AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

8–20–10 Friday
Vol. 75 No. 161 Aug. 20, 2010

Pages 51369–51608

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.

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Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

5 CFR Part 8301

RIN 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture; Additional Rules for Department's Rural Development Employees

AGENCY: Office of the Secretary, U.S. Department of Agriculture (USDA).

ACTION: Interim rule with request for comments.

SUMMARY: The Department of Agriculture (USDA), with the concurrence of the Office of Government Ethics (OGE), is issuing an interim rule amending the regulations for Department employees that supplement the Standards of Ethical Conduct for Employees of the Executive Branch (Standards), as issued by OGE. The interim rule adds additional rules in a new section applicable to employees of the Rural Development (RD) mission area. This section sets forth certain restrictions on financial interests applicable to RD employees and separate, more-extensive prior approval requirements for RD employees.

DATES: *Effective Date:* These interim regulations are effective August 20, 2010. Comments are invited and should be received by September 20, 2010.

ADDRESSES: You may submit comments to the Office of Ethics, U.S. Department of Agriculture, on this interim regulation by any of the following methods:

- *E-mail: daeo.ethics@usda.gov* [include reference to RD Supplemental Regulation in the subject line of the message].
- *Fax:* 202–690–2642.
- *Postal Mail/Hand Delivery/Courier:* Office of Ethics, U.S. Department of Agriculture, Room 347–W, Stop 0122, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 720–2251. Attention: Michael M. Edwards, Deputy Director.

FOR FURTHER INFORMATION CONTACT: Michael M. Edwards, (202) 720–2251.

SUPPLEMENTARY INFORMATION:

I. Background

On October 2, 2000, with the concurrence and co-signature of OGE, The USDA published a final rule establishing supplemental standards of ethical conduct for employees of USDA (65 FR 58635–40, October 2, 2000). The final rule was issued to supplement the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) that were published by OGE on August 7, 1992, and became effective on February 3, 1993. The Standards, as corrected and amended, are codified at 5 CFR part 2635. The final rule was issued pursuant to 5 CFR 2635.105, which authorizes agencies, with the concurrence of OGE, to publish agency-specific supplemental regulations that are necessary to implement their respective ethics programs. The Department, with OGE concurrence, determined that the supplemental rules for codification in chapter 73 of 5 CFR, consisting of part 8301, are necessary to the success of its ethics program, and has likewise determined that these additional rules are necessary to the success of its ethics program for RD.

II. Grace Period

While these regulations are effective upon publication, pursuant to 5 CFR 2635.403(d), whenever an agency directs divestiture of a financial interest under paragraphs (a) or (b) of 5 CFR 2635.403, the employee shall be given a reasonable time, not to exceed ninety (90) calendar days from the date on which divestiture is first directed, in which to comply with the agency's direction.

Divestiture is directed upon publication of this rule. Accordingly, employees who are required to divest financial interests pursuant to publication of this rule shall accomplish required divestiture as follows: Divestiture of financial interests described under § 8301.107(c) of this rule shall be accomplished within ninety (90) calendar days from the effective date of this rule; termination of outside employment prohibited under § 8301.107(f) of this rule shall be accomplished within thirty (30) calendar days from the effective date of this rule. However, during the 90 and 30 day periods, as long as the employee retains or continues to hold any financial interest that must be divested or employment that must be terminated pursuant to this rule, the employee shall remain subject to any restrictions imposed under 5 CFR part 2635, subpart D, as well as 18 U.S.C. 208 and 5 CFR part 2640. Moreover, employees who, subsequent to the effective date of this rule, either: (1) Unknowingly or through processes such as inheritance acquire, receive, or otherwise obtain financial interests; or (2) engage in outside employment that becomes conflicting through a subsequent official reassignment or change in official duties, shall also have respective 90 and 30 calendar day periods in which to divest such interest, or terminate prohibited outside employment. These periods will be measured from the date on which the employee learns, or reasonably should have learned, that he or she has acquired a prohibited financial interest or that outside employment in which he or she currently is engaged is prohibited by this rule.

Analysis of the Regulations

Section 8301.107 Additional Rules for Rural Development Employees

USDA's RD has determined that certain additional rules are necessary in order to protect the integrity of its programs. Many RD programs are administered in a highly decentralized manner. Many RD employees reside in the same small communities as the RD loan applicants, borrowers, and program participants they serve. At the same time, many RD employees and/or their family members are RD program participants. Rural Development employees often are part of the very rural communities being serviced by their local RD offices. Given the opportunity and, in many cases, the need for regular, non-official interaction between RD employees and the persons and businesses in their communities serviced by RD, there is a need to establish for RD employees certain limitations regarding outside

employment and to prohibit RD employees from obtaining certain financial holdings. The restrictions contained in paragraphs (c) through (g) of § 8301.107 primarily reinstate employee conduct rules that were in effect at the former Farmers Home Administration (FmHA) and Rural Electrification Administration, the predecessor agencies to RD, prior to the effective date of 5 CFR part 2635, as extended by OGE-issued grace periods to November 1, 1996, for certain existing USDA regulatory prohibited financial interests and prior approval for outside employment requirements.

Paragraph (a) of § 8301.107 provides that, other than where specified, the additional rules in the section apply solely to all RD employees, other than special Government employees as defined under 18 U.S.C. 202, whether the employees are employed by RD, or one of the RD agencies, the Rural Housing Service (RHS), the Rural Business and Cooperative Service (RBS), or the Rural Utilities Service (RUS).

Paragraph (b) defines the phrase "RD program participant" as any person (including any entity) who, either individually or collectively, (1) Currently has an outstanding loan, loan guaranty, or grant from RD, (2) currently receives any other form of RD financial assistance under a credit, payment, or other program administered by RD, or (3) has an application on file to become an RD borrower, RD grantee, or recipient of any other form of RD financial assistance available under any credit, payment, or other program administered by RD. However, the definition excludes voluntary membership by a person in a utility or public-type facility organization that is an RD program participant.

The new interim rule contains five restrictions on RD employees holding or acquiring conflicting interests. Paragraph (c)(1) of § 8301.107 provides that no RD employee, or spouse or minor child of such an RD employee, shall knowingly own, receive, or acquire stock, or hold any other financial interest in a for-profit entity, or affiliate of a for-profit entity, that is an RD program participant, a business that does or seeks to do business with RD, or one that sells repeatedly to RD borrowers or contractors for payment from RD loan, grant, or loan guaranty funds, if that entity or affiliate is affected by decisions of the particular RD office in which the RD employee serves. The paragraph specifically references types of entities covered as including: Entities engaged in commercial real estate sale and lease, including brokers, sales agents, mortgage lenders, and other financial servers; title and abstract companies; house/building construction companies and subcontractors; building supply companies and lumberyards; insurance companies; and entities involved in land development.

This provision is subject to two exceptions under paragraph (c)(2). The first exception permits investing in a publicly traded or publicly available mutual fund or other collective investment fund or in a widely held pension or similar fund provided that the fund does not invest more than 5 percent of its assets in securities of any one entity covered under paragraph (c)(1), or more than 25 percent of its assets in securities of any combination of entities covered under paragraph (c)(1).

Under the second exception, the prohibitions contained in paragraph (c)(1) on owning or acquiring a financial interest do not prohibit an RD employee, spouse or minor child from owning "Patronage Capital," as a member in a nonprofit entity, such as an electric, telecommunications, or water cooperative. Patronage Capital is defined as the amounts received for providing a service in excess of the amounts required for operating costs and expenses. Under this definition, Patronage Capital is the equivalent of net income in a commercial for-profit business entity. Cooperative principles require that Patronage Capital be returned to the members who furnished it. When these amounts are credited or allocated to the members, they are referred to as Patronage Capital Credits or Capital Credits. Generally, Capital Credits are retired or paid to members on a First In First Out (FIFO) basis. Because of the capital-intensive nature of the utility industry, Capital Credit retirements are paid on a rotational cycle determined by the Cooperative. These rotational cycles are usually between 15 and 30 years, meaning that Patronage Capital Credits may not be paid to the member for 15 to 30 years after it is earned. Credits are allocated based on the amount of electrical service provided to a consumer. As many RUS employees are residents of rural communities where utilities are provided through cooperatives, prohibiting such interests would impose an undue hardship on the employees, their spouses, and/or minor children. Moreover, RD has determined that these payments, which stem from simple membership, pose little risk of conflicting interests.

Paragraph (d) of § 8301.107 generally provides that no RD employee, or a spouse or minor child of an RD employee, shall knowingly purchase RD-related real estate properties. Application of this prohibition is subject to waiver under paragraph (g) of this section.

Paragraph (e)(1) of this section prohibits an RD employee, or a spouse or minor child of an RD employee, from engaging in certain transactions with persons whom the RD employee, or spouse or minor child of the RD employee, knows or reasonably should know to be an RD program participant directly affected by decisions made by the employee's RD office, unless certain exceptions apply. The transactions covered by this general prohibition include sales of real property, leases of real or personal property, the sale or purchase of personal property, and obtaining personal services from RD program participants. As provided in paragraph (e)(2), the general prohibition does not apply to transactions involving goods available to the general public at posted prices that are customary and usual within the community (*e.g.,* sale of a tractor through placing an advertisement in the local newspaper). As with paragraph (d), above, application of this general prohibition also is subject to waiver under paragraph (g) of this section.

Paragraph (f) of § 8301.107 contains a prohibition on RD employees providing outside consulting services to an RD program participant if the program participant is affected by decisions of the particular RD office in which the RD employee serves. It is the position of USDA that such service by an RD employee would often result not only in the employee being tempted to use his or her official position, or nonpublic RD information, to benefit himself or herself, but would almost always result in the perception among RD program participants of such misuse. In light of the potential risk to the faith of the public in the integrity of RD programs, this prohibition is not subject to waiver.

Under 5 CFR 2635.403(a), RD may, by supplemental regulation, prohibit or restrict employees from holding financial interests that RD determines would cause a reasonable person to question the impartiality or objectivity with which RD programs are administered. The important local role that RD plays in rural communities as a lender and loan guarantor, and the resulting impact that it has upon the rural real estate industry, warrants supplemental safeguards against placing any RD employee in a position to secure, or appear to secure, private gain for himself or herself, or for any other person, by virtue of the public position he or she holds.

The sensitive and diverse mission of RD involving the institutions it assists makes it appropriate to restrict ownership of certain financial interests dealing with rural real estate ownership and rural construction interests by an RD employee, or spouse and/or minor child of an RD employee. Such restrictions are necessary in order to (1) maintain public confidence in the impartiality and objectivity with which RD executes its mission, (2) eliminate public concern, particularly in the area serviced by the employee's RD office, that sensitive information provided to RD might be used for private gain, and (3) avoid a significant number of recusals which would hinder program operations.

The prohibitions under paragraphs (c) and (d) apply whether the prohibited financial interest involved is obtained by the employee, spouse, or minor child directly or indirectly if the financial interest is obtained knowingly by the employee, spouse, or minor child. For example, an employee would violate paragraph (d) should he or she obtain otherwise prohibited RD property through an agreement with another person under which the other party poses as a front for the RD employee. Because application of the prohibitions in paragraphs (d) and (e) may result in undue financial hardship to various RD employees and RD program participants in certain instances, the prohibitions may be waived in accordance with the standards at paragraph (g) of § 8301.107. Under this paragraph, an RD employee may submit a written request to the RD State Director for the employee's State or the Deputy Administrator for Operations and Management. Either of these officials, as appropriate, may make a determination in advance after consulting with the USDA Office of Ethics that a transaction would satisfy the conditions, as explained below. Paragraph (g) also provides that a waiver may impose appropriate additional conditions, such as a written disqualification. This waiver provision reflects, in large part, a similar provision that existed in the former FmHA rules prior to the effective date of the Standards and which lapsed when the Standards became effective as a final rule.

A waiver may be granted by the RD State Director or Deputy Administrator for Operations and Management based on his or her finding, after consultation with the USDA Office of Ethics, that: (1) The transaction is not inconsistent with the Standards at part 2635 of this title or this part; (2) the transaction is not otherwise prohibited by law, including 7 U.S.C. 1986 (prohibiting Department employees from benefiting, or receiving a fee, commission, gift, or other consideration, in connection with any transaction or business under the Consolidated Farm and Rural Development Act, 7 U.S.C. 1921 *et seq.*); and (3) under the particular circumstances, application of the prohibition to the transaction is not necessary to avoid the appearance of misuse of position or loss of impartiality, nor otherwise needed to ensure confidence in theimpartiality and objectivity with which agency programs are administered. In addition, the transaction must be found to be free of duress or favoritism and to not involve a contractual relationship or obligation exceeding 365 consecutive calendar days.

Moreover, because farm leases and other transactions between RD employees and RD program participants are so common within rural communities, RD has determined that not providing RD employees (on their own behalf or on behalf of their spouses or minor children) the opportunity, through the waiver provision, to obtain an advance determination that the transaction would be consistent with ethics requirements would impose an undue financial hardship upon the RD employees (including their spouses and/or minor children) and the RD program participants. While the waiver request is submitted by the RD employee, the standards for granting such a waiver set forth in (g)(2) specifically require a showing that, in addition to satisfying the primary Government ethics conditions for the RD employee noted above, the transaction is in the best interests of the RD program participant and that denial of the requested waiver would likely cause significant hardship to the RD program participant. Such additional waiver provisions, based on a balancing of ethical considerations against the potential financial hardship to the RD program participant, provide flexibility and fairness while raising the level of decision-making visibility and accountability. Requiring requests for advance determinations to be submitted to the appropriate RD official permits the agency to have control over these interactions without imposing undue financial hardships. As a result, approved transactions will have visibility and accountability.

Paragraph (h) of § 8301.107 requires an RD employee, not otherwise required to do so under § 8301.102, to obtain prior approval from RD before engaging in outside employment that: (1) Relates to the real estate industry in the area serviced by the particular RD office in which the RD employee serves, or (2) involves a person whom the RD employee knows, or reasonably should know, to be an RD program participant directly affected by decisions made by the particular RD office in which the RD employee serves.

This requirement also reflects a similar requirement contained within the former FmHA rules and which lapsed on November 1, 1996. While outside interaction is vital to RD employees and to the community in which they live, the potential for outside employment opportunities leading to favoritism and a loss of impartiality, or an appearance thereof, is significant enough to justify agency concerns. Thus, USDA has determined that it is necessary to require approval before any of its RD employees may engage in any outside employment in such businesses where potential for actual or perceived favoritism or a loss of impartiality is significant. Specifically, the parties involved in real estate transactions are generally real estate agents, appraisers, brokerage agents, title attorneys, bank board members, etc. In the opinion of USDA, prior approval is necessary in order to maintain public confidence in the impartiality and objectivity with which RD executes its various functions; to eliminate public concern, particularly in the area serviced by the employee's RD office, that sensitive information provided to or by RD employees might be used for private gain; and to avoid a significant number of recusals that would hinder program operations.

Mitigating against the impact of this restriction is the fact that this paragraph covers only RD employees, not their spouses or minor children. Moreover, there is a provision set forth in § 8301.102(e)(1) that will provide the flexibility to exempt from the prior approval requirement categories of outside employment that are deemed to pose little or no ethical risk to RD employees.

IV. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(a)(2), USDA is not required to provide a general notice of proposed rulemaking, opportunity for advance comment, and a 30-day delay in effectiveness as to this interim rule because it is a matter relating to Federal personnel. This rulemaking contains statements of policy, interpretive rules, and conduct regulations related to USDA personnel and, in significant part, reissues in revised form the prohibited financial interest and outside employment rules that existed in the former FmHA prior

to the effective date of 5 CFR part 2635. However, because this rule may be improved, comments may be submitted on or before September 20, 2010. All comments will be analyzed and any appropriate changes to the rule will be incorporated in the subsequent publication of the final rule.

While the rule is effective upon publication, pursuant to 5 CFR 2635.403(d), whenever an agency directs divestiture of a financial interest under paragraphs (a) or (b) of 5 CFR 2635.403, the employee shall be given a reasonable time, normally not to exceed ninety (90) calendar days from the date on which divestiture is first directed, in which to comply with the agency's direction.

The divestiture requirement is directed upon publication of this rule. Accordingly, employees who are required to divest financial interests pursuant to publication of this rule shall complete required divestiture of financial interests under paragraph (c) of § 8301.107 within 90 calendar days from the date of publication, except in cases of unusual hardship as determined by RD. Employees who are required to terminate conflicting outside employment under paragraph (f) of § 8301.107 shall accomplish required termination within thirty (30) calendar days from the date of publication, except in cases of unusual hardship as determined by RD. During the 90- and 30-day periods, as long as the employee retains or continues to hold any financial interest that must be divested or employment that must be terminated pursuant to this rule, the employee shall remain subject to any restrictions imposed under 5 CFR part 2635, subpart D, as well as 18 U.S.C. 208 and 5 CFR part 2640.

Congressional Review

The Department has found that this rulemaking is not a rule as defined in 5 U.S.C. 804, and, thus, does not require review by Congress. This rulemaking is related to Department personnel.

Executive Orders 12866 and 12988

Since this rule relates to Department personnel, it is exempt from the provisions of Executive Orders 12866 and 12988.

Paperwork Reduction Act

The Department has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this regulation.

List of Subjects in 5 CFR Part 8301

Conflict of interests, Executive Branch standards of conduct, Government employees.

