance functions, this is particularly true. The same is true in processing applications; conducting administrative hearings; managing situations in which health, safety, or access to important benefits and services are at stake; or when credibility and accuracy are important to protect an individual's rights and access to important services. An example of such a case is when fire service officers investigate an alleged case of arson. In such a case, use of family members or neighbors to interpret for the alleged victim, perpetrator, or witnesses may raise serious issues of competency, confidentiality, and conflict of interest and is thus inappropriate. Similarly,

[10] For example, special circumstances of confinement may raise additional serious concerns regarding the voluntary nature, conflicts of interest, and privacy issues surrounding the use of inmates as interpreters, particularly where an important right, benefit, service, disciplinary concern, or access to personal or law enforcement information is at stake. In some situations, inmates could potentially misuse information they obtained in interpreting for other inmates. In addition to ensuring competency and accuracy of the interpretation, recipients should take these special circumstances into account when determining whether an inmate makes a knowing and voluntary choice to use another inmate as an interpreter.

where an emergency medical technician responds to the scene of reported domestic violence, care must be taken to avoid using a family member for interpretation who is the alleged perpetrator.

The use of children is strongly discouraged except in very limited and temporary situations involving an emergency impacting life and safety when appropriate language services are not otherwise readily available.

While issues of competency, confidentiality, and conflict of interest in the use of family members, friends, or other applicants often make their use inappropriate, the use of these individuals as interpreters may be an appropriate option where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. An example of this is a voluntary educational tour of a firehouse offered to the general public. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family (except children), friends, or others may be appropriate.

If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice, the recipient's offer of assistance, and the recipient's explanation of the risks of declining the offer of interpretation and the benefits of accepting such services is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical for law enforcement, adjudicatory or legal reasons, or where the competency of the LEP person's interpreter is not established, a recipient might decide it must provide its own, independent interpreter, even if an LEP person wants to use his or her own interpreter as well. When the recipient allows an individual to use his or her own interpreter and the recipient does not provide its own, the recipient should take care to ensure that the LEP person's choice is voluntary and informed and that the LEP person knows that the recipient at no cost would provide a competent interpreter in a timely manner.

B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should Be Translated? After applying the four-factor analysis, a recipient may determine that an effective LEP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's program. Such written materials could include, for example:

- Complaint forms;
- Intake forms with the potential for important consequences;
- Written notices of rights, denial, loss, or decreases in benefits or services, and other hearings;
- Notices of disciplinary action;
- Notices advising LEP persons of free language assistance;
- Procedural guidebooks; and
- Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. For instance, applications for recreational programs would not generally be considered vital, whereas applications for disaster assistance could be considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are "vital" to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of "meaningful" access. Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach activities in furtherance of its activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Organizations such as civil rights and immigrant groups, legal service providers, and religious organizations are a few examples of entities that can provide information to recipients that may be helpful in determining what outreach materials may be most helpful to translate. In addition, the recipient should consider whether translations of outreach material may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, religious, and community organizations to spread a message.

Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently-encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, the provision of information in appropriate languages other than English regarding where a LEP person might obtain an interpretation or translation of the document.

Into What Languages Should Documents Be Translated? The languages spoken by the LEP individuals with whom the recipient has contact determine the languages into which vital documents should be translated. A distinction should be made however, between languages that are frequently encountered by a recipient and less commonly encountered languages. Many recipients serve communities in large cities or across the country. They regularly serve LEP persons who speak dozens and sometimes over 100 different languages. To translate all written materials into all of those languages is unrealistic. Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve the recipient of the obligation to translate those documents into at least several of the more frequently-encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of the recipient's obligation to provide written translations of documents should be determined by the recipient on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is often a one-time expense, consideration

should be given to whether the upfront costs of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis. Recipients may benefit from developing a systemic process for identifying and prioritizing documents for translation.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) outline the circumstances that can provide a "safe harbor" for recipients regarding the requirements for translation of written materials. A "safe harbor" means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is non-compliance. Rather, those paragraphs provide a common starting point for recipients to consider whether and at what point they will provide written translations. These paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

Even if the safe harbors are not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Pursuant to the safe harbor provisions, the following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

a. The DHS recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or,

b. If there are fewer than 50 persons in a language group that reaches the five percent trigger in the above, the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Competence of Translators. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.

Particularly where legal or other vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary.[11] Having a second, independent translator "check" the work of the primary translator can often ensure competence.[12] Alternatively, one translator can translate the document, and a second, independent translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called "back translation."

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of material results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning.[13] Community organizations may be able to help consider whether a document is written at a good level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical concepts helps avoid confusion by LEP individuals and may reduce costs. Creating or using already-created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by the recipient, other recipients, or Federal agencies may be helpful.

While quality and accuracy of translation services is critical, the quality and accuracy of translation services is nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no legal or other consequence for LEP persons who rely on them may use translators that are less skilled than important documents with legal or other information upon which reliance has important consequences (including, *e.g.,* information or documents of DHS recipients regarding certain law enforcement, health, and safety services and certain legal rights). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

VII. Elements of an Effective Plan on Language Assistance for LEP Persons

After deciding what language assistance services are appropriate, a recipient should develop policies and an implementation plan to address the identified needs of the LEP populations they serve. Recipients have considerable flexibility in developing both the plan and the policy. The development and maintenance of a periodically-updated written plan on language assistance for LEP persons ("LEP plan") for use by recipient employees serving the public will likely be the most appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Moreover, such written plans would likely provide additional benefits to a recipient's managers in the areas of training, administration, planning, and budgeting. These benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. Despite these benefits, certain DHS recipients, such as recipients serving very few LEP persons and recipients with very limited resources, may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program

[11] For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism.

[12] Indeed, it is a recommended practice to have all translated documents proofread by a second professional translator and many companies offering translations do this as part of their quality review process.

[13] For instance, there may be languages which do not have an appropriate direct translation of some legal or program-specific terms and the translator should be able to provide an appropriate translation. The translator should likely also make the recipient aware of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.

or activities. Accordingly, in the event that a recipient elects not to develop a written plan but may encounter LEP persons, it should have a policy explaining that it is committed to providing meaningful access to LEP persons, and should consider alternative ways to articulate in some other reasonable manner a plan for providing meaningful access, including informing staff and LEP persons of how language services will be provided. Entities having significant contact with LEP persons, such as schools, religious organizations, community groups, and groups working with new immigrants can be very helpful in providing important input into this planning process from the beginning. The following five steps may be helpful in designing an LEP plan and are typically part of effective implementation plans:

1. Identifying LEP Individuals Who Need Language Assistance

The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires recipients to identify LEP persons with whom it has contact.

One way to determine the language of communication is to use language identification cards (or "I speak" cards), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, "I speak Spanish" in both Spanish and English, "I speak Vietnamese" in both English and Vietnamese, *etc.* To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau "I speak" card can be found and downloaded at *http://www.lep.gov.* The DHS Office for Civil Rights and Civil Liberties (CRCL) also makes "I speak" booklets available to recipients upon request. (Contact information is provided below). Recipients will also be able to download a PDF of the "I speak" booklet and a poster from the CRCL Web site (*http:www.dhs.gov/CRCL*) and LEP.gov (*http://www.lep.gov*), which can be printed and posted. When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

2. Language Assistance Measures

An effective LEP plan would likely include establishing policies for interactions between the recipient and LEP persons and information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- Types of language services available;
- How staff can obtain those services;
- How to respond to LEP callers;
- How to respond to written communications from LEP persons;
- How to respond to LEP individuals who have in-person contact with recipient staff; and
- How to ensure competency of interpreters and translation services.

3. Distribution of Plan and Training for Staff

Staff should know their obligations to provide meaningful access to information and services for LEP persons. Thus, recipients should distribute the plan to all appropriate staff. An effective LEP plan would also likely include training to ensure that:

- Staff knows about LEP policies and procedures; and
- Staff having contact with the public, or with individuals in the recipient's custody, is trained to work effectively with in-person and telephone interpreters.

Recipients may want to include this training as part of the orientation for new employees. It is important to ensure that all employees in public contact positions, as well as employees who potentially interact with individuals in the recipient's custody, are properly trained. Recipients have flexibility in deciding the manner in which the training is provided. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff with little or no contact with LEP persons may only need to be aware of an LEP plan. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

4. Providing Notice to LEP Persons

Once an agency has decided, based on the four factors, that it will provide language services, it is important for the recipient to let LEP persons know that those services are available and that they are free of charge. Recipients should provide this notice in a language LEP persons will understand. Examples of notification that recipients should consider include:

- Posting signs in intake areas and other entry points. When language assistance is needed to ensure meaningful access to information and services, it is important to provide notice in appropriate languages in intake areas or at initial points of contact so that LEP persons can learn how to access those language services. This is particularly true in areas with high volumes of LEP persons seeking access to certain assistance, such as disaster, law enforcement, medical, or other critical assistance from DHS recipients. For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to get the language help.[14]
- Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and outreach and recruitment information. These statements should be translated into the most common languages and could be "tagged" onto the front of common documents.
- Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services.
- Using a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.
- Including notices in local newspapers in languages other than English.
- Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.
- Presentations and/or notices at schools and religious organizations.

Moreover, it is important for recipients to provide notice of its complaint procedures, including how to file

[14] The Social Security Administration has made such signs available at *http://www.ssa.gov/multilanguage/langlist1.htm.* The Federal Emergency Management Agency (FEMA) has made a similar sign available at Disaster Recovery Centers for disaster assistance applicants to identify the language they speak. Once the applicants for FEMA benefits identify their language preference they can access simultaneous interpretation services when registering for assistance or requesting the status of the disaster assistance application over the phone. These signs could, for example, be modified for applicant's use.

complaints with the DHS Office for Civil Rights and Civil Liberties (CRCL) and FEMA's Office of Equal Rights.[15] Complaints alleging that a recipient has failed to provide meaningful access to the recipient's programs and services or in its encounters with LEP persons may be sent to CRCL in any language as follows:

Mailing Address: Department of Homeland Security, Office for Civil Rights and Civil Liberties, Review and Compliance, 245 Murray Lane, SW., Building 410, Mail Stop #0190, Washington, DC 20528.

Telephone/Fax: Local: 202–401–1474, Toll Free: 1–866–644–8360, Local TTY: 202–401–0470, Toll Free TTY: 1–866–644–8361, Fax: 202–401–4708.

E-mail Address: crcl@dhs.gov.

5. Monitoring and Updating the LEP Plan.

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals. Additionally, they may want to provide notice of any changes in services to the LEP public and to employees. DHS encourages recipients to keep updated disaggregated data on LEP persons encountered and the languages spoken. In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community, including civil rights groups and immigrant organizations. In their reviews recipients may want to consider assessing changes in the following:

- Current LEP populations in service area or population affected or encountered;
- Frequency of encounters with LEP language groups;
- Nature and importance of activities to LEP persons;
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed;
- Whether existing assistance is meeting the needs of LEP persons;
- Whether staff knows and understands the LEP plan and how to implement it; and
- Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

Recipients are encouraged to partner with or consult with community based organizations in assessing the need to have written plans, and in developing and implementing these LEP plans.

VIII. Voluntary Compliance Effort

The goal for Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is enforced and implemented by DHS through the procedures identified in the Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

The Title VI regulations provide that DHS will investigate when it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations.[16] If the investigation results in a finding of compliance, DHS will inform the recipient in writing of this determination, including the basis for the determination. However, if a complaint is fully investigated and results in a finding of noncompliance, DHS must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, DHS must secure compliance through the termination of Federal assistance after the DHS recipients have been given an opportunity for an administrative hearing and/or by referring the matter to the Department of Justice Civil Rights Division to seek injunctive relief or other enforcement proceedings. DHS engages in voluntary compliance efforts and provides technical assistance to recipients at all stages of an investigation. During these efforts, DHS proposes reasonable timetables for achieving compliance and consults with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, DHS's primary concern is to ensure that the recipient's policies and procedures provide meaningful access for LEP persons to the recipient's programs and activities.

While all recipients must work toward building systems that will ensure access for LEP individuals, DHS acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to Federally assisted programs and activities for LEP persons, DHS will look favorably on intermediate steps recipients take that are consistent with this guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DHS recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. To facilitate compliance efforts, recipients are encouraged to document their efforts to provide LEP persons with meaningful access to these and other Federally assisted programs and activities.

IX. Application to Specific Types of Recipients

This guidance is issued for recipients that receive Federal funds and other Federal assistance from DHS. There may be cases in which entities receive Federal funds from other Federal agencies as well as from DHS. Entities that receive funding from other Federal agencies may also look to the LEP guidance issued by those agencies, which are consistent with the DHS Guidance. Other Federal agencies that have issued similar guidance with regard to limited English proficient persons include the Departments of Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Justice, Interior, Labor, State, Transportation, Treasury, and Veterans Affairs, and the

[15] Per 6 CFR part 21 and 44 CFR 7.5(b), complaints involving recipients of financial assistance from FEMA can be sent directly to FEMA at: FEMA Office of Equal Rights; 300 D St., SW., Washington, DC 20472–3505. FEMA complaints received by the Office for Civil Rights and Civil Liberties will be forwarded to FEMA for response and/or investigation. Information on FEMA grant and assistance programs may be found at *http://www.FEMA.gov/government/grant/index.*

[16] *Id.*

Environmental Protection Agency. An updated listing of Federal agencies that have published LEP Guidance can be found at *http://www.lep.gov/.* The DOJ Recipient LEP Guidance in particular provides many helpful examples of how to apply the four-factor analysis when making decisions about the need for translating documents, obtaining interpreter, and hiring bilingual staff. See 67 FR 41466 (June 18, 2002). Recipients may also benefit from learning about the enforcement actions of several agencies since the DOJ Guidance was first issued in 2002. For example, DOJ has entered into several agreements that are available online at *http://www.lep.gov.* In addition, HHS has resolved several LEP enforcement actions against health service providers. Those resolution agreements are available at *http://www.hhs.gov/ocr/civilrights/activities/examples/LEP/index.html.* In any compliance and enforcement activity, DHS will review the facts and circumstances pertaining to the recipient to determine whether the recipient has complied with its obligations under this guidance.

Area-specific guidance and LEP planning tools for a number of types of recipients, including municipal governments, law enforcement agencies, and recipients engaged in emergency preparedness can be found at *http://www.lep.gov/resources/resources.html.* Recipients are encouraged to avail themselves of these resources. In addition, the Office for Civil Rights and Civil Liberties is available to provide technical assistance to recipients on the provision of language services to LEP persons served or encountered in a recipient's program.

As explained in this guidance, all recipients of Federal financial assistance from DHS must meet the obligation to take reasonable steps to ensure access to programs and activities by LEP persons. This guidance clarifies the Title VI regulatory obligation to address the language needs of LEP persons, in appropriate circumstances and in a reasonable manner by applying the four-factor analysis. In the context of emergency planning and response, health and safety, and law enforcement operations, where the potential for greater consequences are at issue, DHS will look for strong evidence that recipients have taken reasonable steps to ensure access.

Margo Schlanger,

Officer for Civil Rights and Civil Liberties.

[FR Doc. 2011–9336 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Privacy Act of 1974; Consolidation of System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice to consolidate one Privacy Act system of records notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to consolidate one Privacy Act system of records notice from its inventory of record systems titled, Department of Homeland Security/Directorate of Science and Technology—.0001 Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, September 26, 2003, into the existing Department of Homeland Security system of records notice titled, Department of Homeland Security/ALL—002 Mailing and Other Lists System, November 25, 2008.