■ For the reasons set forth in the preamble, the Department of Agriculture, with the concurrence of the Office of Government Ethics, is amending 5 CFR part 8301 as follows:

PART 8301—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE

■ 1. The authority citation for part 8301 is revised to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403(a), 2635.802(a), 2635.803.

■ 2. A new section 8301.107 is added to read as follows:

§ 8301.107 Additional rules for RD employees.

(a) *Application.* Except where otherwise noted below, this section applies to all of the Department's RD employees, other than special Government employees, as defined at 18 U.S.C. 202, including employees of the Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service.

(b) *Definition of RD program participant.* For purposes of this section, the phrase "RD program participant," includes any person (including any entity) who, either individually or collectively, currently has an outstanding loan, loan guaranty, or grant from RD, currently receives any other form of RD financial assistance under a credit, payment, or other program administered by RD, or has an application on file to become an RD borrower, RD grantee, or recipient of any other form of RD financial assistance available under any credit, payment or other program administered by RD. Voluntary membership by a person in a utility or public-type facility organization that is an RD program participant does not make the person an RD program participant.

(c) *Prohibited financial interests.* (1) Except as provided for in paragraph (c)(2) of this section, an RD employee, or a spouse or minor child of an RD employee, shall not knowingly own, receive, or acquire stock, or hold any other financial interest in a for-profit entity, or affiliate of a for-profit entity, that is an RD program participant, a business that does or seeks to do business with RD, or one that sells repeatedly to RD borrowers or contractors for payment from RD loan, loan guaranty, or grant funds, if that entity or affiliate is affected by decisions of the particular RD office in which the RD employee serves. Types of entities covered by this section include, but are not limited to the following:

(i) Entities engaged in commercial real estate sales and leasing, including brokers, sales agents, mortgage lenders, and other financial servers;

(ii) Title and abstract companies;

(iii) House/building construction companies and subcontractors;

(iv) Building supply companies and lumberyards;

(v) Insurance companies; and

(vi) Entities involved in land development.

(2) *Exceptions.* (i) Nothing in this section prohibits an RD employee, or a spouse or minor child of an RD employee, from owning any of the interests described in paragraph (c)(1) of this section where the interest is held through investment in a publicly traded or publicly available mutual fund or other collective investment fund or in a widely held pension or similar fund provided that the fund does not invest more than 5 percent of its assets in any one entity covered under paragraph (c)(1) of this section and does not invest more than 25 percent of its assets in any combination of entities covered under paragraph (c)(1) of this section.

(ii) Nothing in this section prohibits an RD employee, or a spouse or minor child of an RD employee, from owning Patronage Capital that the employee receives simply by reason of being a member of a nonprofit entity, such as an electric, telecommunications, or water cooperative. For purposes of this section, Patronage Capital is defined as amounts received for providing a service in excess of the amounts required for operating costs and expenses.

(d) *Prohibited real estate purchases.* Except in cases where a waiver has been granted pursuant to paragraph (g) of this section, no RD employee, or spouse or minor child of an RD employee may personally, or through the participation of another person, knowingly purchase real estate or personal property: Mortgaged or pledged to the Government through RD; held in the RD inventory; for sale under forfeiture to RD; or from an RD program participant.

(e) *Prohibited transactions with RD program participants.* (1) Except in cases where a transaction is subject to the exceptions set forth in paragraph (e)(2) of this section, or where a waiver has been granted pursuant to paragraph

(g) of this section, no RD employee or spouse or minor child of an RD employee, may knowingly: Purchase an interest in or sell real property to; lease real property to or from; sell to, lease to or from, or purchase personal property from; seek or accept credit from RD-financed cooperative associations; or employ for compensation a person whom the RD employee or spouse or minor child of the RD employee, knows or reasonably should know is an RD program participant directly affected by decisions of the particular RD office in which the RD employee serves.

(2) *Exceptions.* Paragraph (e)(1) of this section does not apply to a sale, lease, or purchase of personal property, if it involves goods available to the general public at posted prices that are customary and usual within the community. (f) *Prohibited outside employment.* No RD employee may provide personal consulting services for any person or entity with an application on file with, grant from, or outstanding loan or loan guaranty with RD, if the application, grant, or outstanding loan or loan guaranty could be affected directly by decisions of the particular RD office in which the RD employee serves.

(g) *Waiver*—(1) *Approving officials.* A written request for an exception to the prohibitions found in paragraphs (d) and (e) of this section may be submitted in advance of the transaction by the RD employee (whether on his or her own behalf, or on behalf of the employee's own spouse or minor child) to:

(i) The RD State Director, for RD State-level employees; or

(ii) The Deputy Administrator for Operations and Management, for RD State Directors and National Office employees.

(2) *Standards.* The RD State Director or Deputy Administrator for Operations and Management may grant a written waiver from this prohibition based on a determination made with the concurrence of the USDA Office of Ethics that all three of the following conditions are satisfied:

(i) The waiver is not inconsistent with part 2635 of this title, this part, or 7 U.S.C. 1986, nor otherwise prohibited by law, and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality or otherwise to ensure confidence in the impartiality and objectivity with which agency programs are administered;

(ii) The transaction:

(A) Appears free of duress or favoritism;

(B) Does not involve a contractual relationship or obligation that exceeds 365 consecutive calendar days; and

(C) Is in the best interests of the RD program participant; and

(iii) A denial of the request would likely cause significant hardship to the RD program participant.

(3) *Additional conditions.* A waiver under this paragraph may impose appropriate conditions, such as requiring execution of a written disqualification. Approval of a waiver under this paragraph does not exempt the employee from complying with other applicable programmatic requirements under 7 CFR part 3550.9.

(h) *Additional prior approval requirement for outside employment.* (1) Any RD employee wishing to engage in outside employment as defined in paragraph (b) of § 8301.102 and who is not otherwise required to obtain approval therefor under that section, shall obtain prior written approval in accordance with the procedures set forth in paragraphs (c) and (d) of § 8301.102 if the outside employment is covered under paragraph (h)(2) or paragraph (h)(3) of this section.

(2) Outside employment is subject to the prior approval requirement of this paragraph if it involves any of the following activities, if conducted in the area serviced by the RD office in which the employee serves:

(i) Sale, appraisal, or assessment of real estate;

(ii) Performance of real estate brokerage services;

(iii) Service as a title attorney or title insurance representative;

(iv) Real estate development, including the construction of houses or other buildings;

(v) Service as an officer or on the board of directors of a bank or savings and loan association;

(vi) Service as an officer, member of the board of directors or trustees, or as an employee of an RD-financed entity;

(vii) Service as an officer, employee, or member of a governing board of a State, county, municipal, or other local political jurisdiction having the power to tax or zone real estate;

(viii) Membership in grazing associations, un-incorporated Economic Opportunity cooperatives, rental housing groups, and closely-held labor housing organizations;

(ix) Insurance sales; or

(x) Land speculation.

(3) Outside employment is also subject to the prior approval requirements of this paragraph if it is with or for a person whom the RD employee knows, or reasonably should know, is both:

(i) An RD program participant; and

(ii) Directly affected by decisions made by the particular RD office in which the RD employee serves.

Dated: August 8, 2010.

Thomas J. Vilsack,

Secretary.

Approved: August 13, 2010.

Robert I. Cusick,

Director, Office of Government Ethics.

[FR Doc. 2010–20722 Filed 8–19–10; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 215

RIN 1510–AB06

Withholding of District of Columbia, State, City and County Income or Employment Taxes by Federal Agencies; Technical Amendment

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Technical amendment.

SUMMARY: This document contains a technical amendment to the final regulation (31 CFR 215.3), published in the **Federal Register** of Friday, January 13, 2006, (71 FR 2150). The regulation provides procedures for entering into a withholding agreement, including providing an address for the Secretary of the Treasury for withholding agreement consent letters. This document corrects the address to which the letters are sent.

DATES: Effective on August 23, 2010.

FOR FURTHER INFORMATION CONTACT: Agency Enterprise Solutions Division, 202–874–9428.

SUPPLEMENTARY INFORMATION:

I. Background

The procedures for entering into a withholding agreement provided in 31 CFR § 215.3 include an address to the Secretary of the Treasury for withholding agreement consent letters. The address provided in the published regulations indicates the Assistant Commissioner, Federal Finance, as the recipient. The address is amended to indicate the Assistant Commissioner, Payment Management, as the recipient of the letters.

II. Need for Correction

As published, the final regulations contain an inaccurate address which may cause delay delivery and processing.

List of Subjects in 31 CFR Part 215

State and local tax withholding, Federal employees.

■ Accordingly, 31 CFR part 215 is corrected by making the following technical amendments:

PART 215—WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY AND COUNTY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

■ 1. The authority citation for part 215 continues to read as follows:

Authority: 5 U.S.C. 5516, 5517, 5520; E.O. 11997,42 FR 31759.

■ 2. Revise the third sentence of paragraph (a) of § 215.3 to read as follows:

§ 215.3 Procedures for entering into a Withholding Agreement.

(a) * * * The letter shall be sent to the Secretary by addressing the request to: Assistant Commissioner, Payment Management, Financial Management Service, Department of the Treasury, 401 14th Street, SW., Washington, DC 20227. * * *

* * * * *

Dated: August 16, 2010.

Sheryl R. Morrow,

Assistant Commissioner, Payment Management.

[FR Doc. 2010–20684 Filed 8–19–10; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 150 and 165

[Docket No. USCG–2009–0589]

RIN 1625–AA00, RIN 1625–AA11

Regulated Navigation Areas, Safety Zones, Security Zones; Deepwater Ports in Boston Captain of the Port Zone, MA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing regulated navigation areas (RNAs) and safety and security zones around the recently constructed Neptune Deepwater Port Facility, and modifying RNA and safety zone regulations for the existing Northeast Gateway Deepwater Port (NEGDWP), both of which are located in the waters of the Atlantic Ocean off the coast of Gloucester, Massachusetts. The purpose of these regulated areas is to protect vessels and mariners from the potential safety hazards associated with deepwater port operations, and to protect the liquefied natural gas carriers (LNGCs) and deepwater port infrastructure from security threats or other subversive acts. All vessels, with the exception of LNGCs and deepwater port support vessels, will be prohibited from anchoring within 1,000 meters of the submerged turret loading (STL) buoys associated with the deepwater port, and prohibited from entering waters within 500 meters of the deepwater port STL buoys or the LNGCs using them. Additionally, vessels will be prohibited from deploying equipment which could become entangled in submerged infrastructure within 1,000 meters of STL buoys.

DATES: This rule is effective September 20, 2010.

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–2009–0589 and are available online at *http://www.regulations.gov,* inserting USCG–2009–0589 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 LCDR Pamela Garcia, Coast Guard Sector Boston, 427 Commercial St., Boston, MA; telephone 617–223–3028; e-mail *Pamela.P.Garcia@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 April 1, 2010, we published a notice of proposed rulemaking (NPRM) entitled "Regulated Navigation Areas, Safety Zones, Security Zones; Deepwater Ports in Boston Captain of the Port Zone, MA" in the **Federal Register** (75 FR 16370). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Basis and Purpose

The basis for this rulemaking is the Coast Guard's authority to establish security zones, safety zones, and regulated navigation areas, under 33 U.S.C. 1226, 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, 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1. Generally, a security zone is an area of water, land, or both, designated for a certain time to protect vessels, harbors, ports, and waterfront facilities from sabotage, damage, or injury due to subversive acts, accidents, or other causes of a similar nature. A safety zone is an area of water, land, or both designated for a certain time for safety or environmental purposes. A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established, to control vessel traffic in a place determined to have hazardous conditions. 33 CFR 165.10; U.S.C.G. Commandant Instruction Manual M16704.3A, 1–5, 1–6.

The purpose of this rulemaking is to protect mariners from the hazards associated with submerged deepwater port infrastructure and to ensure safety at and around LNGCs engaged in regasification and transfer operations at the Neptune and Northeast Gateway deepwater ports. The Neptune RNAs will prohibit vessels from anchoring or otherwise deploying equipment that could become entangled in submerged infrastructure within 1,000 meters of Neptune's STL buoys, and will prohibit vessels from commercial fishing or other activities on or below the waterway using nets, dredges, traps, or remotely operated vehicles (ROVs). Diving in the Neptune RNAs will be prohibited without the permission of the COTP. This diving prohibition will also be extended to the existing RNAs for the Northeast Gateway Deepwater Port.

Background

On March 23, 2007, the Maritime Administration (MARAD) in accordance with the Deepwater Port Act of 1974 (DPA), as amended, 33 U.S.C. 1501 *et seq.,* issued a license to Suez Energy to own, construct, and operate a natural gas deepwater port. This port, Neptune Deepwater Port (Neptune), is located in the Atlantic Ocean, approximately eight nautical miles south-southeast of Gloucester, Massachusetts, in Federal waters. The coordinates for the two submerged turret loading buoys are: STL Buoy A, Latitude 42°29′12.3″ N, Longitude 70°36′29.7″ W and STL Buoy B, Latitude 42°27′20.5″ N, Longitude 70°36′7.3″ W. Neptune can accommodate the mooring, connecting, and offloading of two (2) LNGCs at one time. Neptune's operator plans to

offload LNGCs by regasifying the liquefied natural gas (LNG) on board the vessels. The regasified natural gas is then transferred through two submerged turret loading buoys via a flexible riser leading to a seabed pipeline that ties into the Algonquin Gas Transmission Pipeline for transfer to shore.

Among other powers, Coast Guard District Commanders may establish, in 33 CFR Part 165:

- Regulated navigation areas—Defined water areas determined to have hazardous conditions and in which vessel traffic can be regulated in the interest of safety;
- Safety zones—Water or shore areas to which access may be limited for safety or environmental purposes; and
- Security zones—Land or water areas subject to regulation to safeguard vessels, harbors, ports, or waterfront facilities from destruction, loss, or injury from sabotage or similar subversive acts.

In the case of deepwater ports handling oil or natural gas, RNAs and safety or security zones established by the District Commander may also affect 33 CFR 150.940, which describes safety zones for specific deepwater ports. Insofar as deepwater port safety zones involve anchorage, they are established under the authority of the DPA, 33 U.S.C. 1509(d)(1), for the purpose of "navigational safety." If a deepwater port safety zone also provides for "no anchoring areas" (NAAs) or "areas to be avoided" (ATBAs), the District Commander must coordinate its establishment in accordance with 33 CFR 150.915, because NAAs and ATBAs require International Maritime Organization (IMO) approval. Current regulations establishing safety zones for deepwater ports in the Boston COTP Zone appear at 33 CFR 150.940(c).

Discussion of Comments and Changes

No comments or changes were suggested to the proposed rule. None have been made, but we have recalculated latitude and longitude descriptions to the tenth of a second.

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.

The USCG and MARAD are responsible for processing license applications to own, construct, and operate deepwater ports. To meet the requirements of the National Environmental Policy Act of 1969 (NEPA), the Coast Guard, in cooperation with MARAD, prepared an Environmental Impact Statement (EIS) in conjunction with reviewing the Neptune licensing application. Among other things, the EIS assessed the potential economic impacts associated with the construction and operation of Neptune and determined this rule is not a significant regulatory action, including the no anchoring and limited access areas that will be implemented by this rule. That EIS is available in the public docket for the licensing application (USCG–2005–22611) at *http://www.regulations.gov.*

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 or operators of vessels intending to transit, fish, or conduct other operations within 1,000 meters of the Neptune Deepwater Port STL buoys, as well as the owners or operators of vessels intending to conduct diving operations in the RNAs for NEGDWP. The impact on small entities is expected to be minimal because vessels wishing to transit the Atlantic Ocean in the vicinity of these deepwater ports may do so, provided they remain more than 500 meters from the deepwater port's STL buoys and any LNGC vessels calling on the deepwater port; and provided they refrain from deploying equipment which could become entangled in submerged infrastructure within 1,000 meters of STL buoys. Vessels wishing to fish in the area may do so in nearby and adjoining areas where otherwise permitted by applicable fisheries regulations, and vessels wishing to conduct diving operations may do so with the permission of the COTP.

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 can better evaluate its effects on them and participate in the rulemaking.

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 would not cause a taking of private property or otherwise have taking implications under Executive

Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This 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 would not create an environmental risk to health or risk to safety that might 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 which 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.

This rule involves the creation of new RNAs and safety and security zones, which falls within the categorical exclusion provisions of Paragraph 34(g) of the Commandant Instruction.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 150

Harbors, Marine safety, Navigation (water), Occupational safety and health, Oil pollution, and Reporting and recordkeeping requirements.

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 Parts 150 and 165 as follows:

PART 150—DEEPWATER PORTS: OPERATIONS

■ 1. The authority citation for Part 150 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6), (m)(2); 33 U.S.C. 1509(a); E.O. 12777, sec. 2; E.O. 13286, sec. 34, 68 FR 10619; Department of Homeland Security Delegation No. 0170.1(70), (73), (75), (80).

■ 2. Amend § 150.940 by revising paragraph (c)(4)(iii) and adding paragraph (d) to read as follows:

§ 150.940 Safety zones for specific deepwater ports.

* * * * *

(c) * * *

(4) * * *

(iii) All other vessel operators desiring to enter, operate or conduct diving operations within a safety zone described in paragraph (c)(1) of this section must contact the COTP, or the COTP's authorized representative, to obtain permission by contacting the Sector Boston Command Center at 617–223–5761 or via VHF–FM Channel 16 (156.8 MHZ). Vessel operators given permission to enter, operate, or conduct diving operations in a safety zone must comply with all directions given to them by the COTP or the COTP's authorized representative.

* * * * *

(d) Neptune Deepwater Port (Neptune)

(1) *Location.* The safety zones for Neptune consist of circular zones, each with a 500-meter radius and centered on each of Neptune's two submerged turret loading (STL) buoys. STL Buoy "A" is centered at the following coordinates: Latitude 42°29′12.3″ N, Longitude 070°36′29.7″ W; and STL Buoy "B": Latitude 42°27′20.5″ N, Longitude 070°36′07.3″ W. Each safety zone encompasses, within the respective 500-meter circles, the primary components of Neptune, including a submerged turret loading buoy and a pipeline end manifold. Each safety zone is located approximately eight nautical miles south-southeast of Gloucester, Massachusetts, in Federal waters.

(2) *No anchoring areas.* Two mandatory no anchoring areas for Neptune are established for all waters within circles of 1,000-meter radii centered on the submerged turret loading buoy positions set forth in paragraph (d)(1) of this section.

(3) *Area to be avoided.* An area to be avoided (ATBA) for Neptune is as described in Table 150.940(C):

TABLE 150.940(C)—ATBA FOR NEPTUNE

Plotting guidance	Latitude N	Longitude W
(i) Starting at	42°27′26.6″	70°35′13.1″
(ii) A rhumb line to	42°29′18.3″	70°35′35.4″

TABLE 150.940(C)—ATBA FOR NEPTUNE—Continued

Plotting guidance	Latitude N	Longitude W
(iii) Then an arc with a 1250 meter radius centered at point	42°29′12.3″	70°36′29.7″
(iv) To a point	42°29′6.3″	70°37′24.0″
(v) Then a rhumb line to	42°27′14.7″	70°37′1.6″
(vi) Then an arc with a 1250 meter radius centered at point	42°27′20.5″	70°36′7.3″
(vii) To the point of starting	42°27′26.6″	70°35′13.1″

(4) *Regulations.* (i) In accordance with the general regulations set forth in 33 CFR 165.23 and elsewhere in this part, no person or vessel may enter the waters within the boundaries of the safety zones described in paragraph (d)(1) of this section unless previously authorized by the Captain of the Port (COTP) Boston, or the COTP's authorized representative.

(ii) Notwithstanding paragraph (d)(4)(i) of this section, liquefied natural gas carriers (LNGCs) and support vessels, as defined in 33 CFR 148.5, calling on Neptune, are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

(iii) All other vessel operators desiring to enter, operate or conduct diving operations within a safety zone described in paragraph (d)(1) of this section must contact the COTP or the COTP's authorized representative to obtain permission by contacting the Sector Boston Command Center at 617–223–5761 or via VHF–FM Channel 16 (156.8 MHZ). Vessel operators given permission to enter or operate in a safety zone must comply with all directions given to them by the COTP or the COTP's authorized representative.

(iv) No vessel, other than an LNGC or support vessel calling on Neptune, may anchor in the area described in paragraph (d)(2) of this section.

PART 165—WATERWAYS SAFETY; REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 4. Amend § 165.117 by revising paragraphs (a)(3) and (d)(1) to read as follows:

§ 165.117 Regulated Navigation Areas, Safety, and Security Zones: Deepwater Ports, First Coast Guard District.

(a) * * *

(3) * * *

(i) * * *

(ii) The geographic coordinates forming the loci for the regulated navigation areas, safety, and security zones for Neptune Deepwater Port are: 42°29′12.3″ N, 70°36′29.7″ W; and 42°27′20.5″ N, 70°36′7.3″ W.

(iii) [Reserved].

* * * * *

(d) * * *

(1) No vessel may anchor, engage in diving operations, or commercial fishing using nets, dredges, traps (pots), or use of remotely operated vehicles (ROVs) in the regulated navigation areas set forth in paragraph (a)(1) of this section.

* * * * *

Dated: August 10, 2010.

D.A. Neptun,

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

[FR Doc. 2010–20746 Filed 8–19–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0745]

RIN 1625–AA00

Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Niagara River, North Tonawanda, NY. This safety zone is intended to restrict vessels from a portion of the Niagara River during the Thunder on Niagara powerboat races. This safety zone is necessary to protect spectators and vessels from the hazards associated with powerboat races.

DATES: This rule is effective from 10 a.m. on August 22, 2010 to 6 p.m. on August 23, 2010.

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–2010–0745 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0745 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.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0745 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0745 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 Lieutenant Brian Sadler, Waterways Management Division Chief, U.S. Coast Guard Sector Buffalo; telephone 716–843–9573, e-mail *Brian.L.Sadler@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 it is contrary to the public interest to delay the effective date of this rule. Delaying the effective date by first publishing an NPRM would be contrary to the safety zone's intended objectives because immediate action is needed to protect persons and vessels against the dangers presented by a power boat race.

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**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment; therefore, a 30-day notice is impracticable. Delaying the effective date would be contrary to the safety zone's intended objectives of protecting persons and vessels involved in the event, and enhancing public and maritime safety.

Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from the hazards associated with powerboat races. Based on recent accidents that have occurred in other Captain of the Port zones, the Captain of the Port Buffalo, has determined powerboat races present significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, and alcohol use, present a significant risk of serious injuries or fatalities.

Discussion of Rule

This temporary safety zone is necessary to ensure the safety of spectators and vessels during the Thunder on Niagara powerboat races. This rule is effective and will be enforced from 10 a.m. on August 22, 2010 to 6 p.m. on August 23, 2010. The safety zone will encompass all waters of the Niagara River, North Tonawanda, NY within two miles of the Grand Island Bridge located at 43°03′36″ N, 078°54′45″ W to 43°03′09″ N, 078°55′21″ W to 43°02′42″ N, 078°54′09″ W to 43°03′00″ N, 078°53′42″ W, then returning to the point of origin. (DATUM: NAD 83).

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.

The Coast Guard determined that this rule is not a significant regulatory action because the safety zone will be in effect for a relatively short amount of time. Plus, vessels may still transit with the permission of the Captain of the Port Buffalo or his designated on-scene representative.

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 might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Niagara River, North Tonawanda, NY, between 10 a.m. on August 22, 2010 to 6 p.m. August 23, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities because of the relatively short amount of time in which the safety zone will be enforced. Vessels may still transit through the safety zone with permission from the Captain of the Port Buffalo or his on-scene representative.

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. This rule involves the establishment of a safety zone. An environmental analysis checklist and a categorical exclusion determination are 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. 1226, 1231; 46 U.S.C. Chapters 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 temporary section 165.T09–0745 to read as follows:

§ 165.T09–0745 Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY.

(a) *Location.* The following area is a temporary safety zone: all waters of the Upper Niagara River, North Tonawanda, NY within two miles of the Grand Island Bridge located at 43°03′36″ N, 078°54′45″ W to 43°03′09″ N, 078°55′21″ W 43°02′42″ N, 078°54′09″ W to 43°03′00″ N, 078°53′42″ W, then returning to the point of origin. (DATUM:NAD 83).

(b) *Effective Period.* This regulation is effective on from 10 a.m. on August 22, 2010 to 6 p.m. on August 23, 2010.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within an enforced safety zone established by this section is prohibited unless authorized by the Captain of the Port Buffalo or his on-scene representative.

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

(3) The "on-scene representative" of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within this safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. 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 Buffalo, or his on-scene representative.

Dated: August 5, 2010.

R.S. Burchell,

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

[FR Doc. 2010–20744 Filed 8–19–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0746]

RIN 1625–AA00

Safety Zone; Celebrate Erie, Presque Isle Bay, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Presque Isle Bay, Erie, PA for the Celebrate Erie fireworks. This zone is intended to restrict vessels from a portion of Presque Isle Bay in Erie, PA during the Celebrate Erie fireworks display, August 22, 2010. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with a firework display.

DATES: This rule is effective from 9:30 p.m. until 10:30 p.m. on August 22, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket USCG–2010–0746 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0746 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 temporary rule, call or e-mail MST2 Jessica Seguin, Marine Events Coordinator, U.S. Coast Guard Sector Buffalo; telephone 716–843–9353, e-mail *Jessica.L.Seguin@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." 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 it is contrary to the public interest to delay the effective date of this rule. Delaying the effective date by first publishing an NPRM would be contrary to the safety zone's intended objectives because immediate action is needed to protect persons and vessels against the hazards associated with a fireworks display on navigable waters. Such hazards include premature detonations, dangerous projectiles and falling or burning debris. Accordingly, under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing an NPRM.

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**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment; therefore, a 30-day notice is impracticable. Delaying the effective date would be contrary to the safety zone's intended objectives of protecting persons and vessels involved in the event, and enhancing public and maritime safety.

Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on accidents that have occurred in other Captain of the Port zones, and the explosive hazards of fireworks, the Captain of the Port Buffalo has determined that fireworks launched proximate to watercraft pose a significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the launch platform will help ensure the safety of persons and property at these events 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 a fireworks display in conjunction with the Celebrate Erie Fireworks. The fireworks display will occur on August 22, 2010 from 9:30 p.m. to 10:30 p.m. The safety zone will encompass all waters of Presque Isle Bay, Erie, PA within a four hundred (400) foot radius from position 42°08′19″ N, 80°05′29″ W (DATUM: NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his on-scene representative. The Captain of the Port or his 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.

The Coast Guard determined that this rule is not a significant regulatory action because of the minimal time that the area will be restricted. Plus, vessels may still transit with the permission of the Captain of the Port Buffalo or his designated on-scene representative. The Coast Guard expects this area will have an insignificant adverse impact to mariners from the zones activation.

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 might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Presque Isle Bay, Erie, PA on August 22, 2010 from 9:30 p.m. until 10:30 p.m.

This safety zone will not have a significant economic impact on a substantial number of small entities because of the minimal amount of time in which the safety zone will be enforced. This safety zone will only be enforced for 60 minutes in a low vessel traffic area. Vessel traffic can pass safely around the zone. Before the effective period, we will issue maritime advisories, which include a Local Notice to Mariners and a Broadcast Notice to Mariners.

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. This rule involves the establishment of a safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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. 1226, 1231; 46 U.S.C. Chapters 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 a new temporary section 165.T09–0746 as follows:

§ 165.T09–0746 Safety zone; Celebrate Erie, Presque Isle Bay, Erie, PA.

(a) *Location.* The following area is a temporary safety zone: All U.S. waters of Presque Isle Bay, Erie, PA within a 400 foot radius from position 42°08′19″ N, 80°05′29″ W (DATUM: NAD 83).

(b) *Effective period.* This zone will be effective and enforced from 9:30 p.m. until 10:30 p.m. on August 22, 2010.

(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 Buffalo, or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his 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.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

(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 Buffalo or his on-scene representative.

Dated: August 5, 2010.

R.S. Burchell,

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

[FR Doc. 2010–20633 Filed 8–19–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2009–0131; FRL–8836–5]

Alkyl Alcohol Alkoxylate Phosphate Derivatives; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of alkyl alcohol alkoxylate phosphate derivatives (AAAPD) when used under 40 CFR part 910 as an inert ingredient—surfactant and related adjuvants of surfactants for pre- and post-harvest uses and application to animals in pesticide formulations under 40 CFR part 930, limited to a maximum of 30% by weight in end-use products. The Joint Inerts Task Force (JITF), Cluster Support Team Number 2 (CST 2) submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of AAAPDs.

DATES: This regulation is effective August 20, 2010. Objections and requests for hearings must be received on or before October 19, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0131. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Lisa Austin, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7894; e-mail address: *austin.lisa@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR cite at *http://www.gpoaccess.gov/ecfr*. To access the OPPTS harmonized test guidelines referenced in this document electronically, please go to *http://www.epa.gov/oppts* and select "Test Methods and Guidelines."

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2009–0131 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before October 19, 2010. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2009–0131, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Exemption

In the **Federal Register** of February 4, 2010 (75 FR 5793) (FRL–8807–5), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 9E7628) by the Joint Inerts Task Force, Cluster Support Team 2 (CST 2), c/o CropLife America, 1156 15th Street, NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by establishing an exemption from the requirement of a tolerance for residues of AAAPDs when used as an inert ingredient surfactant and related adjuvants of surfactants in pesticide formulations applied to growing crops, raw agricultural commodities and food-producing animals limited to a maximum of 30% by weight in end-use

products for the α-alkyl (minimum C_6 linear or branched, saturated and or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; minimum oxyethylene content averages 2 moles; minimum oxypropylene content is 0 moles, including: Poly(oxy-1 ,2-ethanediyl), α-tridecyl- ω -hydroxy-, phosphate (9046–01–9); Poly(oxy-1 ,2-ethanediyl), α-dodecyl-ω-hydroxy-, phosphate (39464–66–9); Poly(oxy-1 ,2-ethanediyl), α-hexadecyl-ω-hydroxy-, phosphate (50643–20–4); Poly(oxy-1 ,2-ethanediyl), α-decyl-ω-hydroxy-, phosphate (52019–36–0); Poly(oxy-1 ,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{12-15}-alkyl ethers, phosphates (68071–35–2); Polyphosphoric acids, esters with polyethylene glycol decyl ether (68458–48–0); Poly(oxy-1 ,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{10-14}-alkyl ethers, phosphates (68585–36–4); Poly(oxy-1,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{12-15}-branched alkyl ethers, phosphates (68815–11–2); Poly(oxy-1 ,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{10-12}-alkyl ethers, phosphates (68908–64–5); Poly(oxy-1 ,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{12-14}-aIkyl ethers, phosphates (68511–37–5); Poly(oxy-1 ,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{8-10}-alkyl ethers, phosphates (68130–47–2); Poly(oxy-1 ,2-ethanediyl), α-dodecyl-ω-hydroxy-, phosphate, sodium salt (42612–52–2); Poly(oxy-1 ,2-ethanediyl), α-dodecyl-ω-hydroxy-, phosphate, potassium salt (58318–92–6); Poly(oxy-1 ,2-ethanediyl), α-hexadecyl-ω–hydroxy-, phosphate, potassium salt (60267–55–2); Poly(oxy-1 ,2-ethanediyl), α-decyl- ω hydroxy-, phosphate, potassium salt (68070–99–5); Poly(oxy-1,2-ethanediyl), α-tridecyl-ω-hydroxy-, phosphate, potassium salt (68186–36–7); Poly(oxy1,2-ethanediyl), α-decyl-ω-hydroxy-, phosphate, sodium salt (68186–37–8); Poly(oxy-1,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{12-15}-alkyl ethers, phosphates, sodium salts (68610–65–1); Poly(oxy-1 ,2-ethanediyl), α-isodecyl- ω-hydroxy-, phosphate, potassium salt (68071–17–0); (branched C_{10}) Poly(oxy-1,2-ethanediyl), α-phosphono-ω-[(2- propylheptyl)oxy]-, potassium salt (1:2) (936100–29–7); (branched C_{10}) Poly(oxy-1,2-ethanediyl), α-phosphono-ω-[(2-propylheptyl)oxy]-, sodium salt (1:2) (936100–30–0); Poly(oxy-1,2- ethanediyl), α-isotridecyl-ω-hydroxy-, phosphate (73038–25–2); Poly(oxy-1 ,2- ethanediyl), α-hydro-ω-hydroxy-, mono-C_{11-14}-isoalkyl ethers, C_{13}-rich, phosphates (78330–24–2); Poly(oxy-1 ,2-ethanediyl),α-hydro-ω-hydroxy-, mono(C_{10}-rich C_{9-11}-isoalkyl) ethers, phosphates (154518–39–5); Poly(oxy-1 ,2-ethanediyl), α-hydro-ω-hydroxy-, mono-C_{12-14}-sec-alkyl ethers, phosphates (317833–96–8); Poly(oxy-1 ,2-ethanediyl), α-isodecyl-ω-hydroxy-, phosphate (108818–88–8); Poly(oxy-1, 2- ethanediyl), α-phosphono-ω-[(2-propylheptyl)oxy] (873662–29–4); Poly(oxy-1, 2-ethanediyl), α-dodecyl-ω-hydroxy-, phosphate, monoethanolamine salt (61837–79–4); Poly(oxy-1 ,2-ethanediyl), α-tridecyl-ω-hydroxy-, phosphate monoethanolamine salt (68311–02–4); Poly(oxy-1,2-ethanediyl), α-decyl-ω-hydroxy-, phosphate, monoethanolamine salt (68425–73–0); Oxirane, methyl-, polymer with oxirane, phosphate (37280–82–3); Oxirane, methyl-, polymer with oxirane, mono-C_{10-16}-alkyl ethers, phosphates (68649–29–6); Oxirane, methyl-, polymer with oxirane, phosphate, potassium salt (67711–84–6); and Oxirane, methyl-, polymer with oxirane, mono-C_{10-16}-alkyl ethers, phosphates, potassium salt (68891–13–4). That notice referenced a summary of the petition prepared by The Joint Inerts Task Force (JITF), Cluster Support Team Number 2 (CST 2), the petitioner, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the

sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by AAAPDs as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The AAAPDs are not acutely toxic by the oral and dermal routes of exposure under normal use conditions; however, concentrated materials are generally moderate to severe eye and skin irritants and may be skin sensitizers. Following subchronic exposure to rats, gastrointestinal irritation (increased incidences of hyperplasia, submucosal edema, and ulceration) was observed, but no specific target organ toxicity or neurotoxicity was seen. No neurotoxicological effects were detected in a functional observational battery or a motor activity assessment. No reproductive effects were noted in the database. There was a qualitative increase in susceptibility to pups seen in a rat developmental/reproductive toxicity screening study; however, effects were seen only in one study and were in the presence of maternal toxicity. Further, a clear NOAEL was established for the developmental effects and this NOAEL is significantly higher than the toxicological points of departure selected for risk assessment. There are no carcinogenicity concerns based on structure activity modeling. Points of departure for chronic dietary, incidental oral, inhalation, and dermal exposure were selected from a 2–generation reproduction and fertility effects study in rats. The endpoint was decreased absolute and relative liver weights and increased incidence in the number of animals with minimal hepatocyte necrosis in males.