DATES: *Effective Date:* May 18, 2011.

FOR FURTHER INFORMATION CONTACT: Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, by telephone (703) 235–0780 or facsimile 1–866–466–5370.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its ongoing integration and management efforts, the Department of Homeland Security (DHS) is giving notice that it proposes to consolidate one Privacy Act system of records notice (SORN) from its inventory of record systems titled, DHS/Directorate of Science and Technology (S&T)—.0001 Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, (68 FR 55642, September 26, 2003), into the existing DHS SORN titled, DHS/ALL—002 Mailing and Other Lists System, (73 FR 71659, November 25, 2008).

DHS originally created the DHS/S&T—.0001 Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 SORN in September 2003. This system was originally established in order to maintain records on individuals who submit applications for technologies seeking liability protection under provisions of the Support Anti-Terrorism by Fostering Effective Technologies Act. Given that these records are limited to contact information of individuals (business phone number, mailing address, e-mail address), DHS has determined this system can be covered under the DHS/ALL—002 Mailing and Other List Systems SORN.

Consolidating this SORN will have no adverse impact on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems.

Dated: April 12, 2011.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2011–9330 Filed 4–15–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2011–0013]

Privacy Act of 1974; Department of Homeland Security/Office of Health Affairs—001 Contractor Occupational Health and Immunization Records System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 the Department of Homeland Security proposes to establish a new Department of Homeland Security system of records notice titled, "Department of Homeland Security/Office of Health Affairs—001 Contractor Occupational Health and Immunization Records System of Records." This system collects occupational health and immunization management records. These records are collected as part of the Directorate of Science and Technology's Laboratories and field sites occupational health surveillance operations, in support of the Office of Health Affair's responsibilities for medical and health matters. This newly established system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before May 18, 2011. This new system will be effective May 18, 2011.

ADDRESSES: You may submit comments, identified by docket number DHS–2011–0013 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 703–483–2999.
- *Mail:* Mary Ellen Callahan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

• *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

• *Docket:* For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Chief Medical Officer (202–254–6479), *Healthaffairs@HQ.DHS.Gov,* Office of Health Affairs, Department of Homeland Security, Washington, DC 20520. For privacy issues please contact: Mary Ellen Callahan (703–235–0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of Homeland Security (DHS) Office of Health Affairs (OHA) proposes to establish a new system of records titled, DHS/OHA—001 Contractor Occupational Health and Immunization Records System of Records. This system, under the authority of the Chief Medical Officer, collects occupational health and immunization management records as part of the Directorate of Science and Technology's (S&T's) Laboratories and Federally Funded Research and Development Centers (FFRDC) occupational health surveillance operations.

DHS/S&T Office of National Laboratories (ONL) develops, sustains and expands a coordinated network of S&T Laboratories and other FFRDC to help deliver critical homeland security capabilities. These S&T entities include: Chemical Security Analysis Center (CSAC), National Urban Science and Technology Laboratory (NUSTL), National Biodefense Analysis and Countermeasures Center (NBACC), Plum Island Animal Disease Center (PIADC), and Transportation Security Laboratory (TSL). ONL provides a coordinated, enduring core of productive science, technology, and engineering laboratories, organizations, and institutions, which can provide the knowledge and technology required to secure the Nation. In support of this effort, occupational health and immunization records are managed and maintained by a contracted, designated Competent Medical Authority (CMA). The CMA ensures verification of staff immunization status and general occupational health and safety, allowing them to work with specific material and use certain personal protective equipment in designated laboratory areas.

Occupational health surveillance programs are typically in place at institutions conducting biological research involving potentially high-risk agents to ensure occupational health of all personnel. As such, occupational health surveillance for contractors is commonly practiced at the S&T Laboratories and FFRDCs to ensure the health and safety of these individuals. A portion of the research conducted at the S&T Laboratories and FFRDCs involve working with biological threats and select agents and toxins. During such research, there is always a possibility that DHS contractors could become exposed to hazardous materials. It is part of biological laboratory best practices to maintain contractor's occupational health and immunization records to ensure that appropriate and timely medical care is provided in the case of any potential risk of exposure. In the event of individual exposure, maintenance of occupational health and immunization records will facilitate appropriate mitigation and treatment of the individual.

In conjunction with occupational health surveillance, during the course of research conducted at the laboratories, contractors are often required to wear certain articles of personal protective equipment, such as respirators, in order to access and work in specific areas of the laboratory. Maintaining occupational health records helps verify that the contractor meets the health requirements to use such equipment. Additionally, DHS contractors conducting foreign travel as part of their duties at DHS have to ensure that they receive all appropriate immunizations and vaccinations prior to their travels. Managing contractor immunization records will facilitate recordkeeping of this information.

The purpose of this system is to manage, quantify, monitor, and track occupational health and immunization records of contractors working at S&T Laboratories or FFRDCs, and employees and contractors from other Federal agencies assigned to those S&T entities created in support of S&T research mission and occupational health surveillance operations. The Department's authority for this collection is 6 U.S.C. 321e which authorizes the DHS Chief Medical Officer to ensure "internal and external coordination of all medical preparedness and response activities of the Department." The Chief Medical Officer serves as the Department's primary point of contact on medical and health issues, and performs such other duties relating to the Chief Medical Officer's responsibilities as the Secretary may require. DHS Delegation 5001 (to the Assistant Secretary for Health Affairs (ASHA) and Chief Medical Officer) builds upon the Chief Medical Officer's statutory authority in 6 U.S.C. 321e by granting the Chief Medical Officer "the authority to exercise oversight over all medical and public health activities of" DHS. Section II, DHS Delegation 5001.

This system collects occupational health and immunization management records as part of S&T's Laboratories and FFRDC occupational health surveillance operations. Efforts have been made to safeguard records in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Routine uses contained in this notice include some from the Department's library of routine uses. Those include sharing with the Department of Justice (DOJ) for legal advice and representation; to a congressional office at the request of an individual; to the National Archives and Records Administration (NARA) for records management; to contractors in support of their contract assignment to DHS; to an agency, organization, or individual for audit; to agencies, entities, or individuals in the event of a security or information risk or compromise; to Federal, State, local and other governmental partners to enforce and prosecute laws and regulations; and to the news media where there exists a legitimate public interest. Routine Use H. is unique to this system and is for sharing with the Department of Energy when conducting research in collaboration with DHS under an interagency agreement or Memorandum of Understanding. There is no sharing with any other agencies or medical teams. This system of records will collect information under the Paperwork Reduction Act using the following forms: OMB No. 0579–0213/0920–0576, APHIS/CDC Form-1 *Application for Registration for Possession, Use and Transfer of Select*

Agents and Toxins, Expires 12/31/2011; OMB No. 1110–0039, FBI Form FD–961 *Bioterrorism Preparedness Act: Entity/Individual Information,* Expires 10/31/2012; OMB No. 1117–0012, DEA Form 225 *Application for Registration Under the Controlled Substance Act,* Expires 03/31/2012.

It is important to note that neither OHA or S&T are subject to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy regulation, "Standards for Privacy of Individually Identifiable Health Information" (Privacy Rule), 45 CFR Parts 160 and 164. OHA/S&T do not meet the statutory definition of a covered entity under HIPAA, 42 U.S.C. 1320d–1. Because OHA/S&T are not covered entities, the restrictions proscribed by the HIPAA Privacy Rule are not applicable.

This newly established system will be included in the Department of Homeland Security's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States government collects, maintains, uses, and disseminates individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to their records are put, and to assist individuals to more easily find such files within the agency. Below is the description of the DHS/OHA–001 Contractor Occupational Health and Immunization Records System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

DHS/OHA–001.

SYSTEM NAME:

Office of Health Affairs—Contractor Occupational Health and Immunization Records System of Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive, and classified.

SYSTEM LOCATION:

Records may be maintained at the Directorate of Science and Technology (S&T) Headquarters in Washington, DC at S&T Laboratories or Federally Funded Research and Development Centers (FFRDC), or by the contracted Competent Medical Authority, collecting the records on behalf of S&T.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: S&T contractors working at S&T Laboratories (and other sites); FFRDC contractors; and contractors from other Federal agencies assigned to these S&T entities, whose occupational health and immunization records are created in support of the S&T's Laboratory research mission and occupational health surveillance operations. To note, Federal employees are specifically not covered by this system because they are covered by the Office of Personnel Management OPM/GOVT–10 *Employee Medical File System Records* system (June 19, 2006, 71 FR 35360).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual's full name;
- Date of birth and age;
- Gender;
- Work e-mail address;
- Work phone number;
- Work address;
- Organizational affiliation;
- Blood type;
- Immunization record;
- Other relevant occupational health records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The DHS Chief Medical Officer, under 6 U.S.C. 321e is authorized to ensure "internal and external coordination of all medical preparedness and response activities of the Department", to serve as the Department's primary point of contact on medical and health issues, and to perform such other duties relating to the Chief Medical Officer's responsibilities as the Secretary may require. DHS Delegation 5001 (to the Assistant Secretary for Health Affairs (ASHA) and Chief Medical Officer) builds upon the Chief Medical Officer's statutory authority in 6 U.S.C. 321e by granting the Chief Medical Officer "the authority to exercise oversight over all medical and public health activities of" DHS. Section II, DHS Delegation 5001. Additionally, the Delegation authorizes the Chief Medical Officer to assure an effective coordinated medical response to natural or man-made disasters or acts of terrorism, including "[s]upporting the National Operations Center, National Response Coordination Center, and Component leadership to ensure that operations have appropriate medical support, to specifically include coordination of medical activities for any level of incident with biological or medical consequences."

PURPOSE(S):

The purpose of this system is to manage, quantify, monitor, and track occupational health and immunization records of contractors working at S&T Laboratories or FFRDCs, and employees and contractors from other Federal agencies assigned to those S&T entities created in support of S&T research mission and occupational health surveillance operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (including United States Attorney Offices) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee of DHS in his/her official capacity;

3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof, is a party to the litigation or has

an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, Tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the Department of Energy when conducting research in collaboration with DHS under an interagency agreement, a Memorandum of Understanding, or Memorandum of Agreement.

I. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved by an individual's name, date of birth, e-mail address, and/or work telephone number.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Records will be maintained in accordance with the National Archives and Records Administration (NARA) approved General Records System 1, Item 19, which covers forms, correspondence, and other records, including summary records documenting an individual employee's medical history, physical condition, and visits to the Government health-facilities, for non-work related purposes. Occupational health and immunization records maintained at field sites will be retained by the laboratories contract operators. Records are deleted/destroyed when S&T or laboratory contract operators determine that they are no longer needed for administrative, legal, audit, or other operational purposes.

SYSTEM MANAGER AND ADDRESS:

Directorate of Science and Technology Laboratory Operations and Oversight Manager (202–254–6400), Directorate of Science and Technology, Department of Homeland Security, Washington, DC 20520.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to S&T's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under "contacts."

When seeking records about yourself from this system of records your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and
- If your request is seeking records pertaining to another living individual, you must include a statement from that

individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Records are obtained by the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: March 24, 2011.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2011–9331 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2011–0204]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Navigation Safety Advisory Council (NAVSAC) will meet on May 4–5, 2011, in Arlington, Virginia. The meeting will be open to the public.

DATES: NAVSAC will meet Wednesday, May 4, 2011, from 8 a.m. to 5 p.m., and Thursday, May 5, 2011, from 8 a.m. to 5 p.m. Please note that the meeting may close early if the committee has completed its business. Pre-registration and written comments are due April 29, 2011.

ADDRESSES: The meeting will be held at the Navy League Building, Coast Guard Recruiting Command, 5th floor conference room, 2300 Wilson Boulevard, Suite 500, Arlington, Virginia 20598. All visitors to the Navy League Building must pre-register to be admitted to the building. You may pre-register by contacting the person listed in **FOR FURTHER INFORMATION CONTACT** below.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Dennis Fahr as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee as listed in the "Agenda" section below. You may submit written comments no later than April 25, 2011, and must be identified by USCG–2011–0204 using one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *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.
- *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.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov.*

A public comment period will be held during the meeting on May 4, 2011, from 3 to 4 p.m., and May 5, at the close of the meeting. Speakers are requested to limit their comments to 10 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: If you have questions about this meeting, please contact Mr. Mike Sollosi, the NAVSAC Alternate Designated Federal Officer (ADFO), at telephone 202–372–1545 or e-mail *mike.m.sollosi@uscg.mil,* or Mr. Dennis Fahr, at telephone 202–372–1531 or e-mail *dennis.fahr@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: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–463).

The NAVSAC is an advisory committee authorized in 33 U.S.C. 2073 and chartered under the provisions of the FACA. NAVSAC provides advice and recommendations to the Secretary, through the Commandant of the U.S. Coast Guard, on matters relating to prevention of maritime collisions, rammings, and groundings; including the Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

Agenda

The NAVSAC will meet to review, discuss and formulate recommendations on the following topics:

Wednesday, May 4, 2011

(1) Coastal Marine Spatial Planning (CMSP)

Executive Order 13547 directed Federal Agencies to take a new approach to stewardship of the oceans, coasts, and Great Lakes. CMSP is one facet of that initiative. This topic will address the Coast Guard's plans for implementing CMSP.

(2) Navigation Rules Regulatory Project

This topic will address the Coast Guard's progress toward implementing NAVSAC approved changes to the Inland Navigation Rules.

(3) E-Navigation Strategy

Under the auspices of the Committee on the Marine Transportation System, the Coast Guard and other agencies are developing a National e-Navigation Strategy that will establish a framework for data exchange between and among ships and shore facilities. This topic will update the Council on that effort.

(4) Electronic Chart Display and Information System (ECDIS)

Mandatory carriage of ECDIS will be phased in beginning in 2012. This series of presentations will inform the Council of developments and difficulties encountered in deploying ECDIS, including accuracy of charted positions, the range of vessels to be impacted, and training requirements for ECDIS.

(5) Virtual Aids to Navigation

Aids to Navigation authorities are considering deploying virtual aids to navigation as an alternative to physical lights, daybeacons and buoys under certain circumstances. This topic will inform the Council on virtual aids and discuss their possible use in U.S. waters.

The following tasks will also be discussed and recommendations formulated:

(1) NAVSAC Task 11–01 Sky Sails

The use of Sky Sails to augment propulsion on vessels is a real possibility. This task will address whether there should be restrictions on their use.

(2) NAVSAC Task 11–02 Proximity of Offshore Energy Installations to Established Ships Routing Measures

The Council will be asked if there should be regulated "buffer zones" around offshore renewable energy installations and if so, what the size of the zones should be.

(3) NAVSAC Task 08–07 Autonomous Unmanned Vessels

The Council will continue its discussion of autonomous unmanned vessels and discuss their implications for the Inland Navigation Rules.

A public comment period will be held from 3 to 4 p.m. Speakers comments limited to 10 minutes each. Public comments or questions will be taken at the discretion of the DFO during the discussion and recommendation portion of the meeting.

Thursday, May 5, 2011

(1) Working Group Discussions continue from May 4.

(2) Working Group Reports.

(3) New Business.

a. IMO Safety Navigation Sub Committee.

The Coast Guard will update the Council on recent decisions and planned outputs of the IMO Safety Navigation Subcommittee.

b. Summary of NAVSAC Action Items.

c. Schedule Next Meeting Date—Spring 2012.

d. Committee discussion/acceptance of new tasks.

A public comment period will be held after the discussion/acceptance of new tasks. Speaker's comments limited to 10 minutes each. Public comments or questions will be taken at the discretion of the DFO during the discussion and recommendations, and new business portion of the meeting.

Dated: April 12, 2011.

Dana A. Goward,

Director, Marine Transportation Systems Management, U.S. Coast Guard.

[FR Doc. 2011–9356 Filed 4–15–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3318–EM; Docket ID FEMA–2011–0001]

North Dakota; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of North Dakota (FEMA–3318–EM), dated April 7, 2011, and related determinations.

DATES: *Effective Date:* April 7, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 7, 2011, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of North Dakota resulting from flooding beginning on April 5, 2011, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* ("the Stafford Act"). Therefore, I declare that such an emergency exists in the State of North Dakota.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program. This assistance excludes regular time costs for subgrantees' regular employees.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of North Dakota have been designated as adversely affected by this declared emergency:

Barnes, Cass, Richland, and Traill for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–9347 Filed 4–15–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1967–DR; Docket ID FEMA–2011–0001]

Hawaii; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA–1967–DR), dated April 8, 2011, and related determinations.

DATES: *Effective Date:* April 8, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 8, 2011, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from tsunami waves on March 11, 2011, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael L. Karl, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Hawaii have been designated as adversely affected by this major disaster:

Hawaii County, Maui County, and the City and County of Honolulu for Public Assistance.

All counties within the State of Hawaii are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–9348 Filed 4–15–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1966–DR; Docket ID FEMA–2011–0001]

Wisconsin; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA–1966–DR), dated April 5, 2011, and related determinations.

DATES: *Effective Date:* April 5, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 5, 2011, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of Wisconsin resulting from a severe winter storm and snowstorm during the period of January 31, to February 3, 2011, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of Wisconsin.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide emergency protective measures, including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for the sub-grantees' regular employees. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gregory W. Eaton, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Wisconsin have been designated as adversely affected by this major disaster:

Dane, Dodge, Grant, Iowa, Kenosha, Lafayette, Milwaukee, Racine, Walworth, and Washington Counties for Public Assistance.

Dane, Dodge, Grant, Iowa, Kenosha, Lafayette, Milwaukee, Racine, Walworth, and Washington Counties for emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

All counties within the State of Wisconsin are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–9346 Filed 4–15–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1961–DR; Docket ID FEMA–2011–0001]

Missouri; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–1961–DR), dated March 23, 2011, and related determinations.

DATES: *Effective Date:* April 11, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 23, 2011.

Camden County for Public Assistance. Camden County for emergency protective measures (Category B), including snow assistance, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period. The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–9351 Filed 4–15–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Office Workstations

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of certain office workstations. Based upon the facts presented, CBP has concluded in the final determination that the U.S. is the country of origin of the office workstations for purposes of U.S. government procurement.

DATES: The final determination was issued on April 11, 2011. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination on or before May 18, 2011.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch: (202) 325–0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 11, 2011, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the Vivo and Ethospace office workstations which may be offered to the U.S. Government under an undesignated government procurement contract.

This final determination, Headquarters Ruling Letter ("HQ") H134536, was issued at the request of Herman Miller, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the assembly of the Vivo and Ethospace office workstations in the U.S., from parts made in China, Mexico, and the U.S., constitutes a substantial transformation, such that the U.S. is the country of origin of the finished article for purposes of U.S. government procurement.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: April 11, 2011.

Sandra L. Bell,

Executive Director, Regulations and Rulings, Office of International Trade.

Attachment

HQ H134536

April 11, 2011

OT:RR:CTF:VS H134536 EE

CATEGORY: Marking

Lisa A. Crosby, Sidley Austin, LLP, 1501 K Street, NW., Washington, D.C. 20005

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, CBP Regulations; Office Workstations

Dear Ms. Crosby: This is in response to your correspondence of November 15, 2010, supplemented by your letter of March 10, 2011, requesting a final determination on behalf of Herman Miller, Inc. ("Herman Miller"), pursuant to subpart B of part 177, U.S. Customs and Border Protection ("CBP") Regulations (19 C.F.R. § 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the Vivo and Ethospace office workstations. We note that Herman Miller is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

Herman Miller is a U.S. supplier of furniture products and accessories for home, office, healthcare and learning environments. The merchandise at issue is Herman Miller's Vivo and Ethospace office workstations. You state that Herman Miller engineered and designed the office workstations wholly within the U.S. The assembly and installation of the office workstations, from U.S. and imported components, occurs in the U.S.

You state that the Vivo and Ethospace office workstations both feature "frame-and-tile" construction, which consists of a sturdy steel frame on which a variety of components can be hung, including shelving, storage units, drawer units, work surfaces, lighting, decorative tiles/panels, etc. The open frame also has a large capacity to house wiring and cable, permitting a workstation to accommodate computers, printers and other office equipment.

You state that the Vivo and Ethospace office workstations can be assembled in a

variety of configurations, depending on the needs and constraints of a given office space. Herman Miller offers 90-, 120-, and 135-degree connectors for its workstations which permit its customers to shape their office environment—enclosed, open, facing in, facing out, shared, private, etc. The height of a workstation can also vary from 30 to 118 inches, permitting different levels of privacy.

You state that Herman Miller's sales representatives, which are often independent distributors, work directly with each customer to design a workstation architecture best suited to the specific office space. Once a design decision has been made, Herman Miller receives from its sales representative a detailed order identifying each component that will be used in the custom workstation. Herman Miller operates on a make-to-order manufacturing schedule; therefore, when an order is received from a sales representative, Herman Miller orders from its supply chain the parts and components necessary to begin the manufacturing process. Herman Miller manufactures certain components as necessary and palletizes all of the components for shipment to a customer site in the U.S. At the customer site, the components are assembled together according to the custom design. Herman Miller does not permit its customers to purchase workstations for self-installation. Rather, trained furniture installers employed by Herman Miller's distributors/representatives install the workstations.

You state that depending on the specific configuration selected by a customer, a Vivo and Ethospace office workstation can be made up of hundreds of components, including metal frames, laminated work surfaces, painted or fabric tiles, cabinet doors, electrical accessories and other hardware. With respect to the two representative configurations identified for purposes of this ruling request, you state that the Vivo office workstation has approximately 40 components (excluding fasteners and brackets) and the Ethospace office workstation has approximately 14 components (excluding fasteners and brackets). All of the materials are of U.S., Chinese, or Mexican origin.

You submitted the costed bills of materials for the representative Vivo office workstation and the Ethospace office workstation. The Vivo workstation's components from China include: connectors, connection hardware, and surface cantilevers. The components from Mexico include: a power harness extender, power harnesses, and receptacles. Components originating in the U.S. include: frames, connector covers, top cap connectors, finished ends, tiles, work surfaces, open supports, sliding door storage units, utility task lights, v-pull freestanding pedestals, and v-pull freestanding lateral files. The Ethospace workstation's components from China are draw rods. The components from the U.S. include: tiles, frames, connectors, finished ends, work surfaces, a flipper door unit, a shelf, task lights, and a w-pull support pedestal. The installation times for the representative Vivo and Ethospace workstations are approximately seven and a half hours and seven hours, respectively. Of the total cost of production for the Vivo workstation, 83 percent is attributable to U.S. origin costs, including materials, labor, and overhead. Of the total cost of production for the Ethospace workstation, 98 percent is attributable to U.S. origin costs.

You state that Herman Miller self-manufactures many of the components used in its workstations at its Michigan facility. For example, with respect to the work surfaces used in its workstations, Herman Miller staff cut-to-size domestically-sourced raw particle board and then bond to each board a high pressure laminate top, a backer and edge bands. With respect to the frames, Herman Miller staff roll form rolled steel (coils) from a domestic source into rails and stiles, which are then welded together using a special fixture to form the frames for its workstations. Staff then apply an autophoretic coating to the frames (requiring five stages) and attach glides to the bottoms of the frames. Herman Miller staff also manufacture the tiles used in workstations, using U.S.-origin raw materials.

You state that the installation procedures for the Vivo and Ethospace office workstations are substantially similar. The first step in installing a workstation is to mark the perimeter for the workstation based on its layout. This is done by laying strips of tape on the ground in the form of the layout for the walls. Next, electrical and non-electrical wall bases are laid along the tape lines. The electrical bases are then wired, which entails running wires along the bases and connecting the wires to a power source and the electrical outlets in the bases.

Once the bases are in place, the frames for the wall panels, windows and other features of the workstation are installed. The frames are fitted on top of the bases and secured with brackets and hand-driven screws. As the frames are inserted, the electrical wiring is run through the interior of the frame as needed to accommodate the location of the power source.

The wall panels, windows and other special tiles are then installed in the bases and frames. The bottom of a wall panel is inserted into the slot of a base and the slots of the surrounding frame. This step is repeated until all of the wall panels are joined to their corresponding bases and frames. In some cases, a half-sized wall panel is used so that a window or special tile may be installed above it. A window/tile is attached to a half-size wall panel and the corresponding frame using brackets, hand-driven screws and other fasteners. This step is repeated until all wall panels and windows/tiles are securely connected.

Next, the frame connectors of the workstation are assembled. The connectors are slid into the frames. They are then secured with hand-driven screws and other fasteners. This step is repeated until all of the frames are connected.

The tops of the wall panels are then finished. This involves fastening caps and top plates to the top of each wall panel to eliminate rough edges. These items are then secured with hand-driven screws and other fasteners.

With the structure of the office workstation thus in place, the work surface is installed next. Brackets are mounted on the relevant panels and secured with hand-driven screws and other fasteners. The work surface is then placed on the brackets, adjusted to ensure that it is level, and secured with hand-driven screws and other fasteners. Open supports are added to either side of the work surface to enhance stability. They are secured to the work surface with hand-driven screws and other fasteners.

Shelves, flipper units, and sliding door storage units are then added to the office workstation in a similar manner. Brackets are first fitted and secured into place with hand-driven screws and other fasteners. Then, the shelves, flipper units and storage units are placed onto the brackets, leveled, and secured with hand-driven screws and other fasteners.

The bookcase is installed next by sliding it beside the relevant wall panels and ensuring that it is level. The leg glides are adjusted as necessary. A drawer handle also is added to the bookcase and installed using hand-driven screws.

You provided a copy of the product datasheets for the Vivo and Ethospace office workstations as well as photos of the representative configurations for a Vivo office workstation and an Ethospace office workstation. Additionally, you provided a copy of the design materials, the list of patents applicable to the Vivo and Ethospace office workstations, a video which depicts the installation procedures for the Vivo and Ethospace office workstations, the overview of Herman Miller's installation certification program, the installation procedures, and a breakdown of the time typically required to install the representative Vivo and Ethospace workstations.

ISSUES:

1) What is the country of origin of the Vivo and Ethospace office workstations for the purpose of U.S. government procurement?

2) Whether Herman Miller is the ultimate purchaser of the imported components and whether only their outermost container needs to be marked.

LAW AND ANALYSIS:

Government Procurement

Pursuant to subpart B of part 177, 19 C.F.R. § 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use

distinct from that of the article or articles from which it was so transformed.

See also, 19 C.F.R. § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. government procurement, CBP applies the provisions of subpart B of part 177 consistent with the Federal Acquisition Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define "U.S.-made end product" as:

* * * an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 C.F.R. § 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In Carlson Furniture Industries v. United States, 65 Cust. Ct. 474 (1970), the U.S. Customs Court ruled that U.S. operations on imported chair parts constituted a substantial transformation, resulting in the creation of a new article of commerce. After importation, the importer assembled, fitted, and glued the wooden parts together, inserted steel pins into the key joints, cut the legs to length and leveled them, and in some instances, upholstered the chairs and fitted the legs with glides and casters. The court determined that the importer had to perform additional work on the imported chair parts and add materials to create a functional article of commerce. The court found that the operations were substantial in nature, and more than the mere assembly of the parts together.

In Headquarters Ruling Letter ("HQ") 561258, dated April 15, 1999, CBP determined that the assembly of numerous imported workstation components with the U.S.-origin work surface, the essential and largest component of the workstation, into finished workstations constituted a substantial transformation. CBP found that the imported components lost their identity as leg brackets, drawer units, panels, etc. when they were assembled together to form a workstation.

In the instant case, the Vivo office workstation has approximately 40 components and the Ethospace office workstation has approximately 14 components which are proposed to be assembled in the U.S. Regarding both types of workstations, we note that the major components such as the work surfaces, the frames, and the tiles are of U.S. origin. Regarding the Vivo workstation, the U.S.-sourced frames, connector covers, top cap connectors, finished ends, tiles, work surfaces, open supports, sliding door storage units, utility task lights, v-pull freestanding pedestals, and v-pull freestanding lateral files will be assembled with the imported components which will take approximately seven and a half hours. Regarding the Ethospace workstation, the U.S.-sourced tiles, frames, connectors, finished ends, work surfaces, flipper door unit, shelf, task lights, and w-pull support pedestal will be assembled with the imported components which will take approximately seven hours. Under the described assembly process, we find that the foreign components lose their individual identities and become an integral part of a new article, the Vivo or the Ethospace office workstation, possessing a new name, character and use. Based upon the information before us, we find that the imported components that are used to manufacture the Vivo and the Ethospace office workstations, when combined with the U.S. origin components, are substantially transformed as a result of the assembly operations performed in the U.S., and that the country of origin of the Vivo and the Ethospace office workstations for government procurement purposes is the U.S.

Marking

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. § 1304), provides that unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the United States, the English name of the country of origin of the article. Congressional intent in enacting 19 U.S.C. § 1304 was "that the ultimate purchaser should be able to know by an inspection of the marking on the imported goods the country of which the goods is the product. The evident purpose is to mark the goods so that at the time of purchase the ultimate purchaser may, by knowing where the goods were produced, be able to buy or refuse to buy them, if such marking should influence his will." States v. Friedlander & Co., 27 C.C.P.A. 297 at 302; C.A.D. 104 (1940). Part 134, U.S. Customs and Border Protection (CBP) Regulations (19 C.F.R. § 134) implement the country of origin marking requirements and exceptions of 19 U.S.C. § 1304. Section 134.1(b), CBP Regulations (19 C.F.R. § 134.1(b)), defines "country of origin" as:

[T]he country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin" within the meaning of [the marking regulations] * * *

As previously noted, in HQ 561258, dated April 15, 1999, CBP considered the country of origin marking requirements for certain workstation office furniture. In that case, the importer manufactured office workstation furniture in the U.S. using various components that were manufactured by its subsidiary in Italy. The Italian components were combined with the work surfaces made in the U.S., shipped to the customer's site, and assembled by the importer's installers into finished workstations. Additionally, some of the Italian components were shipped to the importer and kept in stock to replace damaged or lost material. These replacement parts were kept in their original individual packing until they were required to be shipped to a customer. CBP determined that the assembly of the imported components with the U.S.-origin work surface into the finished workstations resulted in a substantial transformation and that provided the importer installed and assembled the components together, the importer would be the ultimate purchaser and it would be acceptable to only mark the outer shipping crate in which the foreign components were imported.