Sufficient data were provided on the chemical identity of the AAAPDs; however, limited data are available on the metabolism and environmental degradation of these compounds. The Agency relied collectively on information provided on the representative chemical structures, the submitted physicochemical data, structure activity relationship (SAR) information, as well as information on other surfactants and chemicals of similar size and functionality to determine the residues of concern for the AAAPDs. The Agency has concluded that since metabolites and environmental degradates are not likely to be more toxic than the parent compounds, a risk assessment based on the parent compounds is not likely to underestimate risk.

Specific information on the studies received and the nature of the adverse effects caused by the AAAPSDs as well as the NOAEL and the LOAEL from the toxicity studies can be found at *http://www.regulations.gov* in the document "Alkyl Alcohol Alkoxylate Phosphate and Sulfate Derivatives (AAAPDs and AAASDs-JITF CST 2 Inert Ingredients). Human Health Risk Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as Inert Ingredients in Pesticide," pp. 11–17 in docket ID number EPA–HQ–OPP–2009–0131.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for AAADPs used for human risk assessment is discussed in Unit IV. of the final rule published in the **Federal Register** of July 29, 2009 (74 FR 37571) (FRL–8424–6).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to AAAPDs, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from AAAPDs in food as follows:

i. *Acute and chronic exposure*. In conducting the acute and chronic dietary exposure assessments, EPA used food consumption information from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, no residue data were submitted for the AAAPDs. In the absence of specific residue data EPA has developed an approach which uses surrogate information to derive upper bound exposure estimates for the subject inert ingredients. Upper bound exposure estimates are based on the highest tolerance for a given commodity from a list of high-use insecticides, herbicides, and fungicides. A complete description of the dietary exposure and risk assessment can be found at *http://www.regulations.gov* in "Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts" in docket ID number EPA–HQ–OPP–2008–0738.

In the dietary exposure assessment, the Agency assumed that the residue level of the inert ingredient would be no higher than the highest tolerance for a given commodity. Implicit in this assumption is that there would be similar rates of degradation (if any) between the active and inert ingredient and that the concentration of inert ingredient in the scenarios leading to these highest of tolerances would be no higher than the concentration of the active ingredient.

The Agency believes the assumptions used to estimate dietary exposures lead to an extremely conservative assessment of dietary risk due to a series of compounded conservatisms. First, assuming that the level of residue for an inert ingredient is equal to the level of residue for the active ingredient will overstate exposure. The concentrations of active ingredient in agricultural products are generally at least 50 percent of the product and often can be much higher. Further, pesticide products rarely have a single inert ingredient; rather there is generally a combination of different inert ingredients used which additionally reduces the concentration of any single inert ingredient in the pesticide product in relation to that of the active ingredient. In the case of AAAPDs, EPA made a specific adjustment to the dietary exposure assessment to account for the use limitations of the amount of AAAPDs that may be in formulations (to no more than 30% and assumed that the AAAPDs are present at the maximum limitation rather than at equal quantities with the active ingredient. This remains

a very conservative assumption because surfactants are generally used at levels far below this percentage. For example, EPA examined several of the pesticide products associated with the tolerance/commodity combination which are the driver of the risk assessment and found that these products did not contain surfactants at levels greater than 2.25% and that none of the surfactants were AAAPDs.

Second, the conservatism of this methodology is compounded by EPA's decision to assume that, for each commodity, the active ingredient which will serve as a guide to the potential level of inert ingredient residues is the active ingredient with the highest tolerance level. This assumption overstates residue values because it would be highly unlikely, given the high number of inert ingredients, that a single inert ingredient or class of ingredients would be present at the level of the active ingredient in the highest tolerance for every commodity. Finally, a third compounding conservatism is EPA's assumption that all foods contain the inert ingredient at the highest tolerance level. In other words, EPA assumed 100 percent of all foods are treated with the inert ingredient at the rate and manner necessary to produce the highest residue legally possible for an active ingredient. In summary, EPA chose a very conservative method for estimating what level of inert residue could be on food, then used this methodology to choose the highest possible residue that could be found on food and assumed that all food contained this residue. No consideration was given to potential degradation between harvest and consumption even though monitoring data shows that tolerance level residues are typically one to two orders of magnitude higher than actual residues in food when distributed in commerce.

Accordingly, although sufficient information to quantify actual residue levels in food is not available, the compounding of these conservative assumptions will lead to a significant exaggeration of actual exposures. EPA does not believe that this approach underestimates exposure in the absence of residue data.

ii. *Cancer*. The Agency used a qualitative structure activity relationship (SAR) database, DEREK11, to determine if there were structural alerts suggestive of carcinogenicity. No structural alerts for carcinogenicity were identified. The Agency has not identified any concerns for carcinogenicity relating to the inerts AAAPDs. Therefore a cancer dietary exposure assessment is not necessary to assess cancer risk.

iii. *Anticipated residue and percent crop treated (PCT) information*. EPA did not use anticipated residue and/or PCT information in the dietary assessment for AAAPDs. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water*. For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for AAAPDs, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure*. The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

AAAPDs are used as inert ingredients in pesticide products that are registered for specific uses that could result in indoor residential exposures and may have uses as inert ingredients in pesticide products that may result in outdoor residential exposures.

A screening level residential exposure and risk assessment was completed for products containing AAAPDs as inert ingredients. In this assessment, representative scenarios, based on end-use product application methods and labeled application rates, were selected. For each of the use scenarios, the Agency assessed residential handler (applicator) inhalation and dermal exposure for use scenarios with high exposure potential (i.e., exposure scenarios with high-end unit exposure values) to serve as a screening assessment for all potential residential pesticides containing AAAPDs. Similarly, residential postapplication dermal and oral exposure assessments were also performed utilizing high-end exposure scenarios. Further details of this residential exposure and risk analysis can be found at *http://www.regulations.gov* in document "JITF Inert Ingredients. Residential and Occupational Exposure Assessment Algorithms and Assumptions Appendix for the Human Health Risk Assessments to Support Proposed Exemption from the Requirement of a Tolerance When Used as Inert Ingredients in Pesticide Formulations" in docket ID number EPA–HQ–OPP–2008–0710.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA has not found AAAPDs to share a common mechanism of toxicity with any other substances, and AAAPDs do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that AAAPDs do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity*. The toxicity database consists of Harmonized Test Guideline OPPTS 870.3650 (combined repeated dose toxicity study with the reproduction/developmental toxicity screening test) studies in rats conducted with representative AAAPDs, as well as a 2–generation rat reproduction toxicity (Harmonized Test Guideline OPPTS 870.3800) study and a rat developmental toxicity study conducted with a representative AAASD.

In one Harmonized Test Guideline OPPTS 870.3650 study conducted with a representative AAAPD, no increased susceptibility to the offspring of rats following prenatal and postnatal

exposure was observed. In a second Harmonized Test Guideline OPPTS 870.3650 study conducted with another representative AAAPD, there was evidence of increased qualitative susceptibility as indicated by the increased number of stillborn pups and pups dying within lactation day (LD) 4/5 and clinical observations (coldness to the touch, discolored heads, and a lack of nesting behavior) at 800 milligrams/kilogram/day (mg/kg/day) where lesions in the forestomach and thymus atrophy was observed in the parental animals. However, this qualitative susceptibility seen in the Harmonized Test Guideline OPPTS 870.3650 study does not indicate a heightened risk for infants and children because a clear NOAEL (200 mg/kg/day) was established for developmental effects and an additional margin of safety is provided since the point of departure selected from the 2–generation rat reproduction study for chronic exposure is 87 mg/kg/day.

In a rat developmental study with AAASD, no maternal or developmental toxicity was observed at the limit dose. In the 2–generation reproduction study with AAASD, the only significant effects observed were liver effects characterized by dose-related decrease in absolute and relative liver weight and an increased incidence in the number of animals with 'minimal" hepatocyte necrosis in males. No treatment-related effects were observed on reproduction or in the offspring.

3. *Conclusion*. EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for AAAPDs is considered adequate for assessing the risks to infants and children (the available studies are described in Unit IV.D.2.).

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

iii. Although increased qualitative susceptibility was demonstrated in the offspring in a reproductive/developmental screening test portion of an Harmonized Test Guideline OPPTS 870.3650 study with another AAAPD, the Agency did not identify any residual uncertainties after establishing toxicity endpoints and traditional UFs to be used in the risk assessment of the AAAPDs.

iv. There are no residual uncertainties identified in the exposure databases. The food and drinking water assessment is not likely to underestimate exposure to any subpopulation, including those comprised of infants and children. The food exposure assessments are considered to be highly conservative as they are based on the use of the highest tolerance level from the surrogate pesticides for every food and 100 PCT is assumed for all crops. EPA also made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to AAAPDs in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by AAAPDs.

E. Aggregate Risks and Determination of Safety

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

In conducting this aggregate risk assessment, the Agency has incorporated the petitioner's requested use limitations of AAAPDs as inert ingredients in pesticide product formulations into its exposure assessment. Specifically the petition includes a use limitation of AAAPDs at not more than 30% by weight in pesticide formulations.

1. *Acute risk*. An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, AAAPDs are not expected to pose an acute risk.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to AAAPDs from food and water will utilize 43% of the cPAD for children 1–2 yrs old, the population group receiving the greatest exposure.

3. *Short-term risk*. Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

AAAPDs are currently used as an inert ingredient in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to AAAPDs.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 130 and 140, for adult males and females respectively, for a combined high-end dermal and inhalation handler exposure with a high-end postapplication dermal exposure and an aggregate MOE of 110 for children for a combined turf dermal exposure with hand-to-mouth exposure. Because EPA's level of concern for AAAPDs is a MOE of 100 or below, these MOEs are not of concern.

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

AAAPDs are currently used as an inert ingredient in pesticide products that are registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to AAAPDs.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in aggregate MOEs of 270 and 280, for adult males and females respectively, for a combined high-end dermal and inhalation handler exposure with a high-end postapplication dermal exposure and an MOE of 110 for children for a combined high-end dermal exposure with hand-to-mouth exposure. Because EPA's level of concern for AAAPDs are a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population*. Based on the lack ofstructural alerts for carcinogenicity, AAAPDs are not expected to pose a cancer risk to humans.

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

V. Other Considerations

A. Analytical Enforcement Methodology

EPA is establishing a limitation on the amount of AAAPDs that may be used in pesticide formulations. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq*. EPA will not register any pesticide for sale or distribution that contains greater than 30% of AAAPDs by weight in the end-use pesticide formulation.

B. International Residue Limits

The Agency is not aware of any country requiring a tolerance for nor have any CODEX Maximum Residue Levels been established for any food crops at this time.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 and 40 CFR 180.930 for AAAPDs when used as an inert ingredient (surfactants, related adjuvants of surfactants) in pesticide formulations applied to raw agricultural commodities, growing crops, and animals.

VII. Statutory and Executive Order Reviews

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

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

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

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 10, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, the table is amended by adding alphabetically the following inert ingredients to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* *	* * *	
α-alkyl (minimum C6 linear or branched, saturated and or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; minimum oxyethylene content averages 2 moles; minimum oxypropylene content is 0 moles (CAS Reg. Nos. 9046–01–9, 39464–66–9, 50643–20–4, 52019–36–0, 68071–35–2, 68458–48–0, 68585–36–4, 68815–11–2, 68908–64–5, 68511–37–5, 68130–47–2, 42612–52–2, 58318–92–6, 60267–55–2, 68070–99–5, 68186–36–7, 68186–37–8, 68610–65–1, 68071–17–0, 936100–29–7, 936100–30–0, 73038–25–2, 78330–24–2, 154518–39–5, 317833–96–8, 108818–88–8, 873662–29–4, 61837–79–4, 68311–02–4, 68425–73–0, 37280–82–3, 68649–29–6, 67711–84–6, 68891–13–4.	Not to exceed 30% of pesticide formulation	Surfactants, related adjuvants of surfactants

Inert ingredients	Limits	Uses
* *	* * *	

* * * * *

■ 3. In § 180.930, the table is amended by adding alphabetically the following inert ingredients to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* *	* * *	
α-alkyl (minimum C_6 linear or branched, saturated and or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; minimum oxyethylene content averages 2 moles; minimum oxypropylene content is 0 moles (CAS Reg. Nos. 9046–01–9, 39464–66–9, 50643–20–4, 52019–36–0, 68071–35–2, 68458–48–0, 68585–36–4, 68815–11–2, 68908–64–5, 68511–37–5, 68130–47–2, 42612–52–2, 58318–92–6, 60267–55–2, 68070–99–5, 68186–36–7, 68186–37–8, 68610–65–1, 68071–17–0, 936100–29–7, 936100–30–0, 73038–25–2, 78330–24–2, 154518–39–5, 317833–96–8, 108818–88–8, 873662–29–4, 61837–79–4, 68311–02–4, 68425–73–0, 37280–82–3, 68649–29–6, 67711–84–6, 68891–13–4.	Not to exceed 30% of pesticide formulation	Surfactants, related adjuvants of surfactants
* *	* * *	

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[FR Doc. 2010–20708 Filed 8–19–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2002–0185; FRL–8838–3]

2-methyl-1,3-propanediol; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 2-methyl-1,3-propanediol (CAS Reg. No. 2163-42-0) when used as an inert ingredient in pesticide formulations applied to growing crops and raw agricultural commodities after harvest, and when used as an inert ingredient solvent and/or surfactant in pesticide formulations applied to animals (used for food). Lyondell Chemical Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of 2-methyl-1,3-propanediol.

DATES: This regulation is effective August 20, 2010. Objections and requests for hearings must be received on or before October 19, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2002–0185. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Keri Grinstead, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8373; e-mail address: *grinstead.keri@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of 40 CFR part 180

through the Government Printing Office's e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. How Can I File an Objection or Hearing Request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2002–0185 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before October 19, 2010. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2002–0185, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Exemption

In the **Federal Register** of August 28, 2002 (67 FR 55243) (FRL–7194–6), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 2E6484) by Lyondell Chemical Company, 1221 McKinney Street, Suite 1600, Houston, TX 77253-2583. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of 2-methyl-1,3-propanediol (CAS Reg. No. 2163–42–0) in or on all raw agricultural commodities. That notice referenced a summary of the petition prepared by Lyondell Chemical Company, the petitioner, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(c)(2)(A) of FFDCA, and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for 2-methyl-1,3-propanediol including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with 2-methyl-1,3-propanediol follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Acute toxicity studies of 2-methyl-1,3-propanediol in the rat indicate that this compound is practically non-toxic (EPA Toxicity Category IV) by the oral and inhalation exposure routes. The oral LD_{50} is greater than 5,000 milligrams/kilogram (mg/kg) and the inhalation LC_{50} is greater than 5,100 mg/m^3. It is slightly toxic by the dermal exposure route (EPA Toxicity Category III) with an acute dermal LD_{50} in rabbits of greater than 2,000 mg/kg. Acute irritation studies in rabbits indicate that 2-methyl-1,3-propanediol is not irritating to the skin and eyes. Based on the results of a dermal sensitization study in guinea pigs, 2-methyl-1,3-propanediol was determined to have mild sensitizing potential.

Repeat oral exposure produced no toxicity at doses up to and including 1,000 mg/kg/day. No neurotoxicity studies are available; however, no clinical signs of neurotoxicity or any systemic toxicity were observed in any of the available studies. 2-methyl-1,3-propanediol was not mutagenic in an *in vitro* chromosome aberration test, bacterial gene mutation test, and mammalian cell gene mutation assay. No developmental, reproductive, or teratogenic effects were seen in the available studies at doses up to and including 1,000 mg/kg/day (highest dose tested).

No carcinogenicity studies are available for 2-methyl-1,3-propanediol and it has not been evaluated by the International Agency for Research on Cancer (IARC). Based on available studies, there is no evidence of genotoxic activity. There is no evidence of systemic toxicity at doses up to and including 1,000 mg/kg/day in the available toxicity studies, such as 14–day oral gavage study in rats, 90–day oral gavage study in rats, developmental toxicity studies in rats and rabbits and 2-generation reproduction study in rats. In addition, a qualitative structure activity relationship database, DEREK Version 11, identified no structural alerts suggestive of carcinogenicity. Based on the weight of the evidence, the Agency has determined that 2-methyl-1,3-propanediol is not anticipated to be carcinogenic.

Specific information on the studies received and the nature of the adverse effects caused by 2-methyl-1,3-propanediol as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document "Decision Document for Petition Number 2E6484; 2-methyl-1,3-propanediol [CAS Reg. No. 2163–42–0], requesting the establishment of an inert ingredient exemption from the requirement of a tolerance" in docket ID number EPA–HQ–OPP–2002–0185.

B. Toxicological Points of Departure/ Levels of Concern

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

There was no hazard identified in repeat dose toxicity and reproductive/ developmental studies at the limit dose of 1,000 mg/kg/day to either parental animals or their offspring. Thus, due to its low potential hazard and lack of a hazard endpoint, the Agency has determined that a quantitative risk assessment using safety factors applied to a point of departure protective of an identified hazard endpoint is not appropriate.