Similarly in this case, we find that Herman Miller is the ultimate purchaser since Herman Miller (or its distributor/representative) substantially transforms the imported components as a result of installation at the customer's site. Accordingly, it is acceptable only to mark the outside shipping crate in which the goods are imported and transported to Herman Miller. With regard to the replacement parts, provided they are also installed by Herman Miller (or its distributor/representative), only the outer original individual packing needs to be marked. However, if the customer itself is supplied with the replacement parts and performs the installation, they must receive these replacement parts in properly marked packing.

HOLDING:

The imported components that are used to manufacture the Vivo and Ethospace office workstations are substantially transformed as a result of the assembly operations performed in the U.S. Therefore, we find that the country of origin of the Vivo and Ethospace office workstations for government procurement purposes is the U.S. Provided Herman Miller installs and assembles the components together, Herman Miller is the ultimate purchaser and it will be acceptable to only mark the outer shipping crate in which the foreign components are imported.

Notice of this final determination will be given in the Federal Register, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days after publication of the Federal Register notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Sandra L. Bell
Executive Director
Regulations and Rulings
Office of International Trade

[FR Doc. 2011–9327 Filed 4–15–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Renewal of Agency Information Collection for the Bureau of Indian Affairs Housing Improvement Program; Request for Comments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on renewal of Office of Management and Budget (OMB) approval for the collection of information for the BIA Housing Improvement Program, 25 CFR 256. The information collection is currently authorized by OMB Control Number 1076–0084, which expires August 31, 2011.

DATES: Interested persons are invited to submit comments on or before *June 17, 2011.*

ADDRESSES: You may submit comments on the information collection to Les Jensen, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, *Leslie.Jensen@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Les Jensen (907) 586–7397.

SUPPLEMENTARY INFORMATION:

I. Abstract

BIA is seeking renewal of the approval for the information collection conducted under 25 CFR 256, Housing Improvement Program, to determine applicant eligibility for housing improvement program services and to determine priority order in which eligible applicants may receive the program services. Approval for this collection expires on August 31, 2011. This information includes an application form. No changes are being made to the form or to the approved burden hours for this information collection.

II. Request for Comments

BIA requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of the agencies, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during the hours of 9 a.m.–5 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0084.

Title: Bureau of Indian Affairs Housing Improvement Program, 25 CFR 256.

Brief Description of Collection: Submission of this information allows BIA to determine applicant eligibility for housing services based upon the criteria referenced in 25 CFR 256.9 (repairs and renovation assistance) and § 256.10 (replacement assistance). Enrolled members of Federally recognized Tribes, who live within a Tribe's designated and approved service area, submit information on an application form. The information includes:

A. *Applicant Information including:* Name, current address, telephone number, date of birth, social security number, Tribe, roll number, reservation, marital status, name of spouse, date of birth of spouse, Tribe of spouse, and roll number of spouse.

B. *Family Information including:* Name, date of birth, relationship to applicant, and Tribe/roll number.

C. *Income Information:* Earned and unearned income.

D. *Housing Information including:* Location of the house to be repaired, constructed, or purchased; description of housing assistance for which applying; knowledge of receipt of prior Housing Improvement Program assistance, amount to whom and when; ownership or rental; availability of electricity and name of electric company; type of sewer system; water source; number of bedrooms; size of house, and bathroom facilities.

E. *Land Information including:* Landowner; legal status of land; or type of interest in land.

F. *General Information including:* Prior receipt of services under the Housing Improvement Program and description of such; ownership of other housing and description of such; identification of Housing and Urban Development-funded house and current status of project; identification of other sources of housing assistance for which the applicant has applied and been denied assistance, if applying for a new housing unit or purchase of an existing standard unit; and advisement and description of any severe health problem, handicap or permanent disability.

G. *Applicant Certification including:* Signature of applicant and date, and signature of spouse and date.

Response is required to obtain a benefit.

Type of Review: Extension without change of a currently approved collection.

Respondents: Individuals.

Number of Respondents: 8,000 per year, on average.

Total Number of Responses: 8,000 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 8,000 hours.

Dated: April 11, 2011.

Alvin Foster,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. 2011–9281 Filed 4–15–11; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–11–L19100000–BJ0000–LRCME0R04658]

Notice of Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on May 18, 2011.

DATES: Protests of the survey must be filed before May 18, 2011 to be considered.

ADDRESSES: Protests of the survey should be sent to the Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

FOR FURTHER INFORMATION CONTACT: Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5009. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the Bureau of Indian Affairs, Rocky Mountain Region, Billings, Montana, and was necessary to determine individual and Tribal trust lands. The lands we surveyed are:

Principal Meridian, Montana

T. 27 N., R. 47 E.

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines and a portion of the subdivision of sections 13 and 14 and the subdivision of sections 13 and 14, Township 27 North, Range 47 East, Principal Meridian, Montana, was accepted April 7, 2011.

We will place a copy of the plat, in one sheet, and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in one sheet, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in one sheet, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Authority: 43 U.S.C. Chap. 3.

Dated: April 12, 2011.

James D. Claflin,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. 2011–9289 Filed 4–15–11; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA 942000, L57000000.BX0000]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of lands described below were officially filed in the Bureau of Land Management California State Office, Sacramento, California, on the next business day following the plat acceptance date.

ADDRESSES: A copy of the plats may be obtained from the Land Office at the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, upon required payment.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Services, Bureau of Land Management, California State Office, 2800 Cottage Way, Room W–1623, Sacramento, California 95825, (916) 978–4310.

SUPPLEMENTARY INFORMATION: These surveys were executed to meet the administrative needs of various Federal agencies. A person or party who wishes to protest against a survey must file a notice that they wish to protest (at the above address) with the California State Director, Bureau of Land Management, Sacramento, California. The lands surveyed are:

Humboldt Meridian, California

T. 12 N., R. 2 E., Dependent Resurvey and Subdivision, accepted February 14, 2011.

Mount Diablo Meridian, California

T. 28 N., R. 3 W., Dependent Resurvey and Metes-and-Bounds Survey, accepted January 6, 2011.

T. 6 N., R. 22 E., Dependent Resurvey, Subdivision and Survey of Tracts, accepted January 28, 2011.

T. 4 S., R. 34 E., Metes-and-Bounds Survey and Informative Traverse, accepted February 1, 2011.

T. 7 N., R. 16 E., Dependent Resurvey and Subdivision, accepted February 23, 2011.

T. 26 S., R. 37 E., Dependent Resurvey, Subdivision and Metes and Bound, accepted February 25, 2011.

T. 12 N., R. 16 W., Dependent Resurvey and Subdivision and Metes and Bounds, accepted February 28, 2011.

T. 10 N., R. 18 E., Dependent Resurvey and Subdivision, accepted March 15, 2011.

San Bernardino Meridian, California

T. 8 S., R. 2 W., Dependent Resurvey and Subdivision of Sections, accepted January 5, 2011.

T. 8 S., R. 2 W., Dependent Resurvey and Subdivision of Sections, accepted January 6, 2011. The purpose of the survey is to meet the requirements of the legislation, Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007, Public Law 110–383, October 10, 2008. The act provided for the transfer of the BLM managed lands in secs. 24, 29, 31 and 32, T. 8 S., R. 2 W., and sec. 6, T. 9 S., R. 2 W., S.B.M. to said Mission Indians and described as follows: The E ½ SE ¼, SW ¼ SE ¼ and S ½ SW ¼ of sec. 24, Lot 2 and SW ¼ SW ¼ of sec. 29, the E ½, E ½ SW ¼, Lot 4 and SE ¼ NW ¼ of sec. 31, and the N ½ SE ¼, NE ¼ SW ¼ and NW ¼ of sec. 32, T. 8 S., R. 2 W., and Lots 2, 3, 13 and 15 of sec. 6, T. 9 S., R. 2 W., San Bernardino Meridian, California.

T. 5 S., R. 4 E., Dependent Resurvey, accepted January 6, 2011.

T. 8 N., R. 6 E., Dependent Resurvey, accepted January 21, 2011.

T. 9 N., R. 5 E., Retracement and Dependent Resurvey, accepted January 21, 2011.

T. 9 N., R. 6 E., Retracement, accepted January 21, 2011.

T. 1 N., R. 3 W., Dependent Resurvey, Subdivision and Metes-and-Bounds Survey, accepted February 1, 2011.

Authority: 43 U.S.C., Chapter 3.

Dated: April 4, 2011.

Lance J. Bishop,

Chief Cadastral Surveyor, California.

[FR Doc. 2011–9234 Filed 4–15–11; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC 00900.L16100000.DP0000]

Notice of Public Meeting, Dakotas Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Dakotas Resource Advisory Council (RAC), will meet as indicated below.

DATES: The next regular meeting of the Dakotas Resource Advisory Council will be held on May 11, 2011 in Spearfish, SD. The meeting will start at 8 a.m. and adjourn at approximately 3:30 p.m. When determined, the meeting location will be announced in a news release.

FOR FURTHER INFORMATION CONTACT: Mark Jacobsen, Public Affairs Specialist, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, Montana 59301. *Telephone:* (406) 233–2831. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior through the Bureau of Land Management on a variety of planning and management issues associated with public land management in the Dakotas. At these meetings, topics will include: North Dakota and South Dakota Field Office manager updates, subcommittee briefings, work sessions and other issues that the council may raise. All meetings are open to the public and the public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations should contact the BLM as provided above.

Dated: April 4, 2011.

M. Elaine Raper,

Manager, Eastern Montana—Dakotas District.

[FR Doc. 2011–9232 Filed 4–15–11; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT–06000–01–L10200000–PG0000]

Notice of Public Meeting; Central Montana Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The meeting will be held May 3 and 4, 2011. The May 3 meeting will begin at 10 a.m. with a 30-minute public comment period and will adjourn at 5:30 p.m. The May 4 meeting will begin at 8 a.m. with a 30-minute public comment period and will adjourn at 3 p.m.

ADDRESSES: The meetings will be in the Dick Irvin Incorporated Building, at 575 Wilson, in Shelby, Montana.

SUPPLEMENTARY INFORMATION: This 15-member council advises the Secretary of the Interior on a variety of management issues associated with public land management in Montana. During these meetings the council will participate in/discuss/act upon these topics/activities: Election of council officers for 2011; a RAC roundtable; BLM partnerships; BLM law enforcement responsibilities; a fee amenity presentation from a RAC subgroup; a review of the 2011 RAC work plan; an OHV presentation from a RAC subgroup; touring a nearby wind farm; district managers' updates; a report about BLM's wild land policy; early season sage grouse counts; the National Riparian Service Team assessment along the Upper Missouri River; a video of the 2010 fire season; and administrative details.

All RAC meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

FOR FURTHER INFORMATION CONTACT: Gary L. "Stan" Benes, Lewistown District Manager, Lewistown Field Office, 920 NE Main, Lewistown, Montana 59457, (406) 538–1900. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–677–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

Diane M. Friez,

Acting Associate State Director, Montana/Dakotas Bureau of Land Management.

[FR Doc. 2011–9237 Filed 4–15–11; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0319]

Agency Information Collection Activities: Bureau of Justice Statistics

ACTION: 30-Day notice of information collection under review: Reinstatement, with change, of a previously approved collection for which approval has expired; National Survey of Youth in Custody, 2011–2012.

The Department of Justice (DOJ), Bureau of Justice Statistics, 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 76, Number 19, pages 5208–5209, on January 28, 2011, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 18, 2011. 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 Allen J. Beck, Ph.D., Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531 (phone 202–616–3277).

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 e-mail them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please call Allen J. Beck, Ph.D., at 202–616–3277 or the DOJ Desk Officer at 202–395–3176.

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 Collection

(1) *Type of Information Collection:* New data collection.

(2) *Title of the Form/Collection:* National Survey of Youth in Custody, 2011–2012.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form numbers not available at this time. The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice is the sponsor for the collection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local, or Tribal Government. Other: Federal Government, Business or other for-profit, Not-for-profit institutions. The work under this clearance will be used to develop and implement surveys to produce estimates for the incidence and prevalence of sexual assault within juvenile correctional facilities as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108–79). Juvenile facility points of contact will be asked to fill out an online survey gathering facility-level characteristics. Sampled youth in custody will be asked to complete an audio computer-assisted self-interview about their experiences inside the facility.

(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 360 facility points of contact will spend approximately one hour filling out the facility characteristics questionnaire. It is estimated that 13,284 respondents will spend approximately 30 minutes on average responding to the survey.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 14,555 total burden hours associated with this collection (including gathering facility-level information, obtaining parental consent, administrative records, and roster processing).

If additional information is required, contact: Lynn Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street, NE., Suite 2E–808, Washington, DC 20530.

Dated: April 13, 2011.

Lynn Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2011–9352 Filed 4–15–11; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Emergency Review: Comment Request; Repurposed Auto Manufacturing Facilities Study

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) has submitted the information collection request (ICR) titled, "Repurposed Auto Manufacturing Facilities Study," to the Office of Management and Budget (OMB) for review and clearance utilizing emergency review procedures in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB approval has been requested by April 29, 2011.

DATES: Submit comments on or before April 25, 2011.

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* or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Department of Labor, Office of the Secretary, Office of Management and Budget, Room 10235, Washington, DC 20503, *Telephone:* 202–395–6929/*Fax:* 202–395–6881 (these are not toll-free numbers), *e-mail: OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: On June 23, 2009, President Obama signed Executive Order 13509 creating the White House Council on Automotive Communities and Workers to help coordinate the Federal response to workers and communities that had been impacted by the restructuring in the American auto industry. The White House Council includes the heads of all domestic Cabinet agencies, and is co-chaired by Labor Secretary Hilda Solis. A critical part of the Council's mandate is support for local efforts to recover and repurpose former auto manufacturing facilities to other uses.

On behalf of the Council, the DOL is proposing to gather information about land and plant re-purposing from professionals in the communities that have already faced the problems associated with auto plants that were closed over the last 30 years. The purpose of the study is to provide communities with feasible strategies for repurposing facilities, restoring the job base and maintaining industrial property values. The study will also examine whether Federal, State, or other aid was used to encourage the property reuse.

The DOL is requesting emergency processing, because on March 3, 2011, the judge presiding over the General Motors (GM) bankruptcy approved a proposal for a special $720 million trust for some 60 closed GM auto facilities that took effect on March 18. Coming on top of efforts by the Department of Commerce and the Environmental Protection Agency to focus attention on strategic efforts by local community leaders to recover and repurpose closed auto facilities wherever they might be, this unprecedented commitment of resources has made the collection, analysis and dissemination of this information an urgent need.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the ADDRESSES section. In order to ensure appropriate consideration, comments should reference OMB ICR Reference Number 201104–1290–001. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: New collection of information (Request for new Control Number).

Agency: Office of the Secretary.

Title of Collection: Repurposed Auto Manufacturing Facilities Study.

Requested Duration of Authorization: Three months from approval.

OMB ICR Reference Number: 201104–1290–001.

Frequency of Collection: Once.

Affected Public: State, Local, and Tribal governments.

Estimated Time per Response: 1 hour.

Total Estimated Number of Respondents: 130.

Total Estimated Annual Burden Hours: 130.

Total Annualized Capital and Startup Costs: $0.

Total Annualized Operation and Maintenance Costs: $0.

Dated: April 13, 2011.

Michel Smyth,

Departmental Clearance Office.