2-methyl-1,3-propanediol was not mutagenic in an *in vitro* chromosome aberration test, bacterial gene mutation test, and mammalian cell gene mutation assay and based on the available information, it is not anticipated to be carcinogenic.

C. Exposure Assessment

No hazard was identified for the acute and chronic dietary assessment (food and drinking water), or for the short, intermediate, and long term residential assessments, and therefore no aggregate risk assessments were performed.

1. *Dietary exposure from food and feed uses and drinking water*. Since an endpoint for risk assessment was not identified, an exposure assessment for 2-methyl-1,3-propanediol was not conducted. The primary route of exposure to 2-methyl-1,3-propanediol from its use as an inert ingredient in pesticide products would most likely be through consumption of food to which pesticide products containing it have been applied, and possibly through drinking water (from runoff).

2. *From non-dietary exposure*. The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g. textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). Since an endpoint for risk assessment was not identified, a quantitative residential exposure assessment for 2-methyl-1,3-propanediol was not conducted. Residential (dermal and inhalation) exposures from home garden uses are possible.

3. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA has not found 2-methyl-1,3-propanediol to share a common mechanism of toxicity with any other substances, and 2-methyl-1,3-propanediol does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that 2-methyl-1,3-propanediol does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

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

The toxicity database for 2-methyl-1,3-propanediol is adequate for FQPA assessment and the potential exposure is adequately characterized given the low toxicity of the chemical. No hazard was identified and there is no residual uncertainty regarding prenatal and/or postnatal toxicity. No acute or subchronic neurotoxicity studies are available, but there were no clinical signs of neurotoxicity or any systemic toxicity observed in the available database at doses up to 1,000 mg/kg/

day. No developmental, reproductive, or teratogenic effects were seen in the available studies at doses up to and including 1,000 mg/kg/day.

Based on this information, there is no concern, at this time, for increased sensitivity to infants and children to 2-methyl-1,3-propanediol when used as an inert ingredient in pesticide formulations for pre-harvest and post-harvest uses, as well as, for application to animals, and a safety factor analysis has not been used to assess risk. For the same reason, EPA has determined that an additional safety factor is not needed to protect the safety of infants and children.

E. Aggregate Risks and Determination of Safety

Given the lack of concern for hazard posed by 2-methyl-1,3-propanediol, EPA concludes that there are no dietary or aggregate dietary/non-dietary risks of concern as a result of exposure to 2-methyl-1,3-propanediol in food and water or from residential exposure. Residues of concern are not anticipated for dietary exposure (food and drinking water) or for residential exposure from the use of 2-methyl-1,3-propanediol as an inert ingredient in pesticide products. As discussed above, EPA expects aggregate exposure to 2-methyl-1,3-propanediol to pose no appreciable dietary risk given that the data show a lack of any systemic toxicity at doses up to 1,000 mg/kg/day and a lack of any apparent developmental effects.

Taking into consideration all available information on 2-methyl-1,3-propanediol, EPA has determined that there is a reasonable certainty that no harm to any population subgroup will result from aggregate exposure to 2-methyl-1,3-propanediol under reasonably foreseeable circumstances. Therefore, the establishment of an exemption from tolerance under 40 CFR 180.910 and 180.930 for residues of 2-methyl-1,3-propanediol when used as an inert ingredient in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and to animals (used for food), is safe under FFDCA section 408.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for 2-methyl-1,3-propanediol.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 and 40 CFR 180.930 for 2-methyl-1,3-propanediol (CAS Reg. No. 2163–42–0) when used as an inert ingredient in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and to animals (used for food).

VII. Statutory and Executive Order Reviews

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

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

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

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 10, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, the table is amended by adding alphabetically the following inert ingredient to read as follows:

§ 180.910 Inert Ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * *	* *	*
2-methyl-1,3-propanediol (CAS Reg. No. 2163–42–0)	.....	Solvent, surfactant
* * * *	* *	*

* * * * *

■ 3. In § 180.930, the table is amended by adding alphabetically the following inert ingredient to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * *	* *	*
2-methyl-1,3-propanediol (CAS Reg. No. 2163–42–0)	.....	Solvent, surfactant
* * * *	* *	*

[FR Doc. 2010–20581 Filed 8–19–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[EPA–R02–RCRA–2010–0249; FRL–9178–8]

New York: Incorporation by Reference of State Hazardous Waste Management Program

Correction

In rule document 2010–18927 beginning on page 45489 in the issue of Tuesday, August 3, 2010, make the following correction:

Appendix A to Part 272 [Corrected]

On page 45494, in Appendix A to Part 272, in the first column, in the second paragraph "**Note:**" should read "[1]**Note:**".

[FR Doc. C1–2010–18927 Filed 8–19–10; 8:45 am]

BILLING CODE 1505–01–D

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–117

[FMR Amendment 2010–03; FMR Case 2010–102–2; Docket Number 2010–0011, sequence 1]

RIN 3090–AJ03

Federal Management Regulation; Transportation Management

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the Federal Management Regulation (FMR) by updating its coverage on transportation management. This final rule updates definitions and corrects mailing and Web site addresses.

DATES: Effective Date: This final rule is effective August 20, 2010.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Patrick O'Grady at (202) 208–4493. Please cite FMR case 2010–102–2, Amendment 2001–03.

SUPPLEMENTARY INFORMATION:

A. Background

Part 102–117 of the Federal Management Regulation (FMR) (41 CFR part 102–117, Transportation Management) was last reviewed and amended in 2004. GSA collaborated with eight agencies to conduct a review and determine if 41 CFR part 102–117 is still current and accurate. This final rule reflects the changes recommended by GSA and the other eight agencies.

B. Substantive changes

This final rule—

- Revises the definitions of the following terms: Accessorial charges, Agency, Consignor, Detention, Government Bill of Lading; and
- Revises addresses and Web sites for the GSA Federal Acquisition Service (FAS) and other GSA business lines that were reorganized, as well as the Department of Transportation, Maritime Administration (MARAD).

C. Executive Order 12866

GSA has determined that this final rule is a significant regulatory action for the purposes of Executive Order 12866.

D. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the revisions are not considered substantive. This final rule is also exempt from the Regulatory Flexibility Act per 5 U.S.C. 553(a)(2) because it applies to agency management.

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information

collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501.

F. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–117

Accounting, Claims, Reporting and recordkeeping requirements, Transportation.

Dated: April 21, 2010.

Martha Johnson,

Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR part 102–117 as set forth below:

PART 102–117—TRANSPORTATION MANAGEMENT

■ 1. The authority citation for 41 CFR part 102–117 continues to read as follows:

Authority: 31 U.S.C. 3726; 40 U.S.C. 481, *et seq.*

■ 2. Amend § 102–117.25 by—
■ a. Revising the definitions of the terms "Accessorial charges", "Agency", "Consignor", "Detention", and "Government bill of lading"; and
■ b. Amending the term "Hazardous material" by adding "(HAZMAT)" to read as follows:

§ 102–117.25 What definitions apply to this part?

* * * * *

Accessorial charges means charges that are applied to the base tariff rate or base contract of carriage rate. Examples of accessorial charges are:

(1) Bunkers, destination/delivery, container surcharges, and currency exchange for international shipments.

(2) Inside delivery, redelivery, re-consignment, and demurrage or detention for freight.

(3) Packing, unpacking, appliance servicing, blocking and bracing, and special handling for household goods.

Agency means an executive department or independent establishment in the executive branch of the Government, and a wholly owned Government corporation.

* * * * *

Consignor, also referred to as the shipper, is the person or firm that ships freight or household goods to a consignee.

* * * * *

Detention is the penalty charge to an agency for delaying the agreed time to load or unload shipments by truck TSPs. It is also a penalty charge in some ocean shipping contracts of carriage that take effect after the demurrage time ends.

* * * * *

Government bill of lading (GBL) is the transportation document used as a receipt of goods, evidence of title, and a contract of carriage for Government international shipments.

* * * * *

Hazardous material (HAZMAT) * * *

* * * * *

■ 3. Amend § 102–117.35 by—
■ a. Removing from paragraph (a)(2) the word "and";
■ b. Removing from paragraph (a)(3) the period and adding "; and" in its place;
■ c. Adding paragraph (a)(4);
■ d. Revising paragraph (b)(2);
■ e. Amending paragraph (b)(3) by removing the period and adding "; and"; and
■ f. Adding paragraph (b)(4).

The added and revised text reads as follows:

§ 102–117.35 What are the advantages and disadvantages of using GSA's tender of service?

(a) * * *

(4) Use GSA's Transportation management and operations expertise.

(b) * * *

(2) You have sufficient time to follow FAR contracting procedures and are in position to make volume or shipment commitments under a FAR contract;

* * * * *

(4) Rates are not cost effective, as determined by the agency.

■ 4. Amend § 102–117.45 by—
■ a. Removing from paragraph (b) the word "and";
■ b. Removing from paragraph (c) the period and adding "; and"; and
■ c. Adding paragraph (d) to read as follows:

§ 102–117.45 What other factors must I consider when using another agency's contract or rate tender?

* * * * *

(d) Ensure that the agency offering this service has the authority or a delegation of authority from GSA to offer such services to your agency.

■ 5. Amend § 102–117.50 by—
■ a. Removing from paragraph (b)(1) the word "or";
■ b. Removing from paragraph (b)(2) the period and adding "; or" in its place; and
■ c. Adding paragraph (b)(3) to read as follows:

§ 102–117.50 What are the advantages and disadvantages of contracting directly with a TSP under the FAR?

* * * * *

(b) * * *

(3) Do not have the manpower to monitor quality control and administer a contract.

■ 6. Amend § 102–117.55 by—
■ a. Removing from paragraph (a)(1) the word "or";
■ b. Removing from paragraph (a)(2) the period and adding "; or" in its place; and
■ c. Adding paragraph (a)(3) to read as follows:

§ 102–117.55 What are the advantages and disadvantages of using a rate tender?

(a) * * *

(3) Are not in a position to make a definite volume and shipment commitment under a FAR contract.

* * * * *

■ 7. Amend § 102–117.65, paragraph (f), by revising the mailing address and Web site to read as follows:

§ 102–117.65 What terms and conditions must all rate tenders or contracts include?

* * * * *

(f) * * *

General Services Administration, Office of Travel and Transportation Services, Transportation Audit Division (QMCA), 2200 Crystal Drive, Room 300, Arlington, VA 22202, *http://www.gsa.gov/transaudits.*

■ 8. Amend § 102–117.85 by—
■ a. Removing from paragraph (a) "1103 and 1203" and adding "1103 or 1203" in its place;
■ b. Revising paragraph (b);
■ c. Redesignating paragraph (c) as paragraph (d); and
■ d. Adding a new paragraph (c) to read as follows:

§ 102–117.85 What is the difference between a Government bill of lading (GBL) and a bill of lading?

* * * * *

(b) A GBL is used only for international shipments.

(c) A bill of lading, sometimes referred to as a commercial bill of lading, establishes the terms of contract between a shipper and TSP. It serves as a receipt of goods, a contract of carriage, and documentary evidence of title.

* * * * *

■ 9. Revise § 102–117.90 to read as follows:

§ 102–117.90 May I use a U.S. Government bill of lading (GBL) to acquire freight, household goods or other related transportation services?

You may use the Government bill of lading (GBL) only for international

shipments (including domestic offshore shipments).

■ 10. Revise § 102–117.95 to read as follows:

§ 102–117.95 What transportation documents must I use to acquire freight, household goods or other related transportation services?

(a) Bills of lading and purchase orders are the transportation documents you use to acquire freight, household goods shipments, and other transportation services. Terms and conditions in § 102–117.65 and the "U.S. Government Freight Transportation Handbook" are still required. For further information on payment methods, see part 102–118 of this chapter (41 CFR part 102–118).

(b) Government bills of lading (GBLs) are optional transportation documents for international shipments (including domestic offshore shipments).

■ 11. Revise § 102–117.105 to read as follows:

§ 102–117.105 What does best value mean when routing a shipment?

Best value to your agency when routing a shipment means using the mode or individual TSP that provides satisfactory service with the best combination of service factors and price that meets the agency's requirements. A lower price may not be the best value if the service offered fails to meet the requirements of the shipment.

■ 12. Amend § 102–117.110 by—

■ a. Revising paragraph (f);

■ b. Amending paragraph (g) by removing the word "and" from the end of the sentence;

■ c. Removing from paragraph (h) the period and adding a semicolon in its place; and

■ d. Adding paragraphs (i) and (j) to read as follows:

§ 102–117.110 What is satisfactory service?

* * * * *

(f) Record of past performance of the TSP, including accuracy of billing and past performance record with Government agencies;

* * * * *

(i) The TSP's safety record; and

(j) The TSP's loss and damage record, including claims resolution.

■ 13. Revise § 102–117.115 to read as follows:

§ 102–117.115 How do I calculate total delivery costs?

You calculate total delivery costs for a shipment by considering all costs related to the shipping or receiving process, such as packing, blocking, bracing, drayage, loading and unloading, and transporting. Surcharges such as fuel, currency exchange, war risk insurance, and other surcharges should also be factored into the costs.

■ 14. Amend § 102–117.135 by revising the address and Web site in paragraph (b), and adding a sentence at the end of the Note to § 102–117.135 (b) to read as follows:

§ 102–117.135 What are the international transportation restrictions?

* * * * *

(b) * * *

Department of Transportation, Maritime Administration, Office of Cargo Preference, 1200 New Jersey Ave. SE., Washington, DC 20590, *http://marad.dot.gov/*. Tel. 1–800–987–3524. E-mail: *cargo.marad@dot.gov*.

Note to § 102–117.135(b): * * * They should be attached to the underlying ocean carrier bill of lading.

■ 15. Amend § 102–117.140 by revising the address and Web site at the end of the paragraph to read as follows:

§ 102–117.140 What is cargo preference?

* * * * *

Department of Transportation, Maritime Administration, Office of Cargo Preference, 1200 New Jersey Ave., SE., Washington, DC 20590, *http://marad.dot.gov/*. Tel. 1–800–987–3524. E-mail: *cargo.marad@dot.gov.*

■ 16. Amend § 102–117.150 by revising paragraph (a) to read as follows:

§ 102–117.150 What do I need to know about coastwise laws?

* * * * *

(a) Goods transported entirely or partly by water between U.S. points, either directly or via a foreign port, must travel in U.S. flag vessels that have a coastwise endorsement;

* * * * *

§ 102–117.155 [Amended]

■ 17. Amend § 102–117.155 by adding "(800–987–3524 or *www.cargo.marad@dot.gov*)" after "MARAD".

■ 18. Amend § 102–117.180 by revising paragraphs (b) and (c) to read as follows:

§ 102–117.180 What transportation documents must I use to ship freight?

* * * * *

(b) By land (international shipments), you may, but are not required to, use the optional GBL;

(c) By ocean, use an ocean bill of lading, when suitable, along with the GBL. You only need an ocean bill of lading for door-to-door movements; and

* * * * *

■ 19. Amend § 102–117.240 by revising the note at the end of the section to read as follows:

§ 102–117.240 What is my agency's financial responsibility to an employee who chooses to move all or part of his/her HHG under the commuted rate system?

* * * * *

Note to § 102–117.240: For information on how to ship household goods, refer to the Federal Travel Regulation, 41 CFR part 302–7, Transportation and Temporary Storage of Household Goods and Professional Books, Papers, and Equipment (PBP&E).

■ 20. Amend § 102–117.300 by revising paragraph (b) to read as follows:

§ 102–117.300 Do the decisions on temporary nonuse, suspension and debarment go beyond the agency?

* * * * *

(b) Decisions on suspended or debarred TSPs do go beyond the agency and are available to the general public on the Excluded Parties Lists System (EPLS) maintained by GSA at *http://www.epls.gov*.

■ 21. Revise § 102–117.315 to read as follows:

§ 102–117.315 Whom must I notify on suspension or debarment of a TSP?

Agencies must report electronically any suspension or debarment actions to the Excluded Parties List System: *http://www.epls.gov* in accordance with the provisions of 48 CFR 9.404(c).

102–117.335 [Amended]

■ 22. Amend § 102–117.335 by removing "Office of Transportation and Personal Property (MT)" and adding "Office of Travel, Transportation and Asset Management (MT)" in its place.

■ 23. Amend § 102–117.340, paragraph (b), by revising the mailing address to read as follows:

§ 102–117.340 What other types of assistance may GSA provide agencies in dealing with regulatory bodies?

* * * * *

(b) * * *

General Services Administration, Office of Travel and Transportation Services, Center for Transportation Management (QMCC), 2200 Crystal Drive, Rm. #3042, Arlington, VA 20406.

■ 24. Amend § 102–117.345 by removing from paragraph (a) "Currently, there" and adding the word "There" in its place, and by removing the last sentence of the paragraph.

■ 25. Amend § 102–117.355 by revising paragraph (b) to read as follows:

§ 102–117.355 What is the Governmentwide Transportation Policy Council (GTPC)?

* * * * *

(b) Provides assistance to your agency with the requirement to report your transportation activity to GSA (see § 102–117.345).

§ 102–117.360 [Amended]

■ 26. Amend § 102–117.360 by removing "Office of Transportation and Personal Property (MT)" and adding "Office of Travel, Transportation and Asset Management (MT)" in its place.