[FR Doc. 2011–9268 Filed 4–15–11; 8:45 am]

BILLING CODE 4510–23–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 9 a.m., Monday, April 18, 2011.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

Matters To Be Considered

1. Consideration of Supervisory Activities. Closed pursuant to exemptions (8), (9)(A)(ii) and 9(B).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Board Secretary.

[FR Doc. 2011–9481 Filed 4–14–11; 4:15 pm]

BILLING CODE P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 10 a.m., Thursday, April 21, 2011.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

Matters To Be Considered

1. Final Interpretive Ruling and Policy Statement 11–1, Guidelines for the Supervisory Review Committee.
2. Corporate Credit Union Service Organization Activity.
3. Final Rule—Part 704 of NCUA's Rules and Regulations, Corporate Credit Unions.
4. Insurance Fund Report.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, April 21, 2011.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

Matters To Be Considered

1. Insurance Appeal. Closed pursuant to exemption (6).
2. Consideration of Supervisory Activities. Closed pursuant to some or all of the following: exemptions (8), (9)(A)(ii) and 9(B).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Board Secretary.

[FR Doc. 2011–9483 Filed 4–14–11; 4:15 pm]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Task Force on Merit Review (MR), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a teleconference for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: April 25, 2011, 1 p.m.–3 p.m.

SUBJECT MATTER: Task Force Chairman's Opening Remarks, Discussion of Task Force Recommendations and Task Force Chairman's Closing Remarks.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. A phone number for listening-in is not available. If the general public is interested in listening-in to this meeting held by teleconference, room 110 will be available at Stafford Place I, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. All visitors must contact the Board Office [call 703–292–7000 or send an e-mail message to *nationalsciencebrd@nsf.gov*] at least 24 hours prior to the teleconference and provide name and organizational affiliation. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance on the day of the teleconference to receive a visitor's badge.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site *http://www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/*. Point of contact for this meeting is: Kim Silverman, National Science Board Office, 4201Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Daniel A. Lauretano,

Counsel to the National Science Board.

[FR Doc. 2011–9411 Filed 4–14–11; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0006]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of April 18, 25; May 2, 9, 16, 23, 30; June 6, 13, 2011.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 18, 2011

Tuesday, April 19, 2011

9 a.m. Briefing on Source Security—Part 37 Rulemaking—Physical Protection of Byproduct Material (Public Meeting). (Contact: Merri Horn, 301–415–8126.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of April 25, 2011—Tentative

Thursday, April 28, 2011

9:30 a.m. Briefing on the Status of NRC Response to Events in Japan and Briefing on Station Blackout (Public Meeting). (Contact: George Wilson, 301–415–1711.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of May 2, 2011—Tentative

Tuesday, May 3, 2011

9 a.m. Information Briefing on Emergency Preparedness (Public Meeting). (Contact: Robert Kahler, 301–415–7528.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of May 9, 2011—Tentative

Thursday, May 12, 2011

9:30 a.m. Briefing on the Progress of the Task Force Review of NRC Processes and Regulations Following the Events in Japan (Public Meeting) (Contact: Nathan Sanfilippo, 301–415–3951.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of May 16, 2011—Tentative

There are no meetings scheduled for the week of May 16, 2011.

Week of May 23, 2011—Tentative

Friday, May 27, 2011

9 a.m. Briefing on Results of the Agency Action Review Meeting (AARM) (Public Meeting). (Contact: Rani Franovich, 301–415–1868.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of May 30, 2011—Tentative

Thursday, June 2, 2011

9:30 a.m. Briefing on Human Capital and Equal Employment Opportunity (EEO) (Public Meeting). (Contact: Susan Salter, 301–492–2206.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of June 6, 2011—Tentative

Monday, June 6, 2011

10 a.m. Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting). (Contact: Tanny Santos, 301–415–7270.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of June 13, 2011—Tentative

Thursday, June 16, 2011

9:30 a.m. Briefing on the Progress of the Task Force Review of NRC Processes and Regulations Following Events in Japan (Public Meeting). (Contact: Nathan Sanfilippo, 301–415–3951.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

* 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.*

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 e-mail 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 e-mail to *darlene.wright@nrc.gov.*

Dated: April 13, 2011.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2011–9430 Filed 4–14–11; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Presidential Management Fellows (PMF) Nomination Form, OPM 1300, 3206–0082

AGENCY: U.S. Office of Personnel Management.

ACTION: 60–Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension of an already existing information collection request (ICR) 3206–0082, OPM Form 1300—Presidential Management Fellows (PMF) Nomination Form. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection on behalf of the Office of Management and Budget. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until June 17, 2011. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Attention: Rob Timmins, 1900 E Street, NW., Room 1425, Washington, DC 20415, or sent via electronic mail to *pmf@opm.gov*, or faxed to (202) 606–3040.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable

supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Attention: Rob Timmins, 1900 E Street, NW., Room 1425, Washington, DC 20415, or sent via electronic mail to *pmf@opm.gov,* or faxed to (202) 606–3040.

SUPPLEMENTARY INFORMATION: The OPM Form 1300, Presidential Management Fellows (PMF) Nomination Form, is used by accredited colleges and universities to nominate eligible graduate students to the Presidential Management Fellows (PMF) Program. Information about the PMF Program (e.g., eligibility, application and nomination process, guidance for academia, and a sample copy of the OPM Form 1300) can be found at *http://www.pmf.gov.*

Analysis

Agency: Employee Services, U.S. Office of Personnel Management.

Title: OPM Form 1300—Presidential Management Fellows (PMF) Nomination Form.

OMB Number: 3206–0082.

Affected Public: Academic institutions, graduate students, and individuals.

Number of Respondents: 9,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 1,500 hours.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2011–9254 Filed 4–15–11; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, April 21, 2011 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, April 21, 2011 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

An adjudicatory matter; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: April 14, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–9434 Filed 4–14–11; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64294; File No. SR–Phlx-2011–53]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX LLC Relating to Amending the Option Floor Procedures Advice F–14 Regarding Executing Hedge and Synthetic Options Orders Containing Stock Components

April 13, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on April 8, 2011, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Option Floor Procedures Advice F–14 regarding executing hedge and synthetic options orders containing stock components.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Option Floor Procedures Advice F–14 (the "OFPA F–14") regarding executing hedge and synthetic options orders containing stock components. Specifically, the Exchange proposes to modify the requirement that once the credit or debit execution price to a hedge or synthetic options order is agreed upon, the stock portion of the order must be effected *prior to* the execution of the option portion.[5] Instead, the Exchange proposes to require that the stock portion of the order, if any, must be executed *at or near the same time as* the options portion.

The qualified contingent trade exemption ("QCT Exemption") [6] exempts the component orders of a qualified contingent trade ("QCT") from the trade [sic] provisions of Rule 611 of

[5] *See* Options Floor Procedures Advice F–14(d).

[6] *See* Securities Exchange Act Release No. 54389 (August 31), 71 FR 52829 (September 7, 2006), amended by Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (September 7, 2006)("QCT Exemption Order").

Regulation NMS.[7] As provided in the QCT Exempt [sic] Order, a QCT is a transaction that consists of two or more component orders that satisfy the requirements of a QCT in the QCT Exemption Order. In the QCT Exemption Order, the definition of a QCT requires that the execution of one component is contingent upon the execution of all components at or near the same time.

Currently, OFPA F–14 provides that the stock portion of the hedge or synthetic options order must be executed prior to the options portion of the order. The Exchange proposes to amend OFPA F–14 to more closely align OFPA F–14 with the language of the QCT Exemption by stating the stock portion of a hedge or synthetic options order must trade at or near the same time as the options order. The Exchange notes that compliance with OFPA F–14, by itself, is not sufficient to qualify for the QCT Exemption. A transaction must satisfy all the requirements of the QCT Exemption Order to qualify for the QCT Exemption. The Exchange notes that the proposed amendment to OFPA F–14 does not modify the terms of Exchange Rule 1064, Commentary .04 in that the members must continue to comply with all procedures concerning tied hedge orders.[8]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(5) of the Act[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by deleting obsolete language that is relied upon to execute orders that are outside the PHLX market. Modifying OFPA F–14 as proposed will promote efficiency, eliminate confusion and prevent potential trade-through violations within the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the proposed rule change as one that does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest. Therefore, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2011–53 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx-2011–53. This file number should be included on the subject line if e-mail 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.shtm*l). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2011–53 and should be submitted on or before May 9, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–9315 Filed 4–15–11; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 242.611.

[8] A tied hedge order is an options order that is tied to a hedge transaction as defined in Commentary .04 to rule 1064, following the receipt of an options order in a class determined by the Exchange as eligible for "tied hedge" transactions. *See* Exchange Rule 1066(f)(4). Commentary .04 to Rule 1064 further states that Rule 1064(d) does not prohibit a member or member organization from buying or selling a stock, security futures or futures position following receipt of an option order, including a complex order, but prior to announcing such order to the trading crowd, provided that, among other things, all tied hedge transactions (regardless of whether the option order is a simple or complex order) are treated the same as complex orders for purposes of the Exchange's open outcry allocation and reporting procedures. Tied hedge transactions are subject to the existing NBBO trade-through requirements for options and stock, as applicable, and may qualify for various exceptions; however, when the option order is a simple order the execution of the option leg of a tied hedge transaction does not qualify it for any NBBO trade-through exception for a Complex Trade.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6)(iii) also requires the self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange satisfied this requirement.

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Women's Business Council

AGENCY: U.S. Small Business Administration.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the National Women's Business Council (NWBC). The meeting will be open to the public.

DATES: The meeting will be held on April 29, 2011 from approximately 2 p.m. to 3 p.m. EST.

ADDRESSES: The meeting will be held in Room 428A Russell Senate Office Building (U.S. Senate Committee on Small Business and Entrepreneurship), Washington, DC 20510.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the National Women's Business Council. The National Women's Business Council is tasked with providing policy recommendations on issues of importance to women business owners to the President, Congress, and the SBA Administrator.

The purpose of the meeting is to introduce some of the NWBC's research agenda and outreach for fiscal year 2011. Additionally, newly appointed members to the NWBC will be introduced.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public, however, advance notice of attendance is requested. Anyone wishing to attend or make a presentation to the NWBC must either e-mail their interest to *info@nwbc.gov* or call the main office number at 202–205–3850.

For more information, please visit our Web site at *http://www.nwbc.gov.*

Dan S. Jones,

SBA Committee Management Officer.

[FR Doc. 2011–9137 Filed 4–15–11; 8:45 am]

BILLING CODE M

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2011–0031]

Occupational Information Development Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of upcoming quarterly panel meeting.

DATES: May 4, 2011, 8:30 a.m.–5 p.m. (EDT); May 5, 2011, 8:30 a.m.–2 p.m. (EDT)

Location: Radisson Plaza Lord Baltimore.

ADDRESSES: 20 West Baltimore Street, Baltimore, MD 21201.

By Teleconference: 1–866–961–5938.

SUPPLEMENTARY INFORMATION:

Type of meeting: The meeting is open to the public.

Purpose: This discretionary panel, established under the Federal Advisory Committee Act of 1972, as amended, shall report to the Commissioner of Social Security. The panel will advise the agency on the creation of an occupational information system tailored specifically for our disability determination process and adjudicative needs. Advice and recommendations will relate to our disability programs in the following areas: medical and vocational analysis of disability claims; occupational analysis, including definitions, ratings and capture of physical and mental/cognitive demands of work and other occupational information critical to our disability programs; data collection; use of occupational information in our disability programs; and any other area(s) that would enable us to develop an occupational information system suited to its disability programs and improve the medical-vocational adjudication policies and processes.

Agenda: The panel will meet on Wednesday, May 4, 2011, from 8:30 a.m. until 5 p.m. (EDT) and on Thursday, May 5, 2011, from 8:30 a.m. until 2 p.m. (EDT).

The tentative agenda for this meeting includes: Presentations by staff from the Department of Labor's Employment and Training Administration, National Center for O*NET Development and Bureau of Labor Statistics and the U.S. Census Bureau; a presentation on the status of ongoing SSA FY 2011 OIS Development project and research activities currently underway; Occupational Information Development Advisory Panel Chair and subcommittee reports; public comment; panel discussion and deliberation; and, an administrative business meeting. We will post the final agenda on the Internet prior to the meeting at *http://www.socialsecurity.gov/oidap.*

The panel will hear public comment during the quarterly meeting on Wednesday, May 4, 2011 from 2:45 p.m. to 3:15 p.m. (EDT) and Thursday, May 5, 2011 from 11:45 a.m. to 12:15 pm. (EDT). Members of the public must reserve a time slot—assigned on a first come, first served basis—in order to comment. In the event that scheduled public comment does not take the entire time allotted, the panel may use any remaining time to deliberate or conduct other business.

Those interested in providing testimony in person at the meeting or via teleconference should contact the panel staff by e-mail to *OIDAP@ssa.gov.* Individuals providing testimony are limited to a maximum five minutes; organizational representatives, a maximum of ten minutes. You may submit written testimony, no longer than five (5) pages, at any time in person or by mail, fax or e-mail to *OIDAP@ssa.gov* for panel consideration.

Seating is limited. Those needing special accommodation in order to attend or participate in the meeting (*e.g.,* sign language interpretation, assistive listening devices, or materials in alternative formats, such as large print or CD) should notify Debra Tidwell-Peters via e-mail to *debra.tidwell-peters@ssa.gov* no later than April 18, 2011. We will attempt to accommodate requests made but cannot guarantee availability of services. All meeting locations are barrier free.

For telephone access to the meeting on both days, please dial toll-free to (866) 961–5938.

Contact Information: Records of all public panel proceedings are maintained and available for inspection. Anyone requiring further information should contact the panel staff at: Occupational Information Development Advisory Panel, Social Security Administration, 6401 Security Boulevard, 3–E–26 Operations, Baltimore, MD 21235–0001. Fax: 410–597–0825. E-mail to: *OIDAP@ssa.gov.* For additional information, please visit the panel Web site at *http://www.ssa.gov/oidap.*

Debra A. Tidwell,

Designated Federal Officer, Occupational Information Development Advisory Panel.

[FR Doc. 2011–9259 Filed 4–15–11; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 7417]

Meetings of The United States-Peru Environmental Affairs Council, Environmental Cooperation Commission and Sub-Committee on Forest Sector Governance

ACTION: Notice of meetings of the United States-Peru Environmental Affairs Council, Environmental Cooperation Commission and Sub-Committee on

Forest Sector Governance, and request for comments.

SUMMARY: The Department of State and the Office of the United States Trade Representative (USTR) are providing notice that the United States and Peru intend to hold the third meeting of the Sub-Committee on Forest Sector Governance (the "Sub-Committee") and the second meeting of the Environmental Affairs Council (the "Council") on April 27, 2011, and the first meeting of the Environmental Cooperation Commission (the "Commission") on April 28, 2011. Public information sessions for the Council, Commission and Sub-Committee also will be held on April 28th at 3 p.m. at 1724 F St., NW., Washington, DC.

The purpose of the meetings is to review implementation of: Chapter 18 (Environment) of the United States-Peru Trade Promotion Agreement (PTPA); the PTPA Annex on Forest Sector Governance (Annex 18.3.4); the United States-Peru Environmental Cooperation Agreement (ECA); and the 2009–2010 Work Program under the ECA. Also, the Commission will formally define and adopt the 2011–2014 Work Program.