[FR Doc. 2010–20604 Filed 8–19–10; 8:45 am]

BILLING CODE 6820–14–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Chapter XXV

RIN 3045–AA51

AmeriCorps National Service Program

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service ("the Corporation") is issuing rules to implement changes to the operation of the National Service Trust as directed by the Edward M. Kennedy Serve America Act ("the Serve America Act" or "SAA"). In addition, this rule provides flexibility for exceptions to the 80 percent cost reimbursement requirement for Senior Companion and Foster Grandparent programs based on hardship. Finally, this rule reorders and renumbers certain parts of the existing regulations, adds new definitions, and makes several minor technical edits.

DATES: This final rule is effective September 20, 2010, except for the amendments to §§ 2522.220, 2522.230, 2522.235, and 2522.240, which are effective August 20, 2010.

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, Docket Manager, Corporation for National and Community Service, (202) 606–6930, TDD (202) 606–3472. Persons with visual impairments may request this rule in an alternate format.

SUPPLEMENTARY INFORMATION:

List of Topics

I. Background
II. Public Comments
III. Specifics of Final Rule and Analysis of Comments
A. Definitions
B. Eligibility to Receive an Education Award
C. Successful Completion of a Term of Service
D. Partial Awards for Release for Compelling Personal Circumstances
E. Limitation on Amount of Award Disbursed to Institution of Higher Education
F. Use of Education Award for a Program of Education Approved by the Secretary of Veterans Affairs
G. Payment of Accrued Interest
H. Amount of AmeriCorps Education Award
I. Amount of Silver Scholar and Summer of Service Education Awards
J. Limitation on Value of Education Awards Received
K. Impact of Aggregate Value of Education Awards Received
L. Transfer of Education Awards
M. Periods of Availability for Silver Scholar, Summer of Service, and Transferred Education Awards
N. Certifications of Successful Completion of Terms of Service
O. Effect of Erroneous Certifications of Successful Completion of Terms of Service
P. Public Service Loan Forgiveness and AmeriCorps
Q. Term Limits for AmeriCorps State and National
R. Selection Criteria Sub-Categories for AmeriCorps State and National
S. Applications for the Same Project
T. Pre-Approval of Formula Programs
U. Hardship Waiver Permitted for Cost Reimbursement Requirement for Senior Companion and Foster Grandparent Programs.
IV. Summary of Redesignations
V. Effective Dates
VI. Non-Regulatory Issues

I. Background

On April 21, 2009, President Obama signed into law the Edward M. Kennedy Serve America Act (Serve America Act). The Serve America Act reauthorizes and expands national service programs administered by the Corporation by amending the National and Community Service Act of 1990 (42 U.S.C. 12501 *et seq.*) (NCSA) and the Domestic Volunteer Service Act (42 U.S.C. 4950 *et seq.*) (DVSA). The Corporation engages more than five million Americans of all ages and backgrounds in service each year, including approximately 85,000 AmeriCorps members, nearly 500,000 Senior Corps volunteers, 1.5 million Learn and Serve America students, and three million additional community volunteers mobilized and managed through agency programs.

Section 6101 of the Serve America Act authorizes the Chief Executive Officer of the Corporation to issue such regulations as may be necessary to carry out the amendments required under the Act. To fulfill that responsibility, on September 10, 2009, the Corporation issued an interim final rule to implement time-sensitive changes to the Corporation's AmeriCorps State and National, Senior Corps, and Learn and Serve America program regulations. (74 FR 46495). The changes resulting from the interim final rule were required as a result of amendments to the NCSA and DVSA by the Serve America Act, which took effect for most purposes on October 1, 2009.

In that rule, we stated our intention to engage in full notice and comment rulemaking to implement those amendments mandated by the Serve America Act that did not require immediate regulatory action. This rulemaking is the Corporation's second in a series to implement the amendments mandated by the Serve America Act. This rule primarily makes amendments and additions to existing regulations regarding the National Service Trust, including limitations on education award receipt, the available uses of an education award, eligibility to receive an education award, eligibility to transfer an education award, and the amount of an education award. This rule also addresses the limitation on the number of terms an individual may serve in an AmeriCorps State and National program. This rule adds flexibility in managing match requirements for Senior Companion and Foster Grandparent programs facing hardship. Finally, this rule makes several technical corrections inadvertently omitted from the interim final rule, including an amendment to the provision on pre-approval of Subtitle C formula programs, amendments to the AmeriCorps State and National selection criteria, and an amendment to include a reference to the Department of Education's new Public Service Loan Forgiveness Program.

II. Public Comments

On February 23, 2010, the Corporation published a proposed rule in the **Federal Register** (75 FR 8013) with a 60-day comment period. In addition to accepting comments in writing through e-mail and through *http://www.regulations.gov,* the Corporation held four conference calls. During the public comment period, the Corporation received over 400 comments on the proposed rule from grantees, the Corporation's Inspector General, and other interested parties. Over half of the comments received recommended changes to the rule that are not currently authorized by statute, including expanding the types of people who can transfer and receive education

awards. The Corporation also received numerous comments on items not within the scope of this rulemaking, such as comments on the Silver Scholar program and the amount of the Foster Grandparent stipend. While these comments are not addressed here, the Corporation will take them under consideration in the future.

The remaining comments expressed views on the merits of particular sections of the proposed regulations, as well as some broader policy statements and issues. Acknowledging that there are strong views on, and competing legitimate public policy interests relating to, issues in this rulemaking, the Corporation has carefully considered all of the comments on the proposed regulations.

The Corporation has summarized below the major comments received on the proposed regulatory changes, and has described the changes we made in the final regulatory text in response to the comments received. In addition to the more substantive comments below, the Corporation received some editorial suggestions, some of which we have adopted. The Corporation has also made minor editorial changes to better organize the regulatory text.

III. Specifics of the Final Rule and Analysis of Comments

As discussed in more detail below, the final rule:

- Amends the definitions of "education award" and "term of service," and adds definitions for "AmeriCorps education award," "Silver Scholar education award," "Summer of Service education award," "approved Silver Scholar position," "approved Summer of Service position," "G.I. Bill approved program," and "economically disadvantaged youth";
- Adds individuals who complete approved Silver Scholar and Summer of Service positions as eligible to receive an education award;
- Adds a requirement for programs to complete an end-of-term evaluation to determine whether an individual successfully completed the term of service;
- Clarifies that an individual must have served satisfactorily prior to being released for compelling personal circumstances in order to receive a partial award;
- Removes consideration of an individual's veterans' benefits when determining the maximum amount of an individual's education award that may be disbursed to an institution of higher education;
- Adds to the list of uses for an education award use to pay expenses incurred in enrolling in an educational institution or training establishment approved by the Secretary of Veterans Affairs for offering programs of education, apprenticeship, or on-the-job training for which educational assistance may be provided by the Secretary of Veterans Affairs;
- Includes individuals who successfully complete service in a Silver Scholar program as eligible for the payment of accrued interest on qualified student loans;
- Amends the amount of a full-time AmeriCorps education award to be equal to the maximum amount of a Federal Pell Grant for the year in which the AmeriCorps position is approved;
- Adds sections stating the amount of a Silver Scholar education award ($1,000) and Summer of Service education award ($500);
- Adds limitation that no individual may receive more than the aggregate value of two full-time education awards and describes how an education award's value is determined;
- Adds a new part on transferring education awards, including limitations on who may transfer, who may receive a transferred award, and the processes for transferring, accepting, rejecting, and revoking a transferred award;
- Clarifies the periods of availability for Silver Scholar education awards (7 years), Summer of Service education awards (10 years), and transferred education awards (10 years);
- Adds a requirement for programs to certify that an individual successfully completed a term of service in order to receive an education award;
- Adds a section on the Corporation's recourses in cases where a grantee makes an erroneous certification that an individual successfully completed a term of service;
- Adds flexibility to permit an individual to credit service time towards receiving an education award and earning Public Service Loan Forgiveness through the Department of Education;
- Increases the limit of terms one may serve in AmeriCorps State and National from two to four;
- Removes selection criteria sub-categories and relative weights for AmeriCorps State and National grant competitions;
- Removes the restriction on submitting more than one application for the same project at the same time and clarifies that the Corporation will not provide more than one grant to the same project in the same fiscal year;
- Removes the requirement that State Commissions pre-select formula programs prior to submitting a formula application; and
- Adds an option for a hardship waiver for the Senior Companion and Foster Grandparent cost-reimbursement requirement.

A. Definitions (§§ 2510.20, 2525.20)

The National Service Trust is an account in the U.S. Treasury authorized to disburse education awards to national service participants. Prior to passage of the Serve America Act, the Corporation was authorized to disburse one type of education award from the National Service Trust—a national service education award, also known as a Segal AmeriCorps Education Award, available upon successful completion of a term of service in an approved AmeriCorps position. An "approved AmeriCorps position" is one of the positions described in Section 123 of the Act, including a position in AmeriCorps State and National, AmeriCorps NCCC, AmeriCorps VISTA, and the newly authorized ServeAmerica Fellowship program.

The Serve America Act authorizes two new types of education awards: (1) A Silver Scholar education award of $1,000, available upon successful completion of a term of service in an approved Silver Scholar position; and (2) a Summer of Service education award of $500 (with authority for awards up to $750 for economically disadvantaged youth), available upon successful completion of a term of service in an approved Summer of Service position. Silver Scholar and Summer of Service education awards are available for use for the same purposes as AmeriCorps education awards: to repay qualified student loans, to pay for current educational expenses at an institution of higher education, and to pay for the cost of attending a program of education approved by the Secretary of Veterans Affairs.

Several commenters sought clarification regarding the nature of the Summer of Service program, as the Corporation has supported multiple initiatives referred to as "Summers of Service." To clarify, an approved Summer of Service position is one supported through a Learn and Serve America grant authorized and funded under Subtitle B of Title I of the NCSA. For more information on the Summer of Service program, see *http://www.learnandserve.gov/about/programs/community_based.asp.*

To align with the amended statute, this rule amends § 2525.20 by adding three separate definitions for "AmeriCorps education award," "Silver

Scholar education award," and "Summer of Service education award."

Each of these awards is based upon successful completion of a term of service in an *approved* position. For a position of any type to be considered "approved," the Corporation must have agreed to provide a corresponding education award upon successful completion of a term of service in that position. This rule amends § 2510.20 by adding definitions to clarify that in order for a Summer of Service or Silver Scholar position to be considered *approved,* it must be approved by the Corporation for the receipt of a Silver Scholar or Summer of Service education award, respectively.

A term of service in an approved Silver Scholar position must be for at least 350 hours during a period of one year. A term of service in an approved Summer of Service position must be for at least 100 hours "during the summer months." To clarify that what constitutes a term of service will vary depending upon the program, this rule amends the definition of "term of service" in § 2525.20 to align with the NCSA by providing separate descriptions for terms of service in approved AmeriCorps, Silver Scholar, and Summer of Service positions.

We received many requests for additional clarification on the Silver Scholar and Summer of Service programs, including whether there will be limitations on the number of terms an individual may serve in each program and how the Silver Scholar program will interact with other programs. Specific rules for these programs were not a part of this rulemaking; the Corporation may undertake separate rulemakings on these topics in the future.

As stated above, a Summer of Service education award will generally be $500. However, the NCSA authorizes the Corporation to establish a Summer of Service award of $750 for "economically disadvantaged youth." The Corporation defines "economically disadvantaged youth" for the purposes of the larger Summer of Service education award as a child who is eligible for a free lunch or breakfast under the Richard B. Russell National School Lunch Act. This rule amends § 2525.20 to add this definition.

The Corporation received several comments questioning the Corporation's definition of "economically disadvantaged youth," including comments that such a definition would exclude home-schooled children and middle school youth who do not sign up for free lunch. Using the eligibility guidelines for participation in a free lunch or breakfast program under the Richard B. Russell National School Lunch would not exclude home-schooled students or students who do not sign up for a free lunch or breakfast. A child need not actually be enrolled in a school-based free lunch or breakfast program to qualify for the larger Summer of Service education award. The definition means only that the eligibility standards of such a program will be used to determine whether a child qualifies for a larger education award.

The proposed rule defined an "economically disadvantaged youth" as one who is eligible for free or reduced lunch *and* breakfast. Upon further consideration, the Corporation has amended the definition in the final rule to an individual who is eligible for free or reduced lunch *or* breakfast.

While the Corporation has the authority to establish a larger award for economically disadvantaged youth, the Corporation has not elected to use this authority in the first year of funding Summer of Service programs.

B. Eligibility To Receive an Education Award (§ 2526.10)

The Serve America Act created two new types of education awards: Silver Scholar education awards and Summer of Service education awards, for $1,000 and $500 respectively, available upon successful completion of an approved Silver Scholar or Summer of Service position. This rule amends § 2526.10 to include individuals who successfully complete terms of service in approved Silver Scholar or Summer of Service positions as eligible to receive an education award from the National Service Trust.

Previously, the list of eligibility criteria to receive an education award in § 2526.10 described the eligibility criteria to serve in AmeriCorps State and National, AmeriCorps NCCC, and AmeriCorps VISTA, including age and education criteria that would exclude individuals in Summer of Service positions, which are available for "youth who will be enrolled in any of grades 6 through 12 at the end of the summer" (42 U.S.C. 12563(c)(8)). To align with the amended statute, this rule amends § 2526.10 to defer to the eligibility criteria of individual programs for program-specific criteria.

Under this rule, for an individual to be eligible to receive an education award, the organization responsible for the individual's supervision must certify that the individual: (1) Met the applicable eligibility requirements for the approved national service position, approved Silver Scholar position, or approved Summer of Service position, as appropriate; (2) successfully completed the term of service in the AmeriCorps, Silver Scholar, or Summer of Service program; and (3) is a citizen, national, or lawful permanent resident alien of the United States.

C. Successful Completion of a Term of Service (§ 2526.15)

Section 146 of the NCSA directs the Corporation to determine a process by which an organization responsible for the supervision of a national service participant may determine whether the participant successfully completed a term of service. This rule adds a new § 2526.15 describing that process. Under this rule, organizations supervising AmeriCorps State and National participants will continue to use the existing process detailed at § 2522.220(d).

For Summer of Service and Silver Scholar programs, the organization is required to conduct an end-of-term evaluation for each participant to determine whether the individual successfully completed the term of service. To determine whether an individual successfully completed a term, the program must examine whether: (1) The individual completed the required number of service hours for the respective term of service; (2) the individual performed satisfactorily on assignments, tasks, or projects; and (3) the individual met any other performance criteria as communicated to the member by the organization. What is considered "satisfactory performance" is within the discretion of the program.

For the purpose of this requirement, certification that an individual did or did not successfully complete a term of service will be deemed to incorporate an end-of-term evaluation. A certification of successful completion will not, however, suffice as documentation of hours served.

One commenter noted that the proposed language of § 2526.15 is not explicit that an individual must satisfy all three elements of the evaluation in order to be considered to have successfully completed a term of service.

The Corporation has amended § 2526.15 to clarify that a certification of successful completion necessarily encompasses a determination that the individual completed the service hour requirement, performed satisfactorily, and met any other performance criteria set by the program.

The Corporation received several requests for standard definitions of "satisfactory" and "unsatisfactory." To

afford programs the necessary flexibility to supervise and manage their members, the Corporation declines to set a standard for what is considered "satisfactory."

The proposed rule inadvertently included AmeriCorps VISTA and AmeriCorps NCCC in the above certification process. The Corporation uses its own process to determine whether a VISTA or NCCC member has successfully completed a term of service; the above rules do not apply to VISTA or NCCC.

D. Partial Awards for Release for Compelling Personal Circumstances (§§ 2526.20–25)

Section 147 of the NCSA authorizes the Corporation to make education awards in five different amount categories: (1) An amount for successful completion of a full-time approved national service position; (2) an amount for successful completion of a part-time approved national service position; (3) an amount for partial completion of service, available upon release for compelling personal circumstances from an approved national service position; (4) an amount for a Silver Scholar education award for successful completion of an approved Silver Scholar position; and (5) an amount for a Summer of Service education award for successful completion of an approved Summer of Service position. Partial awards are described *only* in the context of release for compelling personal circumstances from an *approved national service position.*

In describing types of service positions in section 146, the Act distinguishes between *approved national service positions* (which are described in section 123 to include AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, and ServeAmerica Fellows), *approved Silver Scholar positions,* and *approved Summer of Service positions.* The Act does not provide for a pro-rated award for a release for compelling personal circumstances from an approved Silver Scholar or Summer of Service position.

This rule amends § 2526.20 and adds a new § 2526.25 to clarify that partial awards will not be available for individuals who are released early from Silver Scholar or Summer of Service positions, even for compelling reasons. We received several comments recommending that a release for compelling personal circumstances be permitted for Silver Scholars and Summer of Service positions. As stated above, there is no authority for a partial award for a release for compelling personal circumstances from a Silver Scholar or Summer of Service position.

This rule also amends § 2526.20 to reflect the statutory requirement that an individual serving in an approved AmeriCorps position must have performed satisfactorily before being released for compelling personal circumstances in order to receive a partial education award.

E. Limitation on Amount of Award Disbursed to Institution of Higher Education (§§ 2528.30–40)

Prior to the effective date of the Serve America Act, under section 148(c)(6) of the NCSA, the Corporation's disbursement from an individual's education award for any period of enrollment at an institution of higher education could not exceed the difference between that individual's cost of attendance for that period of enrollment and the sum of (1) the individual's estimated financial assistance for that period under part A of title IV of the Higher Education Act and (2) the individual's veterans' benefits as defined under section 480(c) of the Higher Education Act. The Serve America Act amended section 148(c)(6) to eliminate consideration of an individual's veterans' benefits in this manner. This rule amends §§ 2528.30 and 2528.40 to align with amended section 148(c)(6) by removing any consideration of an individual's veterans' benefits when determining the maximum amount of the individual's education award that may be disbursed to an institution of higher education.

F. Use of Education Award for a Program of Education Approved by the Secretary of Veterans Affairs (§§ 2528.10, 60–80)

The Serve America Act amended section 148 of the NCSA to add a fifth available use for an education award. Under the amended law, the education award is available "to pay expenses incurred in enrolling in an educational institution or training establishment that is approved under chapter 36 of title 38, United States Code, or other applicable provisions of law, for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs." (42 U.S.C. 12604(a)(4)). This rule amends § 2528.10 to add this use to the list of available uses, and adds rules on the process for using the award for this purpose. Benefits offered under chapter 36 of title 38, U.S.C., were authorized under the Montgomery G.I. Bill and the Post 9/11 G.I. Bill. This rule adds a definition for "G.I. Bill approved programs."

This rule requires that the institution or training establishment at which an individual requests to use an education award certify under penalty of law that the amount requested will be used to pay all or part of the individual's expenses attributable to a course, program of education, apprenticeship, or job training program offered by that institution or training establishment. Further, the institution or training establishment must certify under penalty of law that the course or program for which the individual is requesting to use the education award is currently approved by the State approving agency for the State where the institution or establishment is located, or by the Secretary of Veterans Affairs.

The Department of Veterans Affairs is the agency responsible for approving courses or programs of education under chapter 36 of title 38, U.S. Code, and the Corporation defers to the decisions made by the State approving agencies and the Secretary of Veterans Affairs regarding approving—or withdrawing approval—of a program of education. The Corporation will only disburse funds to an institution or establishment if it verifies that a course or program of education has received the requisite approval.

Unlike G.I. education benefits, which may be disbursed directly to an individual, under this rule, the education award will only be disbursed directly to the educational institution or training establishment.

If an individual for whom the Corporation has disbursed an education award withdraws or fails to complete the period of enrollment at an educational institution or training establishment in a program of education approved by the Secretary of Veterans Affairs, this rule requires the educational institution or training establishment to provide a pro-rated refund to the Corporation. The Corporation will provide more detailed guidance on the refund process during implementation.

Please Note: An individual will begin being able to use the Corporation's online systems to request the use of an award at a G.I. Bill approved program beginning mid-August, 2010 or 30 days following the publishing of this regulation, whichever is later.

G. Payment of Accrued Interest (§ 2529.10)

This rule amends § 2529.10, which previously provided for interest forbearance to individuals serving in approved AmeriCorps positions, to clarify that individuals who

successfully complete terms of service in approved Silver Scholar positions may also be eligible for payments of interest accrued on qualified student loans while serving. The rule does not include Summer of Service positions, as Summer of Service positions are reserved for rising 6th through 12th graders who, having not yet enrolled in an institution of higher education, will not yet have incurred qualified student loans.

The Serve America Act also amended section 123 by expanding the list of positions considered to be approved national service positions to include "a position involving service in the ServeAmerica Fellowship program." The term "approved national service position" is used interchangeably with the term "approved AmeriCorps position." Therefore, an individual who serves in a ServeAmerica Fellowship position will be eligible for the payment of accrued interest on qualified student loans upon successful completion of a term of service.

H. Amount of AmeriCorps Education Award (§ 2527.10)

Upon successful completion of a term of service in an approved AmeriCorps position, including positions in AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, and ServeAmerica Fellows, an individual is eligible to receive an AmeriCorps education award from the National Service Trust. Prior to the passage of the Serve America Act, the amount of a full-time AmeriCorps education award was set in law at $4,725.

The Serve America Act amended section 147 of the NCSA by changing the amount of a full-time national service education award to be "equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1071a) that a student eligible for such Grant may receive in the aggregate * * * for the year for which the national service position is approved by the Corporation." This rule amends § 2527.10 to conform to the changes in the NCSA in the amount of the full-time award.

The amount of the Pell Grant upon which AmeriCorps education awards will be based may change each year. Thus, the amount of an AmeriCorps education award may also change annually. To determine the amount of an AmeriCorps education award, the Corporation will use the amount of the Pell Grant as of October 1 (the first day of the Federal fiscal year) in the fiscal year in which the national service position is approved. For example, if a national service position is *approved* in September of 2010, the amount of the education award will be based on a full-time amount of $5,350—the amount of the Pell Grant as of October 1, 2009 (the first day of fiscal year 2010).

The trigger date for determining the amount of an education award for a particular national service position is the date that position is *approved*—not the date the individual begins serving in a national service position. Not all positions that *begin* in a fiscal year will receive an education award based on the amount of the Pell Grant in that fiscal year.

In accordance with the national service laws, funding for education awards is obligated on a different schedule for AmeriCorps VISTA, AmeriCorps NCCC, and AmeriCorps State and National. What follows is a detailed discussion on how the approval date for a national service position is determined for the purposes of establishing the amount of an education award.

For AmeriCorps VISTA, a position is considered to be approved at the time the Corporation enters into an enforceable agreement with an individual, signified by the individual's taking the VISTA oath of service. (42 U.S.C. 4954(c)). For an AmeriCorps VISTA position, the education award amount is equal to the amount of a Pell Grant on October 1 of the fiscal year in which the VISTA takes the oath of service. For example, a VISTA who takes the oath on any date between October 1, 2009, and September 30, 2010, is eligible for a full-time award amount of $5,350—the amount of the Pell Grant as of October 1, 2009.

For AmeriCorps NCCC, a position is considered to be approved at the time the Corporation enters into an enforceable agreement with an individual, signified by the individual's signing of an AmeriCorps NCCC member agreement. (42 U.S.C. 12606(a)(1)(A)(i)). For an AmeriCorps NCCC position, the education award amount will be equal to the amount of a Pell Grant on October 1 of the fiscal year in which the AmeriCorps NCCC member signs the member agreement. Therefore, an individual who signs an AmeriCorps NCCC member agreement on any date between October 1, 2009, and September 30, 2010, will receive an award based on a full-time award amount of $5,350—the amount of the Pell Grant as of October 1, 2009.

For AmeriCorps State and National, by law, a position is considered to be approved at the time the Corporation executes a grant used to support the AmeriCorps member—*not* the date an AmeriCorps member takes an oath, signs an agreement, or begins service. (42 U.S.C. 12606(a)(1)(A)(ii)). AmeriCorps State and National grants are generally made during the spring and summer, i.e., in the latter half of a fiscal year. As a result, unlike AmeriCorps NCCC and AmeriCorps VISTA members (who are eligible for the new amount of the award as of October 1), the earliest point at which an AmeriCorps member may begin serving in a position funded by those grants may be closer to the end of a fiscal year.

For example, if an AmeriCorps State program receives a grant and an allotment of AmeriCorps positions on August 1, 2010, and enrolls a member using fiscal year 2010 grant funds on August 3, 2010, that member will receive an education award based on a full-time amount of $5,350—the amount of the Pell Grant on October 1, 2009, the first day of the fiscal year in which the August 2010 grant was made. If the program then enrolls another member on October 10, 2010, that member will also receive an education award based on the $5,350 amount—even though at that point a new fiscal year has begun, and the Pell Grant for fiscal year 2011 may have increased or decreased as of October 1, 2010. The determining factor is that the member position was approved by the Corporation in a grant awarded in fiscal year 2010.

Further, unlike an AmeriCorps NCCC or AmeriCorps VISTA member, whose approval date will closely correlate with the day the individual begins service, it is possible for an AmeriCorps State and National member beginning service in one fiscal year to be supported with funds from a grant made in a prior fiscal year. Therefore, it is possible for two AmeriCorps members starting service on the same day to be supported by two different grant awards made in two different fiscal years, resulting in two different approval dates and two different education award amounts.

For example, consider two programs with different member enrollment periods. Program A has an enrollment period of September 1, 2010 to August 30, 2011. Program B's enrollment period is September 15, 2010 to September 14, 2011. Both programs receive a grant award for the second year of their grant in the summer of 2011, and each enrolls a member on September 2, 2011. The member enrolling in Program A will be enrolling at the beginning of the enrollment period for that program year, and will receive an education award based on the amount of a full-time award on October 1, 2010. The member

enrolling in Program B will be enrolling at the end of the enrollment period for the **prior** program year, and will receive an education award based on the amount of a full-time award on October 1, 2009.

The Corporation received several comments expressing concern about the possibility of two members serving simultaneously but receiving different education award amounts. Specifically, these commenters noted that different education award amounts may give the appearance of inequity between members.

In the proposed rule, the Corporation included an example of a scenario under which a program enrolls two members on the same day using one slot from the prior year grant and one slot from the current year grant. While such a scenario is possible, it is unlikely to occur. However, it is likely that an AmeriCorps State and National member may start on the same day as an AmeriCorps VISTA member at the same service site. To mitigate a perception of inequity among members in any case, and to reduce confusion, it is essential for AmeriCorps programs—particularly those with AmeriCorps State and National members—to clearly communicate to each member, prior to the commencement of service, the amount of the education award being offered to the individual for successful completion of the term of service. Beginning with grants made in 2010, AmeriCorps State and National grant provisions will direct grantees to specify the amount of the education award being offered for successful completion of a term of service in the member service agreement.

One commenter recommended that the Corporation make the education award amount for a particular AmeriCorps position available to the member and the program through the MyAmeriCorps portal. The Corporation is developing its systems to provide this information through the MyAmeriCorps portal in the near future, but will also require programs to communicate this information to the member in the member service agreement.

It is important to remember that the Serve America Act went into effect on October 1, 2009. All positions approved prior to that date are eligible for awards based on a full-time amount of $4,725. To learn more about the amount of the education award and how it is determined, visit the AmeriCorps Web site at *http://www.americorps.gov/for_individuals/benefits/benefits_ed_award.asp.*

I. Amount of Silver Scholar and Summer of Service Education Awards (§ 2527.10)

As previously discussed, the Serve America Act created two new types of education awards: Silver Scholar education awards and Summer of Service education awards. This rule amends § 2527.10 to include the Silver Scholar education award of $1,000, available upon successful completion of a term of service of at least 350 hours in a Silver Scholar position.

This rule also amends § 2527.10 to include the Summer of Service education award of $500, available upon successful completion of at least 100 hours in a Summer of Service position. The Corporation may authorize a Summer of Service education award of $750 if the participant is an economically disadvantaged youth.

In the proposed rule, we stated that in order to authorize the increased award, the Corporation must receive a certification from the school with which the participant served that the participant meets the definition of "economically disadvantaged youth," defined in this rule as a child that is eligible for a free lunch or breakfast under the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)). Upon further consideration, the Corporation is changing this certification requirement in the final rule, and will instead require verification from the school *or organization* with which the participant served.

Pro-rated education awards for an early release for compelling personal circumstances from a Silver Scholar or Summer of Service position are not available. If an individual fails to complete either type of term for any reason, the individual will not receive an award. And unlike the AmeriCorps education award described in the previous section, under the authorizing statute Silver Scholar and Summer of Service education awards will not vary in amount from one year to the next.

Summer of Service and Silver Scholar education awards may be used for the same purposes as AmeriCorps education awards, including paying for the cost of attendance or other current educational expenses at an institution of higher education, to pay expenses incurred in enrolling in an educational institution or training establishment approved by the Secretary of Veteran's Affairs for programs of education, apprenticeship, or on the job training, and to repay qualified student loans.

J. Limitation on Value of Education Awards Received (§ 2526.50)

Prior to the passage of the Serve America Act, the national service laws limited individuals to receive an education award "only on the basis of the first and second * * * terms of service." A term of service includes full-time, part-time, or less-than-part-time terms, terms in which the person served at least 15 percent of the term of service, and terms for which an individual was released for misconduct regardless of the amount of time served. Terms range in service hour requirements from 300 hours to more than 1,700 hours, but despite the contrast in the level of commitment required or the service opportunity presented, all terms were previously considered of equal value for the purposes of limiting the receipt of education awards.

The Serve America Act amended the national service laws to no longer limit the receipt of education awards based upon the number of terms served, but rather place the limit on the aggregate value of education awards received. Section 146(c) now states: "An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of [two] such awards for full-time service."

The amended law allows for an individual to earn more than two education awards, so long as the aggregate value of all awards received does not exceed the aggregate value of two full-time national service education awards. Significantly, the law does not create an entitlement to receive the aggregate value of two full-time awards; rather, it prohibits an individual from receiving *more* than the aggregate value of two full-time awards. This rule amends § 2526.50 to align with the amended statutory language.

As previously discussed, the amount of a full-time education award is now tied to the amount of a Pell Grant in the year the position is awarded, and is likely to change each year. The Corporation does not interpret the amended statute to provide that the *value* of two full-time education awards for the purposes of this section is equal to the dollar amount of two full-time awards and would thus similarly change on an annual basis, providing a potentially unlimited number of service opportunities and education awards. Nor does the Corporation interpret this change as a means of ensuring that all national service participants receive an identical amount. Rather, the Corporation interprets the change in

focus from the number of terms served to the value of education awards received as a means of affording individuals serving in less-than-full-time terms more service opportunities. In other words, for the purposes of the limitation on education award receipt, *value* is distinct from *amount.*

The Corporation considers an education award to be the counterpart to successful completion of a term of service, and while the amount of that award might change, the service opportunity offered by a particular term of service is constant. The Corporation interprets the "value" of a full-time education award to be representative of the service opportunity upon which it is based. Therefore, a limitation of two full-time education awards can be understood as a limitation of two full-time service opportunities.

In order to attribute a value to an award received on the basis of a static service opportunity in an environment in which the award amount may fluctuate annually, the Corporation will measure the *value* of any award amount relative to the amount of a full-time award in a given year. For the purposes of this section, the *value* of an education award will be considered equal to the actual amount of the education award received divided by the amount of a full-time education award in the fiscal year the AmeriCorps or Silver Scholar position upon which the award is based was approved. Using this calculation, every award received will be considered to have a *value* between 0 and 1. Although the *amount* of a full-time award may change, the *value* of a full-time award will always be equal to 1.

$$\text{Value of education award received} = \frac{\text{Amount of award received}}{\text{Amount of full-time award in fiscal year in which position upon which award is based was approved}}$$

For example, an individual who completed a part-time position approved in 2009 received an education award of $2,362.50. The value of this award is the amount received, $2,362.50, divided by $4,725, the amount of a full-time award in the year the position was approved, or .5. Another individual completes a part-time position approved in 2010 and receives an education award of $2,675. The value of this award is the amount received, $2,675, divided by $5,350, the amount of a full-time award in the year the position was approved, or .5. Using this calculation, the value of an award received for part-time service will always be equal to .5.

If an individual leaves a term of service for compelling personal circumstances and receives a pro-rated award, the value attributed to that award will be based on the amount actually received. For example, an individual was released for compelling personal circumstances from a full-time position approved in 2009 after serving 800 hours, and received a pro-rated award of $2,223.52. The value of this award is the amount of the award received, $2,223.52, divided by, $4,725, the amount of a full-time award in the year the position was approved, or .47. Another individual was released for compelling personal circumstances from a full-time position approved in 2010 after serving 800 hours, and received a pro-rated award of $2,517.64. The value of this award is the amount of the award received, $2,517.64, divided by $5,350, the amount of a full-time award in the year the position was approved, or .47.

If an individual exits a term for cause and does not receive an education award, the amount received will be $0, and therefore no value will be attributed to the individual for purposes of this section. However, an exit for cause will have an impact on the individual's eligibility to serve subsequent terms of service. A term exited for cause is considered a term of service for the purposes of term limitations for individual programs. For example, if an individual has already served one term of service in AmeriCorps NCCC, and exits a second term in AmeriCorps NCCC for cause, the individual has exhausted the two terms of service one may serve in AmeriCorps NCCC. Additionally, if an individual is released for cause from an approved AmeriCorps position (including positions in AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, and ServeAmerica Fellows), and the program determines in the end-of-term evaluation that the individual served **unsatisfactorily**, the individual may not serve a subsequent term in an approved AmeriCorps position.

For the purpose of transferred awards (discussed further in the section in this preamble on transfer), the value of the award received by a transferee will be the actual amount of the award received divided by the amount of a full-time award in the year the position for which the transferring individual received the award was approved. For example, if an individual receives an education award based on a term of service approved in 2010, and later transfers $1,000 of that

award to a grandchild, the grandchild will be considered to have received an award value of .19, the result of dividing the amount received, $1,000, by the amount of a full-time award in 2010, $5,350. If the transferring individual revokes all or part of an award, the value considered to be received by the designated individual will be decreased accordingly. An individual who receives the aggregate value of two full-time awards through transferred awards may enroll in a national service position, but will not be eligible to receive any additional AmeriCorps or Silver Scholar education awards.

For purposes of this section, an award is considered to be received at the time it becomes available for an individual's use, and the fact that an individual does not use an award does not diminish its value. In addition, an individual who transfers an award will still be considered to have received the award, and the value of the award for the purposes of this section will not be decreased by the amount the individual transfers to a designated individual. For example, if an individual successfully completes two full-time terms of service, and the individual then transfers both full-time awards to a child, both the child and the transferring individual will be considered to have received two full-time awards.

This rule states that an individual may receive no more than the aggregate value of two full-time education awards. The aggregate value of awards received will be equal to the sum of the value of each national service education award received (awards received from terms of service in AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, or ServeAmerica fellowships), including partial awards, the value of each Silver Scholar award received, and the value of each transferred award received. The calculation of the aggregate value does not include Summer of Service education awards, as these are excluded by law.