The Department of State and USTR invite interested organizations and members of the public to attend the public sessions and to submit written comments or suggestions regarding implementation of Chapter 18, Annex 18.3.4, the ECA, and the 2009–2010 and 2011–2014 Work Programs, and any items that should be included on the meetings' agendas. If you would like to attend the public sessions, please send the following information to Tiffany Prather and Amy Karpel at the e-mail addresses or fax numbers listed below under the heading **ADDRESSES:** (1) Name, (2) date of birth, and (3) the identification number from any valid government-issued identification.

In preparing comments, submitters are encouraged to refer to:

- Chapter 18 of the PTPA, including Annex 18.3.4;
- The Final Environmental Review of the PTPA;
- The ECA; and
- The 2009–2010 Work Program.

These documents are available at: *http://www.ustr.gov* and *http://www.state.gov/g/oes/env/trade/peru/index.htm.*

DATES: The public sessions of the Council, Commission and Sub-Committee meetings will be held on April 28, 2011 at 3 p.m. at 1724 F St., NW., Washington, DC. Comments and suggestions are requested in writing no later than April 22, 2011.

ADDRESSES: Written comments and suggestions should be submitted to both:

(1) Tiffany Prather, Office of Environmental Policy, U.S. Department of State, by electronic mail at *PratherTA@state.gov* with the subject line "U.S.-Peru EAC/ECC/Sub-Committee Meetings" or by fax to (202) 647–5947; and

(2) Amy Karpel, Office of Environment and Natural Resources, Office of the United States Trade Representative, by electronic mail at *Amy_Karpel@ustr.eop.gov* with the subject line "U.S.-Peru EAC/ECC/Sub-Committee Meetings" or by fax to (202) 395–9517.

Persons with access to the Internet may also view and comment on this notice by going to the U.S. Government Regulations.gov Web site at *http://www.regulations.gov/#!home.*

FOR FURTHER INFORMATION CONTACT: Tiffany Prather, Telephone (202) 647–4548 or Amy Karpel, Telephone (202) 395–7320.

SUPPLEMENTARY INFORMATION: The PTPA entered into force on February 1, 2009. Article 18.6 of the PTPA establishes an Environmental Affairs Council, which is required to meet at least once a year or as otherwise agreed by the Parties to discuss the implementation of, and progress under, Chapter 18. Annex 18.3.4 of the PTPA establishes a Sub-Committee on Forest Sector Governance. The Sub-Committee is a specific forum for the Parties to exchange views and share information on any matter arising under the PTPA Annex on Forest Sector Governance. The ECA entered into force on August 23, 2009. Article III of the ECA establishes an Environmental Cooperation Commission and makes the Commission responsible for developing a Work Program. Chapter 18 of the PTPA and Article VI of the ECA require that meetings of the Council and Commission respectively include a public session, unless the Parties otherwise agree. At its first meeting, the Sub-Committee on Forest Sector Governance committed to hold a public session after each Sub-Committee meeting.

Dated: April 12, 2011.

Willem H. Brakel,

Office Director, Office of Environmental Policy, Department of State.

[FR Doc. 2011–9316 Filed 4–15–11; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 7418]

Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

DATES: *Effective Date:* As shown on each of the 12 letters.

FOR FURTHER INFORMATION CONTACT: Mr. Robert S. Kovac, Managing Director, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663–2861.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

April 04, 2011 (Transmittal Number DDTC 10–107)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more. The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to support the LITENING Advanced Targeting Pod and the RecceLite/RecceM Pods for the Commonwealth of Australia.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 10–118)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 3(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed re-export of major defense equipment valued (in terms of its original acquisition cost) at $25,000,000 or more.

The transaction contained in the attached certification involves the re-export of six (6) C–130 (E&H model) aircraft to the Government of Turkey from the Kingdom of Saudi Arabia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains information submitted to the Department of State by the applicant, publication of which could cause competitive harm.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 10–136)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement to include the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more. The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the manufacture of electrical generator products for various aircraft owned by the Japanese Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 05, 2011 (Transmittal Number DDTC 10–142)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement to include the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more. The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom for the manufacture of Joint Strike Fighter airframe parts and components.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Joseph E. Macmanus,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–002)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed agreement for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the transfer of defense articles, including technical data, and defense services to support Proton rocket launch vehicle integration and launch of the Asiasat 7 commercial communications satellite for Hong Kong.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–006)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a Manufacturing Licensing Agreement for the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the manufacture of military electrical connectors, backplane assemblies and related parts/components for end-use by U.S. customers.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–007)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to support the manufacture, maintenance, repair, and overhaul of GG1111 series gyroscopes for end use by the Ministry of Defense of Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–010)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services abroad in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom and Canada for the manufacture and production of 7.62mm chain guns.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information

submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–012)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement to include the export of defense articles, to include technical data, and defense services in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Thailand for 9mm semi-automatic pistols for use by the Royal Thai Police Ordnance Division.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–019)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed technical assistance agreement to include the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the repair and overhaul of AE 2100J gas turbine engines for use in US–2 search and rescue aircraft owned and operated by the Japanese Ministry of Defense.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–021)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the production, integration, operation, overhaul, repair, calibration, maintenance, training, and logistics support of the Chukar Aerial Target System for end use by the Japanese Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

April 04, 2011 (Transmittal Number DDTC 11–023)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the manufacture in Germany of both the H–726 Dynamic Reference Unit (DRU) and H–726 Dynamic Reference Unit Hybrid (DRUH) for Military Vehicles.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Miguel E. Rodriguez,
Acting Assistant Secretary, Legislative Affairs.

Dated: April 12, 2011.

Robert S. Kovac,

Managing Director, Directorate of Defense Trade Controls, Department of State.

[FR Doc. 2011–9296 Filed 4–15–11; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

ITS Joint Program Office; Vehicle to Infrastructure Core System Concept of Operations; Notice of Public Meeting

AGENCY: Research and Innovative Technology Administration, U.S. Department of Transportation.

ACTION: Notice.

The U.S. Department of Transportation ITS Joint Program Office (ITS JPO) will host a free public meeting to discuss the Vehicle to Infrastructure (V2I) Core System Concept of Operations on May 17, 2011 at the Detroit Metro Airport Marriott, 30559 Flynn Drive, Romulus, Michigan 48174 (734.729.7555). The conference is for interested parties to learn about the Core System ConOps, including the system boundaries, high-level functions, modes of operation, system needs, and operational scenarios. Feedback obtained during the meeting will be considered for the ongoing project. To learn more about the ITS JPO, visit the program's Web site at *http://www.its.dot.gov.*

The V2I Core System will support applications for safety, mobility, and sustainability for various modes of transportation including passenger vehicles, transit, and heavy trucks. This is the successor to work originally performed under the Vehicle Infrastructure Integration Proof of Concept (VII POC). The Core System supports a distributed, diverse set of applications.

Interested parties planning to attend the public meeting should send their full name, organization and business e-mail address to Adam Hoops at ITS America at *Ahoops@ITSA.org* by May 13, 2011. For additional questions, please contact Adam Hoops at 202.680.0091.

Issued in Washington, DC, on the 12th day of April 2011.

John Augustine,

Managing Director, ITS Joint Program Office.

[FR Doc. 2011–9266 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2011–15]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before May 9, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2011–0169 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Staples, 202–267–4058, Keira Jones, 202–267–4025, or Tyneka Thomas, 202–267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 13, 2011.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2011–0169.
Petitioner: Allegiant Air, LLC.
Section of 14 CFR Affected: 14 CFR 121.310(k)(1).

Description of Relief Sought: Allegiant Air, LLC (Allegiant) requests exemption from § 121.310(k)(1) for the purpose of installing a mount in the flight deck of their MD–80 fleet for a removable handle which could be temporarily attached to the aft airstair opening mechanism by flight crews, allowing them to operate the aft stairs from within the aircraft while on the ground.

[FR Doc. 2011–9263 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Interstate 66 Corridor, Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The Federal Highway Administration is issuing this notice to advise the public of its intent to prepare a Tier 1 Environmental Impact Statement, in cooperation with the Virginia Department of Transportation and Virginia Department of Rail and Public Transportation, for potential transportation improvements in the Interstate 66 corridor in Virginia.

FOR FURTHER INFORMATION CONTACT: John Simkins, Planning and Environmental Team Leader, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240–0249; *e-mail: John.Simkins@dot.gov; telephone:* (804) 775–3347.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the Virginia Department of Transportation (VDOT) and Virginia Department of Rail and Public Transportation (VDRPT), will prepare a Tier 1 Environmental Impact Statement for potential transportation improvements in the Interstate 66 corridor in Virginia. The approximate limits of the study are Interstate 495 to the east and U.S. Route 15 to the west. The Tier 1 Environmental Impact Statement will evaluate a range of concepts to meet the purpose and need.

The FHWA, VDOT, and VDRPT are seeking input as part of the scoping process to assist in determining and clarifying issues relative to the study. Letters describing the study and soliciting input will be sent to the appropriate Federal, State, and local agencies, and other interested parties as part of the scoping process. An agency scoping meeting as well as a public scoping meeting are planned and will be announced when the dates have been finalized. Notices of public meetings and public hearings will be given through various forums providing the time and place of the meeting along with other relevant information. The Tier 1 Draft Environmental Impact Statement will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this study is identified and taken into account, comments and suggestions are invited from all interested parties. Comments and questions concerning this study should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: April 11, 2011.

John Simkins,

Planning and Environmental Team Leader.

[FR Doc. 2011–9235 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0312]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for DriveCam, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA renews the exemption requested by DriveCam, Inc. (DriveCam) which allows the placement of video event recorders at the top of the windshields on commercial motor vehicles (CMVs). CMVs may continue to use the video event recorders to increase safety through (1) identification and remediation of risky driving behaviors such as distracted driving and drowsiness; (2) enhanced monitoring of passenger behavior for CMVs in passenger service; and (3) enhanced collision review and analysis. The Agency has concluded that granting this exemption renewal will maintain a level of safety that is equivalent to or greater than the level of safety achieved without the exemption. However, FMCSA also solicits comments and information on the exemption, especially from anyone who believes this standard will not be maintained.

DATES: This decision is effective April 16, 2011. Comments must be received on or before May 18, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) number FMCSA–2008–0312 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the "Public Participation" heading below. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the "Privacy Act" heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316) or you may visit *http://edocket/access.gpo.gov/2008/pdf/E8-785.pdf*.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–0676; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315(b)(1), FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." DriveCam has requested a two year extension of the current exemption from 49 CFR 393.60(e)(1). The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Basis for Renewing Exemption

DriveCam applied for an exemption from 49 CFR 393.60(e)(1) to allow the use of video event recorders on all CMVs. FMCSA published a notice of the application, and requested public comments, on October 31, 2008 (73 FR 65008). On April 15, 2009, FMCSA published a notice of final disposition granting the exemption (74 FR 17549).

Recently, FMCSA completed a driving behavior management system study that involved installing video event recorders in two commercial carrier fleets and collecting data using the systems. In June 2010, FMCSA released a report titled "Evaluating the Safety Benefits of a Low-Cost Driving Behavior Management System in Commercial Vehicle Operations," which outlined this study and its results. The two carriers that participated in the study experienced a reduction in safety-related events per 10,000 miles of over 38 percent at one carrier and over 52 percent at the other. In addition, they found that severe safety-related incidents decreased by more than 59 percent and 44 percent, respectively. The report is available on FMCSA' Web site at: *http://www.fmcsa.dot.gov/facts-research/research-/FMCSA-RRR-10-033.pdf.*

On September 28, 2010, the National Transportation Safety Board (NTSB) published Highway Accident Report NTSB/HAR–10/02, "Truck-Tractor Semitrailer Rear-End Collision into Passenger Vehicles on Interstate 44 Near Miami, Oklahoma, June 26, 2009." In this report, NTSB issued two safety recommendations to FMCSA relating to the use of video event recorders:

Safety Recommendation H–10–10: "Require all heavy commercial vehicles to be equipped with video event recorders that capture data in connection with the driver and the outside environment and roadway in the event of a crash or sudden deceleration event. The device should create recordings that are easily accessible for review when conducting efficiency testing and systemwide performance-monitoring programs."

Safety Recommendation H–10–11: "Require motor carriers to review and use video event recorder information in conjunction with other performance data to verify that driver actions are in accordance with company and regulatory rules and procedures essential to safety."

In support of these safety recommendations, the report noted:

* * * VERs [video event recorders] can provide information not typically available through other investigative means, potentially allowing a more accurate determination of probable cause. In the case of the Miami accident, a forward-looking video could have provided investigators more information on the actions of the vehicles ahead of the accident truck and their visibility, and an interior video could have allowed investigators to entirely rule out medical incapacitation or distraction and

identify periods of reduced vigilance. The NTSB concludes that had the accident truck been equipped with a VER, a more definitive assessment of the driver's precrash condition and behavior would have been possible * * *

The NTSB has long advocated the use of recording devices as a means of quantifying operator and vehicle behaviors in other modes of transportation. NTSB investigations have benefitted from the presence of data, video, and audio recorders in most modes of transportation, and it is evident from FMCSA-funded research that VER data are being used on a routine basis by transportation safety managers to reduce risky behaviors by their drivers through structured safety-performance-monitoring programs * * *

The Miami accident investigation shows not only the value of having scientific, unbiased data available when investigating and reconstructing highway transportation accidents but also the value of having video-based event data to correlate with analog and digital EDR data to establish a driver's condition and state of attention. Heavy commercial vehicle industry members could also realize safety, cost, and other benefits by installing VERs in all their vehicles. Therefore, the NTSB recommends that the FMCSA require all heavy commercial vehicles to be equipped with VERs that capture data in connection with the driver and the outside environment and roadway in the event of a crash or sudden deceleration event. The device should create recordings that are easily accessible for review when conducting efficiency testing and systemwide performance-monitoring programs. Further, the NTSB recommends that the FMCSA require motor carriers to review and use VER information in conjunction with other performance data to verify that driver actions are in accordance with company and regulatory rules and procedures essential to safety.

NTSB/HAR–10/02, at 67, 68.

Renewal of the existing exemption to enable the continued voluntary use of video event recorders is consistent with the NTSB's efforts to expand the use of such technology as noted above.

On May 15, 2009, FMCSA received a letter from Karen S. Burstein, counsel for Transport Workers Union (TWU) Local 101 ("Local 101"), requesting temporary suspension of the DriveCam exemption. Local 101 expressed concerns regarding the use and installation of video event recorders on CMVs operated by National Grid, a utility operator in the northeastern United States. A copy of this letter was placed in the docket established by FMCSA for its notice of the DriveCam application for an exemption and request for public comments (Docket No. FMCSA–2008–0312).

FMCSA determined that the information provided by Local 101 did not warrant suspension of the exemption. Local 101 did not provide specific evidence that safety was compromised through use of the video event recorders. With respect to drivers' field of view, FMCSA concluded that, provided the video event recorders are positioned within the top two inches of the area swept by the windshield wiper, as specified in the 2009 exemption, drivers' vision is not impacted any more than when—for example—the sun visor is lowered. As noted in the original exemption, trucks and buses generally have an elevated seating position which greatly improves the forward visual field of the driver, and any impairment of available sight lines is minimal.

However, as a result of the letter from Local 101, FMCSA requested (1) that DriveCam place in the docket specific mounting instructions for its video event recorder unit, and (2) that DriveCam representatives visit National Grid to review installation of the video event recorder units in its vehicles. DriveCam satisfactorily addressed both of these requests.

Exemption Decision

FMCSA is not aware of any evidence showing that the installation of video event recorders on CMVs, in accordance with the conditions of the original exemption, has resulted in any degradation in safety. FMCSA continues to believe that the potential safety gains from the use of video event recorders to improve driver behavior will improve the overall level of safety to the motoring public.

The exemption is renewed subject to the requirements that video event recorders installed in commercial motor vehicles be mounted not more than 50mm (2 inches) below the upper edge of the area swept by the windshield wipers, and located outside the driver's sight lines to the road and highway signs and signals. The exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

The Agency believes that extending the exemption for another two years will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the technical information available, there is no indication that the video event recorders obstruct drivers' views of the roadway, highway signs and surrounding traffic; (2) trucks and buses generally have an elevated seating position which greatly improves the forward visual field of the driver, and any impairment of available sight lines is minimal; and (3) the location within the top two inches of the area swept by the windshield wiper and out of the driver's normal sightline is reasonable and enforceable at roadside. In addition, the Agency believes that the use of video event recorders by fleets to deter unsafe driving behavior is likely to improve the overall level of safety to the motoring public. Without the exemption, FMCSA would be unable to continue to test this innovative safety management control system.

Request for Comments

FMCSA requests comments from parties with data concerning the safety record of CMVs equipped with video event recorders by May 18, 2011. The Agency will evaluate any data submitted and, if adverse evidence suggests that safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the DriveCam exemption.

Issued on: April 13, 2011.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2011–9319 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0093]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption from the diabetes mellitus standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 21 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 18, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2011–0093 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 21 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Jerry L. Arrington

Mr. Arrington, age 61, has had ITDM since 1992. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Arrington understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Arrington meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Alabama.

Edward W. Carlson

Mr. Carlson, 62, has had ITDM since 2007. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carlson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carlson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Thomas F. Cook

Mr. Cook, 59, has had ITDM since 2011. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cook understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cook meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Dale C. Cromer

Mr. Cromer, 49, has had ITDM since 2008. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cromer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cromer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from California.

Jerry R. Earle

Mr. Earle, 57, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Earle understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Earle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Mexico.

Terry J. Johnson

Mr. Johnson, 60, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2011 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Minnesota.

Ida D. Kidd

Ms. Kidd, 54, has had ITDM since 2010. Her endocrinologist examined her in 2011 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Kidd understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Kidd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2010 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from New Jersey.

Ronald J. Klinke

Mr. Klinke, 50, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Klinke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Klinke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Raymond H. LaGrow

Mr. LaGrow, 46, has had ITDM since 2010. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. LaGrow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. LaGrow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Doyle F. Love

Mr. Love, 49, has had ITDM since 2010. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Love understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Love meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Todd L. McAuley

Mr. McAuley, 49, has had ITDM since 2009. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McAuley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McAuley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Stephen A. Miles

Mr. Miles, 51, has had ITDM since 1975. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Miles understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Miles meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Ohio.

David W. Neher

Mr. Neher, 32, has had ITDM since 2007. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Neher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Neher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from New Jersey.

Richard S. Polly

Mr. Polly, 65, has had ITDM since 2007. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function

that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Polly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Polly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C CDL from New Jersey.

Edgar M. Ridlon

Mr. Ridlon, 78, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ridlon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ridlon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Vermont.

Andrew M. Schutt

Mr. Schutt, 28, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schutt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schutt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Billy Joe Sisk

Mr. Sisk, 43, has had ITDM for 15 years. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sisk understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sisk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from North Carolina.

Robert J. Talbert

Mr. Talbert, 53, has had ITDM since 2005. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Talbert understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Talbert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Gregory L. Whitt

Mr. Whitt, 55, has had ITDM since 2003. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Whitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Whitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2011 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from Alabama.

John W. Wortman

Mr. Wortman, 50, has had ITDM since 2010. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wortman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wortman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2011 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin .

Kemlyn K. Yowell

Mr. Yowell, 46, has had ITDM since 1986. His endocrinologist examined him in 2011 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Yowell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yowell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2011 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from Ohio.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section

[1] Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: April 7, 2011.

Larry W. Minor,

Associate Administrator, Office of Policy.

[FR Doc. 2011–9323 Filed 4–15–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–22727; FMCSA–2007–27333; FMCSA–2007–27897; FMCSA–2006–25246; FMCSA–2008–0340; FMCSA–2008–0398; FMCSA–2009–0054]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 40 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective May 7, 2011. Comments must be received on or before May 18, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2005–20027; FMCSA–2005–22727; FMCSA–2007–27333; FMCSA–2007–27897; FMCSA–2006–25246; FMCSA–2008–0340; FMCSA–2008–0398; FMCSA–2009–0054, using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 40 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 40 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Rex A. Botsford
Curtis F. Caddy, III.
William D. Cardiff
Roger C. Carson
Dan B. Clark
Gregory L. Cooper
Kenneth D. Craig
Terry J. Dare
Christopher A. Deadman
Vincent C. Durazzo, Jr.
Jerald O. Edwards
Breck L. Falcon
Kenneth Flack, Jr.
Maylin E. Frickey
David R. Gross
Vincent E. Hardin
Larry M. Hawkins

Francisco J. Jimenez
Christopher J. Kane
Kenneth C. Keil
Paul R. Kerpsie
Melvin A. Kleman
Michael Lafferty
Roosevelt Lawson
Eugene R. Lydick
Emanuel N. Malone
Roberto E. Martinez
Travis W. Neiwert
Barbara C. Pennington
Luis H. Sanchez
George K. Sizemore
James A. Smith
Clarence L. Swann, Jr.
David R. Thomas
Michael G. Trueblood
Donald A. Uplinger, II.
Kerry W. VanStory
Manuel A.Vargas
Steven M. Vujicic
Joseph Watkins

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 40 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 78256; 66 FR 16311; 67 FR 76439; 68 FR 10298; 68 FR 10301; 68 FR 13360; 68 FR 19596; 69 FR 33997; 69 FR 61292; 69 FR 64806; 70 FR 16886; 70 FR 16887; 70 FR 2701; 70 FR 2705; 70 FR 7543; 70 FR 71884; 71 FR 4632; 72 FR 11426; 72 FR 11425; 72 FR 12666; 72 FR 18726; 72 FR 180; 72 FR 184; 72 FR 5489; 72 FR 25831; 72 FR 39879; 72 FR 52419; 72 FR 18726; 72 FR 9397; 73 FR 6246; 73 FR 75803; 74 FR 15584; 74 FR 15586; 74 FR 11988; 74 FR 11991; 74 FR 21427; 74 FR 6209; 74 FR 6211; 74 FR 7097; 74 FR 8842). Each of these 40 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by May 18, 2011.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 40 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: April 7, 2011.

Larry W. Minor,

Associate Administrator, Office of Policy.

[FR Doc. 2011–9321 Filed 4–15–11; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35484]

Arkansas Shortline Railroads, Inc.—Continuance in Control Exemption—Dardanelle & Russellville Railroad, Inc., Ouachita Railroad, and Camden & Southern Railroad, Inc.

Arkansas Shortline Railroads, Inc. (ASR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Camden & Southern Railroad, Inc. (C&S), upon C&S's becoming a Class III rail carrier.

This transaction is related to a verified notice of exemption filed on April 7, 2011, in Docket No. FD 35483, *Camden & Southern Railroad, Inc.—Lease & Operation Exemption—Camden Area Industrial Development Corporation.* In that proceeding, C&S seeks an exemption under 49 CFR 1150.31 to lease and operate 17,837 feet of trackage owned by Camden Area Industrial Development Corporation, located at Zone JH482, Yard 06, opposite milepost 463 of Union Pacific Railroad Company's Gurdon Subdivision, Camden, Ouachita County, Ark.

The parties intend to consummate the transaction on or shortly after the effective date of the related notice.

ASR currently controls 2 Class III railroads, Dardanelle & Russellville Railroad, Inc. and Ouachita Railroad.

ASR represents that: (1) The rail line to be operated by C&S does not connect with any other railroads in the corporate family; (2) the transaction is not part of

a series of anticipated transactions that would connect the rail lines with any other railroad in the corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under § 11324 and § 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than April 29, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35484, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Richard H. Streeter, 5255 Partridge Lane, NW., Washington, DC 20016.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: April 12, 2011.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–9262 Filed 4–15–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, "Fair Housing Home Loan Data System Regulation."

DATES: You should submit your comments by June 17, 2011.

ADDRESSES: You should direct all written comments to: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, *Attention:* 1557–0159, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–4700. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–5043. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments to OCC Desk Officer, 1557–0159, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Mary H. Gottlieb, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to revise the following information collection:

Title: Fair Housing Home Loan Data System Regulation.

OMB Control No.: 1557–0159.

Description: The Fair Housing Act (42 U.S.C. 3605) prohibits discrimination in the financing of housing on the basis of race, color, religion, sex, or national origin. The Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of income from public assistance, or exercise of any right under the Consumer Credit Protection Act. The OCC is responsible for ensuring that national banks comply with those laws. This information in collection 12 CFR Part 27 is needed to promote national bank compliance and for OCC to fulfill its statutory responsibilities.

The information collection requirements in 12 CFR part 27 are as follows:

- Section 27.3(a) requires national banks that are required to collect data on home loans under 12 CFR part 203 to present the data on Federal Reserve Form FR HMDA–LAR,[1] or in automated format in accordance with the HMDA–LAR instructions, and to include one additional item (the reason for denial) on the HMDA–LAR. Section 27.3(a) also lists exceptions to the HMDA–LAR recordkeeping requirements.
- Section 27.3(b) lists the information banks should obtain from an applicant as part of a home loan application, and states information that a bank must disclose to an applicant.
- Section 27.3(c) sets forth additional information required to be kept in the loan file.
- Section 27.4 states that the OCC may require a national bank to maintain a Fair Housing Inquiry/Application Log found in Appendix III to part 27 if there is reason to believe that the bank is engaging in discriminatory practices or if analysis of the data compiled by the bank under the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) and 12 CFR part 203 indicates a pattern of significant variation in the number of home loans between census tracts with similar incomes and home ownership levels differentiated only by race or national origin.
- Section 27.5 requires a national bank to maintain the information required by § 27.3 for 25 months after the bank notifies the applicant of action taken on an application, or after withdrawal of an application.
- Section 27.7 requires a national bank to submit the information required by §§ 27.3(a) and 27.4 to the OCC upon its request, prior to a scheduled examination using the Monthly Home Loan Activity Format form in Appendix I to part 27 and the Home Loan Data Form in Appendix IV to part 27.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 625.

Estimated Total Annual Responses: 625.

[1] Loan Application Register, *http://www.ffiec.gov/hmda/doc/hmdalar2007.doc.*

Estimated Frequency of Response: On occasion.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden: 3,125 hours.

Comments submitted in response to this notice will be summarized and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2011.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2011–9243 Filed 4–15–11; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, "Fiduciary Activities of National Banks."

DATES: You should submit written comments by June 17, 2011.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–0140, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–0140, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is requesting OMB approval for a revision to the following information collection:

Title: Fiduciary Activities of National Banks—12 CFR part 9.

OMB Control No.: 1557–0140.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection. The OCC requests only that OMB approve its revised estimate of the burden and extend its approval of the information collection. The OCC regulates the fiduciary activities of national banks, including the administration of collective investment funds pursuant to 12 U.S.C. 92a. The requirements in 12 CFR part 9 enable the OCC to perform its responsibilities relating to the fiduciary activities of national banks and collective investment funds. The collections of information in part 9 are found in §§ 9.8, 9.9(a) and (b), 9.17(a), 9.18(b)(1), 9.18(b)(6)(ii), 9.18(b)(6)(iv), and 9.18(c)(5) as follows:

- Section 9.8 requires a national bank to maintain fiduciary records;
- Sections 9.9(a) and (b) require a national bank to note the results of a fiduciary audit in the minutes of the board of directors;
- Section 9.17(a) requires a national bank that wants to surrender its fiduciary powers to file with the OCC a certified copy of the resolution of its board of directors;
- Section 9.18(b)(1) requires a national bank to establish and maintain each collective investment fund in accordance with a written plan, to make the plan available for public inspection, and to provide a copy of the plan to any person who requests it;
- Section 9.18(b)(6)(ii) requires a national bank to prepare a financial report of the fund;
- Section 9.18(b)(6)(iv) requires a national bank to disclose the financial report to investors and other interested persons; and
- Section 9.18(c)(5) requires a national bank to request OCC approval of special exemption funds.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 433.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 74,802 hours. Comments submitted in response to this notice will be summarized and 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 has 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 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: April 12, 2011.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 2011–9238 Filed 4–15–11; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of a Federal government-wide effort to streamline the process to seek feedback from the public on service delivery, The Office of Management and Budget (OMB) is coordinating the development of the following proposed Generic Information Collection Request (Generic ICR): "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" for approval under the Paperwork Reduction Act (PRA). OMB issued a 60-day **Federal Register** notice on behalf of the participating agencies. OCC is now issuing its 30-day notice and has submitted its Generic ICR to OMB for review.

DATES: Comments must be submitted on or before May 18, 2011.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–NEW, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments to OCC Desk Officer, 1557–NEW, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery. Qualitative feedback is information that provides useful insights on perceptions and opinions, but does not include statistical surveys that yield quantitative results that can be generalized to the population of study. This qualitative feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; and/or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the OCC and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. The information in the responses will be used to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The OCC will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results can be generalized to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to conducting the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature.

Current Actions: New collection of information.

Type of Review: New collection.

Affected Public: Individuals and households, businesses and organizations, State, Local or Tribal Government.

Burden Estimate:

Average Expected Annual Number of Activities: 3.

Average number of Respondents per Activity: 3,000.

Total Annual responses: 9,000.

Frequency of Response: Once per request.
Average minutes per response: 10.
Total Annual Burden hours: 1,500.

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 Office of Management and Budget control number.

OMB issued a 60-day **Federal Register** notice on December 22, 2010. 75 FR 80542. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 12, 2011.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. 2011–9244 Filed 4–15–11; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Five Individuals and Two Entities Pursuant to Executive Order 13566

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control ("OFAC") is publishing the names of five individuals and two entities newly-designated as persons whose property and interests in property are blocked pursuant to Executive Order 13566 of February 25, 2011, "Blocking Property and Prohibiting Certain Transactions Related to Libya."

DATES: The designation by the Director of OFAC of the five individuals and two entities identified in this notice, pursuant to Executive Order 13566 of February 25, 2011, is effective April 8, 2011.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, *Tel.:* 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Background

On February 25, 2011, the President issued Executive Order 13566, "Blocking Property and Prohibiting Certain Transactions Related to Libya" (the "Order") pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06).

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, of persons listed in the Annex to the Order and of persons determined by the Secretary of the Treasury, in consultation with Secretary of State, to meet any of the criteria set forth in the Order.

The Annex to the Order listed five individuals whose property and interests in property are blocked pursuant to the Order.

On April 8, 2011, the Director of OFAC, in consultation with the Secretary of State, designated for sanctions, pursuant to one or more of the criteria set forth in subparagraphs (b)(i) through (b)(vi) of Section 1 of the Order, five individuals and two entities whose property and interests in property are blocked therefore are blocked. The listing for these individuals and entities is as follows:

Individuals

1. AL BAGHDADI, Ali Al-Mahmoudi (a.k.a. MAHMUDI, Baghdadi); DOB 1950; POB Al Jamil, Libya; Prime Minister (individual) [LIBYA2].

2. GHANEM, Shukri Mohammed (a.k.a. GHANEM, Shokri); DOB 9 Oct 1942; POB Tripoli, Libya; Oil Minister; Chairman of the National Oil Company of Libya (individual) [LIBYA2].

3. KHALED, Tohami (a.k.a. AL-TUHAMI, Khaled; a.k.a. KHALED, Al-Tohamy; a.k.a. KHALED, al-Tuhami); DOB 1946; POB Genzur, Libya; General; Director of the Internal Security Office (individual) [LIBYA2].

4. SALEH, Bachir (a.k.a. BASHIR, Bashir Saleh; a.k.a. SALEH, Bashir); DOB 1946; POB Traghen, Libya; Head of Cabinet of Leader Muammar Gaddafi; Chief of Staff; Chairman of Libya Africa Investment Portfolio (individual) [LIBYA2].

5. ZLITNI, Abdulhafid (a.k.a. AL-ZULAYTINI, Abd-Al-Hafid Mahmud; a.k.a. ZLEITNI, Abdel-Hafez; a.k.a. ZLITNI, Abdelhafidh; a.k.a. ZLITNI, Abdul Hafid; a.k.a. ZLITNI, Abdul Hafiz; a.k.a. ZLITNI, Abdulhafid Mahmoud); DOB 1938; POB Tripoli, Libya; Secretary of the General People's Committee for Finance and Planning; Secretary of the General People's Committee for Planning and Finance; Finance Minister; Director and Deputy Chairman of the Libyan Investment Authority (individual) [LIBYA2].

Entities

1. GADDAFI INTERNATIONAL CHARITY AND DEVELOPMENT FOUNDATION (a.k.a. GADDAFI INTERNATIONAL FOUNDATION FOR CHARITY ORGANISATIONS), Hay Elandadlus—Jian St, P.O. Box 1101, Tripoli, Libya; 22, Rue Henri-Mussard, Geneva 1208, Switzerland; E-mail Address *info@gicdf.org;* Registration ID CH–660.0.699.004–7 (Switzerland); Web site *http://www.gicdf.org;* Telephone No. (218) (0)214778301; Telephone No. (022) 7363030; Fax No. (218) (0)214778766; Fax No. (022) 7363196 [LIBYA2].

2. WAATASEMU CHARITY ASSOCIATION, Omar Almukhtar Street, Tripoli, Libya; E-mail Address *info@waatasemu.org;* Web site *http://waatasemu.org.ly;* Telephone No. (218) 21 273343326; Fax No. (218) 21 253343328 [LIBYA2].

Dated: April 8, 2011.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2011–9276 Filed 4–15–11; 8:45 am]

BILLING CODE 4811–45–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Amendment of a Federal Savings Association Charter

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

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 comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for

review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before June 17, 2011.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Donald W. Dwyer on (202) 906–6414, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Amendment of a Federal Savings Association Charter.

OMB Number: 1550–0018.

Form Number: N/A.

Description: The charter of an insured Federal savings association is a formal document created when a savings association establishes its corporate existence. The charter states the scope, purpose and duration for the corporate entity. Also, for a Federally chartered savings association, the charter confirms that the board of directors has formally committed the institution to Section 5 of the Home Owners' Loan Act ("HOLA") and other applicable statutes and regulations governing Federally chartered savings associations. *See* 12 U.S.C. 1464. All Federally chartered savings associations are required to file charter amendment applications or notices with OTS. OTS Regional Office staff review the applications and notices to determine whether the charter amendments comply with the regulations and OTS policy.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 6 hours.

Dated: April 12, 2011.

Ira L. Mills,

Paperwork Clearance Officer, Office of Chief Counsel, Office of Thrift Supervision.

[FR Doc. 2011–9294 Filed 4–15–11; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Notice Announcing the Price of the 2010 America the Beautiful Five Ounce Silver Uncirculated Coins™

ACTION: Notice.

SUMMARY: The United States Mint is announcing the price of the 2010 America the Beautiful Five Ounce Silver Uncirculated Coins™.

In accordance with 31 U.S.C. 5112(u) & 9701(b), the United States Mint 2010 America the Beautiful Five Ounce Silver Uncirculated Coins™ will be priced at $279.95.

FOR FURTHER INFORMATION CONTACT: B.B. Craig, Associate Director for Sales and Marketing; United States Mint; 801 9th Street, NW.; Washington, DC 20220; or call 202–354–7500.

Authority: 31 U.S.C. 5111, 5112, & 9701.

Dated: April 11, 2011.

Richard A. Peterson,

Acting Director, United States Mint.

[FR Doc. 2011–9246 Filed 4–15–11; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that a meeting of the Advisory Committee on the Readjustment of Veterans will be held on April 28–29, 2011, at the Sheraton Suites Old Town Alexandria, 801 Saint Asaph Street, Alexandria, Virginia. The sessions will begin at 8 a.m. until 4:30 p.m. on both days. The meeting is open to the public.

The purpose of the Committee is to review the post-war readjustment needs of combat Veterans and to evaluate the availability and effectiveness of VA programs to meet these needs.

On April 28, the Committee will be briefed Principal Deputy Under Secretary for Health on plans for realigning Veterans Health Administration (VHA) to achieve excellence in Veterans' healthcare. The Committee will also receive an update on VA mental health program activities with special attention to mental health services for retuning war Veterans and on VA's caregiver programs developed to assure support services for severely wounded combat Veterans provided primarily by family members.

On April 29, the Committee will receive updates on the current activities of the Readjustment Counseling Service Vet Center program to provide outreach and counseling services to the Veterans returning from Afghanistan and Iraq. Particular attention will be given to the unique post-deployment needs of National Guard and Reserve personnel. The Committee will also receive an update from the Deputy Under Secretary for Health for Policy and Services on VHA's realignment for operations. The Committee will conduct a strategic planning session to formulate recommendations for submission to Congress in its annual report.

No time will be allocated at this meeting for receiving oral presentations from the public. However, members of the public may submit written statements for the Committee's review to Mr. Charles M. Flora, M.S.W., Designated Federal Officer, Readjustment Counseling Service (15),

Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, or e-mail at *charles.flora@va.gov*. Any member of the public wishing to attend or seeking additional information should contact Mr. Flora at (202) 461–6525.

Dated: April 12, 2011.

By Direction of the Secretary.

William F. Russo,

Director of Regulations Management, Office of General Counsel.

[FR Doc. 2011–9265 Filed 4–15–11; 8:45 am]

BILLING CODE P

Reader Aids

Federal Register

Vol. 76, No. 74

Monday, April 18, 2011

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, APRIL

18001–18346 1
18347–18630 4
18631–18860 5
18861–19264 6
19265–19682 7
19683–19898 8
19898–20214 11
20215–20488 12
20489–20834 13
20835–21220 14
21221–21612 15
21613–21804 18

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

304 18635

2 CFR

Proposed Rules:
Ch. III 20568
Ch. XXX 20568

3 CFR

Proclamations:
8641 18629
8642 18631
8643 18633
8644 19259
8645 19261
8646 19262
8647 19265
8648 19899
8649 20215
8650 20829
8651 20831
8652 20833
8653 21221
8654 21223
Executive Orders:
12824 (amended by 13569) 19891
12835 (amended by 13569) 19891
12859 (amended by 13569) 19891
13532 (amended by 13569) 19891
13507 (revoked by 13569) 19891
13569 19891
Administrative Orders:
Memorandums:
Memorandum of April 6, 2011 19893
Notices:
Notice of April 7, 2011 19897

5 CFR

4401 19901
Proposed Rules:
Ch. XXIII 18954
Ch. XXIV 18954
Ch. XLII 18104
Ch. XLV 20568

6 CFR

Proposed Rules:
5 18954

7 CFR

46 20217
253 18861
301 21613
622 19683
624 19683
625 19683
916 21615
917 21615
924 21618
925 21620
946 18001
989 18003
1465 19683
1470 19683
4280 21110
Proposed Rules:
301 18419
319 18419
1260 18422
1463 19710

8 CFR

274a 21225

9 CFR

91 18347
201 18348
391 20220
590 20220
592 20220
Proposed Rules:
11 20569

10 CFR

430 19902
431 21580
835 20489
Proposed Rules:
Ch. II 18965
430 .....18105, 18425, 19913, 20090
431 .....18127, 18428, 21673
Ch. III 18954
Ch. X 18954

12 CFR

213 18349
226 18354
563e 20490
717 18365
748 18365
965 18367
966 18367
969 18367
987 18367
1270 18367
Proposed Rules:
42 21169
204 20892
217 20892
230 20892
234 18445
236 21169
327 21256
329 21265
330 21265
372 21169

563h....21169
741....21169
751....21169
1232....21169

13 CFR

109....18007
120....18376

14 CFR

23....19903
27....20490
39....18020, 18022, 18024, 18029, 18031, 18033, 18038, 18376, 18865, 20229, 20231, 20493, 20496, 20498, 20501, 20503
61....19267
71....18040, 18041, 18378, 20233, 20835
95....21622
97....18379, 18382, 21232, 21234

Proposed Rules:

33....18130
39....18454, 18664, 18957, 18960, 18964, 19278, 19710, 19714, 19716, 19719, 19721, 19724, 20894, 20898, 21675
71....19281, 20279, 20280, 20281, 21266, 21268, 21269
121....21270
139....20570

15 CFR

730....21628
744....21628

Proposed Rules:

806....19282

16 CFR

305....20233
306....19684
1303....18645

Proposed Rules:

1224....19914
1500....19926

17 CFR

Ch. I....20835
240....20506

Proposed Rules:

229....18966
240....18966
248....21169

18 CFR

358....20838

Proposed Rules:

Ch. I....18954
284....20571

19 CFR

Proposed Rules:

4....18132
24....18132

20 CFR

404....18383, 19692
416....18383, 19692

Proposed Rules:

404....20282
416....20282
Ch. IV....18104
Ch. V....18104
Ch. VI....18104
Ch. VII....18104
Ch. IX....18104

21 CFR

179....20509
520....18648
610....20513
878....20840
884....21237
1314....20518

Proposed Rules:

Ch. I....20568, 20588
1....20901
7....20901
11....19192, 19238
16....20575, 20901
101....19192, 19238
312....20575
511....20575
812....20575

22 CFR

Proposed Rules:

120....20590
124....20590

23 CFR

1340....18042

25 CFR

Proposed Rules:

Ch. I....20287
Ch. III....18457
Ch. V....20568

26 CFR

1....19268, 19907, 20524
301....18059, 18385

Proposed Rules:

1....20593, 20595
31....20595
301....18134

27 CFR

19....19908
30....19908

28 CFR

0....21239
51....21239
94....19909

29 CFR

4....18832
516....18832
531....18832
553....18832
778....18832
779....18832
780....18832
785....18832
786....18832
790....18832
2520....18649
4022....21252
4042....18388
4044....18869

Proposed Rules:

Ch. II....18104
Ch. IV....18104
Ch. V....18104
Ch. XVII....18104
Ch. XXV....18104
2520....19285
Ch. XL....18134

30 CFR

Proposed Rules:

Ch. I....18104
104....18467
938....18467

31 CFR

306....18062
356....18062
357....18062
363....18062

33 CFR

110....20524, 21633
117....19910, 19911, 20843, 21253, 21636
165....18389, 18391, 18394, 18395, 18398, 18869, 19698, 20530, 20532, 20843, 21253, 21637

Proposed Rules:

100....19926, 20595
110....20287
165....18669, 18672, 18674, 19290, 20287, 21677

34 CFR

600....20534
602....20534
603....20534
668....20534
682....20534
685....20534
686....20534
690....20534
691....20534

Proposed Rules:

99....19726

36 CFR

Proposed Rules:

294....21272

37 CFR

1....18400

Proposed Rules:

1....18990

39 CFR

Proposed Rules:

3050....20906

40 CFR

51....18870
52....18650, 18870, 18893, 20237, 20239, 20242, 20846, 20850, 20853, 21639
60....18408
63....18064
75....18415, 20536
80....18066
85....19830
86....19830
112....18894, 21652
180....18895, 18899, 18906, 18915, 19701, 20537, 20542
268....18921
271....18927
300....18066, 20546
1042....20550

Proposed Rules:

52....19292, 19662, 19739, 20291, 20293, 20296, 20598, 20602, 20906, 20907, 20910, 21682, 21691
63....21692
158....21294
168....18995
180....19001
268....19003
271....19004
281....21299
300....18136, 20605
355....21299

41 CFR

300....18326
302....18326

Proposed Rules:

Ch. 50....18104
Ch. 60....18104
Ch. 61....18104
Ch. 109....18954

42 CFR

5....20867
413....18930
417....21432
422....21432
423....21432

Proposed Rules:

Ch. I....20568
Ch. IV....20568
424....18472
425....19528
441....21311
Ch. V....20568

44 CFR

64....18934
65....18938, 20551, 20553, 20554, 20556, 21660, 21662
67....21664

Proposed Rules:

67....19005, 19007, 19018, 20606, 21693, 21695

45 CFR

2553....20243

Proposed Rules:

Ch. II....20568
Ch. III....20568
Ch. IV....20568
Ch. X....20568
Ch. XIII....20568
1355....18677
1356....18677
1357....18677

46 CFR

115....19275
170....19275
176....19275
178....19275
520....19706
532....19706

Proposed Rules:

502....19022

47 CFR

73....18415, 18942, 19275, 19276, 20248, 20249
74....18942
300....18652

Proposed Rules:

1....18137, 18476, 18490, 18679, 20297
6....20297

7 20297
8 20297
17 18679
22 18679
24 18679
25 18679
27 18679
64 18490
73 18497
80 18679
87 18679
90 18679

48 CFR

Ch. 1 18304
1 18324
2 18304
4 18304
6 18304
13 18304
14 18304
15 18304
18 18304
19 18304
26 18304
33 18304
36 18304
42 18304
52 18304
53 ....18072, 18304, 18322
604 20249
637 20249
652 20249

Proposed Rules:

2 18497
31 18497
32 18497
45 18497
49 18497
52 18497
53 18497
Ch. 3 20568
Ch. 9 18954
Ch. 29 18104

49 CFR

8 19707
40 18072
213 18073
393 20867
541 20251

Proposed Rules:

384 19023
385 20611
390 20611
395 20611
544 20298

50 CFR

17 ....18087, 20558
218 20257
224 20870
226 20180
300 19708
622 18416
635 ....18417, 18653
648 ....18661, 19276
679 ....18663, 19912, 20890

Proposed Rules:

17 ....18138, 18684, 18701, 19304, 20464, 20613, 20911, 20918
20 19876
223 20302
224 20302
300 18706
635 18504
648 ....18505, 19305, 19929
660 ....18706, 18709
665 19028

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 1363/P.L. 112–8
Further Additional Continuing Appropriations Amendments, 2011 (Apr. 9, 2011; 125 Stat. 34)

Last List April 5, 2011

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.