For example, an individual served a full-time term in 2008 and received an award of $4,725. The same individual served a part-time term in 2009 and received an award of $2,362.50. The individual enrolls in a minimum-time term in 2010 and receives an award of $1,132.60. The value of the first award is 1 ($4,725 divided by $4,725), the value of the second award is .5 ($2,362.50 divided by $4,725), and the value of the third award is .21 ($1,132.60 divided by $5,350). The aggregate value of awards received is 1.71 (1 + .5 + .21).

The Corporation has received questions about whether awards received prior to the effective date of the Serve America Act will be included in determining the aggregate value of education awards received. The national service laws, as amended by the Serve America Act, do not differentiate between awards received prior to the effective date and those received subsequent to the effective date. All awards earned in the past will have a value attributed to them for the purposes of this section. Thus, under the proposed rule, if an individual has received two full-time education awards in the past, that individual is not eligible to receive another education award.

K. Impact of Aggregate Value of Education Awards Received (§§ 2526.55, 2527.10)

The proposed rule included a limitation that an individual would not be permitted to enroll in a subsequent term of service if successful completion of that term would result in receipt of an education award the value of which, when added to the aggregate value of awards previously received, would be greater than 2. The proposed rule provided that this would not prevent an individual from enrolling in a term of service for which the individual chooses to waive receipt of the education award.

The Corporation received many comments on this provision. Some commenters requested additional clarification on waiving an education award. Other commenters questioned the Corporation's proposal to require an individual who is not eligible to receive an entire education award for a particular term of service to waive the entire award in order to enroll in the term. Among the comments received, there was broad support for permitting an individual eligible to receive only a portion of an award to receive that portion upon successful completion of a term of service.

After further consideration, the Corporation agrees that an individual who is eligible to receive a portion of an education award should be able to receive that portion upon successful completion of the term of service. Under this rule, if an amount offered for a term of service has a value that, when added to the aggregate value of awards previously received, would exceed 2, the individual will receive a discounted award representing that portion of the award having a value for which the individual is eligible.

However, the Corporation will need time to implement this policy properly, including time to make necessary upgrades to our systems. We estimate that our systems should be updated by November 1, 2010. Prior to that date, the Corporation will notify applicants in the MyAmeriCorps portal of the new rule, but will not provide individualized notice to applicants of the amount of award the individual may receive. Once the system changes have been implemented, an individual will be notified upon enrollment in a particular term of service of the aggregate value of awards the individual has previously received, and the maximum award amount the individual is eligible to receive for that term of service. The maximum amount the individual will receive upon successful completion will be either the amount of the award offered for that term of service, or a discounted amount having a value that, when added to the aggregate value of awards previously received, does not exceed 2—whichever is less. The discounted amount is determined by multiplying the value the individual is eligible to receive by the amount of a full-time award in the year the position is approved, and may be equal to zero dollars.

(2 − aggregate value of education awards received)
×
(amount of full-time education award in year position was approved)

This rule adds a new paragraph (g) to § 2527.10 describing how a discounted award amount is determined.

For example, consider an individual who has received an aggregate value of 1.26 awards who wishes to enroll in a full-time term offering an award with a value of 1. The individual is eligible to receive an award with a value of .74, and therefore upon successful completion will receive a discounted award amount of $3,959 ((2 − 1.26) × $5,350).

If an individual had already received the value of two full-time education awards, the maximum discounted amount the individual is eligible to receive for successful completion of the term of service is $0 ((2 − 2) × $5,350).

An individual must successfully complete the term of service in which the individual enrolls in order to receive the entire amount of the education award for which the individual is eligible. Section 147(c) of the Act states that if "an individual serving in an approved national service position is released [for compelling personal circumstances], the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term

of service actually completed by the individual." An individual is only approved to receive an award amount for which the individual is eligible. If an individual is eligible to receive a discounted education award, and the individual leaves a term of service for compelling personal circumstances, the individual will receive a corresponding portion of the discounted award amount.

For example, consider an individual who enrolls in a term of service offering an award amount of $5,350, but who is only eligible to receive an amount of $3,000 based on the aggregate value of awards the individual had previously received. If this individual exits the term for compelling personal circumstances after serving 50% of the required service hours, the individual will receive $1,500, or 50% of $3,000—the discounted award amount for which the individual was approved.

Please Note: the option to elect to waive an education award was proposed in order to enable an individual to serve in a term of service offering an education award amount with a value exceeding the value for which the individual is eligible. The Corporation is not including a waiver requirement or option in the final rule.

L. Transfer of Education Awards (Part 2530)

The Serve America Act amended Subtitle D of title I of the NCSA to authorize individuals to transfer an education award, with limitations on who can transfer an award, and who can receive a transferred award. By statute, to transfer an award, an individual must: (1) Have successfully completed a term of service in an approved AmeriCorps State and National or Silver Scholar position; and (2) have been age 55 or older before beginning that term of service. To receive an award, an individual must: (1) Be designated by a qualifying transferring individual; (2) be the child, grandchild, or foster child of the transferring individual; and (3) be a citizen, national, or lawful permanent resident alien of the United States. The effective date of this provision was October 1, 2009; only individuals beginning service on or after that date will be eligible to transfer an education award.

Section 148(f) specifies that the "designated individual," meaning the child, grandchild, or foster child designated by the transferring individual to receive the award, may use the award for the purposes described in paragraphs (b), (c), and (d) of that section—*i.e.,* to repay qualified student loans, to pay for current educational expenses at an institution of higher education, or to pay expenses incurred in an approved school-to-work program. The school-to-work program, authorized under the School-to-Work Opportunities Act of 1994, sunsetted in 2001; thus, in practice, the designated individual would be able to use the award only for current educational expenses or to repay qualified student loans. The NCSA as amended does not extend the use of the transferred award to pay expenses incurred in enrolling in an institution or training establishment approved under the G.I. Bill to designated individuals, nor does it permit designated individuals to receive interest forbearance payments as described in Section 148(e).

This section of the NCSA also permits a transferring individual to, "on any date on which a portion of the education award remains unused, modify or revoke the transfer of the educational award with respect to that portion."

This rule adds a new part 2530 on transfer, including rules reflecting statutory guidelines, and details on the processes for requesting transfers and revocations of transferred awards. The NCSA also includes a provision requiring the Corporation to "establish requirements to prevent waste, fraud, or abuse in connection with the transfer of an educational award and to protect the integrity of the educational award under this subsection." This rule includes several measures intended to prevent waste, fraud, or abuse in connection with the transfer of an education award.

First, as part of the process for the transferring individual to request the transfer and the process for the designated individual to accept the transfer, this rule requires both the transferring individual and the designated individual to provide a certification under penalty of law that each meets the criteria to transfer, or receive, a transferred award. As with any certification, an individual may be required to produce verifying documentation.

This rule specifies in § 2530.70 that an individual is not required to accept a transferred award. We received a question regarding whether an individual may reject an award at any time, or must do so at the outset. An individual may reject an award at the outset, or at any point after acceptance. Any award amount that has been rejected will not be considered when calculating the aggregate value of education awards an individual has received. A transferring individual may re-transfer an award if the designated individual rejects the transferred award in full and the award has not yet expired.

Second, this rule limits an individual to making a single transfer of an education award that is attributable to a single term of service. An individual may transfer an award in whole or in part; thus, the transferring individual may keep a portion of an award for his or her use and transfer a portion to a designated individual. However, an individual may not transfer a single award attributable to completion of a single term of service to more than one designated individual.

The Corporation received several comments opposing this limitation, and one recommendation that the Corporation increase the limit to two designated individuals for each award. Several commenters noted that the Act does not specifically dictate this limitation; however, the Act directs the Corporation to establish rules to prevent fraud, waste, and abuse in connection with transferred awards, and this limitation is designed to mitigate such risks. Also, as stated in the proposed rule, this provision limits, but does not proscribe, an individual's ability to transfer to multiple individuals; in order to transfer awards to more than one designated individual, the transferring individual will need to earn awards for more than one term of service.

As stated above, a transferring individual also has the authority to revoke the transfer of any unused portion of an education award. As another measure to prevent waste, fraud, or abuse, and in line with the Corporation's intent to limit individuals to a single transfer from each award, a transferring individual would not, as a general rule, be permitted to re-transfer a revoked award to another individual.

This rule includes an exception to this general rule for those situations in which the Corporation considers the award to have been revoked for good cause, as demonstrated by the transferring individual. For example, if a transferring individual revokes the full amount transferred upon the death of a designated individual, the Corporation would permit the transferring individual to re-transfer the award in whole or in part.

The Corporation received several requests for a definition of "good cause." Beyond the death of a transferee or a transferee's rejection of an award in full, the Corporation cannot speculate as to the types of situations that may arise that would necessitate an individual to revoke an award, and thus is not prepared to define "good cause" at this time. The Corporation will make determinations of whether there is good cause to permit someone to re-transfer an award in a consistent manner, and

may develop a more formal policy in the future based upon the types of requests received.

This rule also includes several clarifying provisions. As discussed in the section in this rule on the limitation on the value of education awards an individual may receive, the NCSA prohibits an individual from receiving more than the aggregate value of two education awards. Under this rule, an award is considered to be "received" at the time it becomes available for an individual's use. The fact that an individual transfers an award to a designated individual will not decrease the value of awards the individual is considered to have received. Transferred awards a designated individual receives will also be considered when calculating the aggregate value of awards received.

For example, if an individual receives two full-time awards and transfers both awards to a child, both the transferring and designated individual will be considered to have received the aggregate value of two full-time awards, and neither will be eligible to receive additional AmeriCorps or Silver Scholar awards from the National Service Trust. As discussed in the section on calculating the value of an education award, a transferred award would have a value based on the amount of a full-time education award in the year the position on which the transferring individual's award was based was approved.

Under the national service laws, an individual has seven years from the date the individual completes a term of service to use an award, and a designated individual receiving a transferred award has ten years from the date the term of service is completed to use the award. For example, if an individual receives an award for a term completed in 2010, and transfers the award five years after receiving the award, the designated individual would have five years to use the award.

In accordance with these statutory time frames, this rule permits an individual to revoke the transfer of an award at any point prior to its use, but the individual may only use such an award if the award has not expired. For example, if an individual received an award for a term completed in 2010, transferred the award five years after receiving the award, and then revoked the transfer six years after receiving the award, the transferring individual would have only one year to use any unused portion of the award. If, however, the transferring individual had revoked the transfer eight years after it was originally earned, the award would expire immediately upon revocation, because although the award had not yet expired for use by the designated individual, it would have expired for the transferring individual a year earlier.

Several commenters suggested that, in the event a person receiving a transferred award does not or cannot use it, the individual who originally transferred the award should be permitted to use the award beyond the seven-year period specified in statute. The Corporation will grant extensions to the statutory seven-year period in circumstances in which an individual was unavoidably prevented from using an education award. An individual who does not use an award during its seven year period of availability because the individual transferred the award and did not revoke the transfer prior to the award's expiration will not be considered to have been unavoidably prevented from using the award.

The Corporation received many comments opposing elements of this rulemaking that simply implement provisions of the Serve America Act, including: The provision that only an individual who serves in an AmeriCorps State and National or Silver Scholar position may transfer an education award, meaning that an individual who serves in an AmeriCorps VISTA, ServeAmerica Fellowship, or AmeriCorps NCCC position cannot transfer an award; the requirement that an individual must have served in a national service position in order to transfer an award, meaning that an individual who receives a transferred award cannot transfer that award to someone else; the provision that an eligible individual may only transfer to a child, grand-child, or foster child, meaning an individual cannot transfer an award to other family members, mentored children, or scholarship funds; the provision limiting the option to transfer to individuals age 55 and older; and the provision that education awards received by transfer must be considered when calculating the aggregate value of awards received. Expanding the types of individuals who can transfer an award, the types of individuals who may receive an award, and the impact of receiving an education award by transfer on an individual's eligibility to receive a subsequent award would require amendments to the statute, which can be done only by Congress.

Many commenters expressed concern that an individual who has received education awards by transfer will be ineligible to serve terms of service in national service positions. If an individual has received education awards by transfer, the individual's eligibility to receive additional education awards may be limited, however, receipt of awards by transfer will not impact an individual's ability to serve in a national service position. The fact that an individual has received the maximum value of education awards does not preclude the individual's future participation in a national service position.

We received a question regarding the tax implications for the recipient of a transferred award. The Internal Revenue Service previously ruled that an education award is taxable to the person using the award in the year that it is used. The Corporation will notify national service participants and designated individuals should the Corporation receive any guidance from the Internal Revenue Service to the contrary in connection with an individual's use of a transferred award.

One commenter asked whether an individual could transfer a pro-rated award received after leaving a term for compelling personal circumstances. An eligible individual may transfer a pro-rated award received after leaving a term for compelling reasons.

Please note: an individual wishing to transfer an award will be able to do so using the Corporation's online systems beginning mid-October, 2010.

M. Periods of Availability for Silver Scholar, Summer of Service, and Transferred Education Awards (§ 2526.40)

This rule amends section § 2526.40 to include periods of availability for Silver Scholar, Summer of Service, and transferred education awards. Under section 146 of the NCSA, the period of availability for a Silver Scholar education award is seven years from the date the individual completes a term of service. The period of availability for a Summer of Service education award is ten years from the date the individual completes the term of service. Individuals who receive a transferred award may use the award within ten years of the date the transferring individual completes the term of service that is the basis for the award—not the date the designated individual receives the transferred award. For example, if an individual transfers an award five years after the date the individual completed the term of service, the designated individual would have five years to use the award—ten years from the date the transferring individual completed the term of service.

Similar to national service education awards, section 146 authorizes the Corporation to grant an extension to the

period of availability for a Silver Scholar education award, a Summer of Service education award, or a transferred award if the individual requesting the extension "was unavoidably prevented" from using the education award or if the individual "performed another term of service in an approved national service position, approved summer of service position, or approved silver scholar position during that period."

Several commenters urged the Corporation to grant extensions to individuals who have received a transferred award but are too young to use the award by the expiration date, noting that many individuals eligible to transfer an award have very young children or grandchildren. Indeed, it is unlikely that any designated individual under the age of 8 will have had an opportunity to use an education award by the 10-year expiration date.

As stated in the proposed rule, to permit extensions for a designated individual who is too young to use an award would mean, in some cases, extensions for up to nine years beyond the original expiration date—nearly twice the statutory period of availability. The Corporation believes that the longer the period of availability, the greater the risk of fraud, waste, or abuse. Further, Congress selected ten years as a reasonable period of availability for a transferred award. Based upon these considerations, this rule maintains that an individual who is unable to use an education award as a result of being too young will *not* be considered to be unavoidably prevented from using the education award. Individuals wishing to transfer an award will be reminded at the time they request a transfer that, while there is no minimum age for a designated individual, extensions based on age will not be granted.

N. Certifications of Successful Completion of Terms of Service (§ 2526.10)

The Serve America Act amended the NCSA by adding a new section 146A, which requires that a national service program certify under penalty of law that an individual successfully completed an agreed-upon term of service to be eligible to receive an education award from the National Service Trust. Specifically, section 146A(a) provides that, in making disbursements from the National Service Trust, the Corporation is authorized to act on the basis of certifications that individuals who served in approved AmeriCorps positions, approved Summer of Service positions, or approved Silver Scholar positions, successfully completed the term of service required to be eligible for an education award. These certifications must be made by the entity which selected the individual to serve in the position, and supervised the individual's performance of their service. This rule implements section 146A(a) by including the certification requirement in the determination of who is eligible to receive an education award under § 2526.10(a)(2)(i), (iii), and (iv).

O. Effect of Erroneous Certifications of Successful Completion of Terms of Service (§ 2526.70)

Under section 146A(b) of the NCSA, if the Corporation finds that a certification made under section 146A(a) is erroneous or incorrect, the Corporation shall assess a charge against the national service program which made the certification. The charge is to be assessed for the amount of any payment which the Corporation has or may make from the National Service Trust based on the erroneous certification. In assessing the amount of a charge, the Corporation is to consider the full facts and circumstances surrounding the erroneous or incorrect certification.

This rule implements section 146A(b) and specifies that any Corporation determination in regard to a charge under § 2526.70 will not preclude the Corporation from taking any other actions which may be warranted under other applicable authorities, such as the Program Fraud Civil Remedies Act.

One commenter noted that the proposed rule does not describe the factors which the Corporation will consider in determining the amount it will assess based on an erroneous or incorrect certification. The commenter noted that the Corporation could take a number of different approaches which could range from strict liability standards to considerations of fault (assessed against a specific evidentiary standard) to assessing charges by a formula based on the number of hours appropriately served. The commenter suggested that, if the Corporation intends to use any such standards or procedures, that they be set out by the rule.

The authority granted in section 146A(b) of the National and Community Service Act and implemented by § 2526.70 is broad. It grants to the Corporation the authority to assess and collect charges related to education awards (or portions thereof) which have not yet been disbursed from the National Service Trust. This authority also requires the Corporation to consider "the full facts and circumstances surrounding the erroneous or incorrect certification." Because of the breadth of this authority and the charge to consider the facts and circumstances surrounding each certification, the Corporation will make its assessments of erroneous or incorrect certifications on a case-by-case basis consistent with its overriding responsibility to treat similarly situated entities in a consistent manner. Some factors the Corporation may consider include, but are not limited to: The number of hours an individual fell short from successful completion; the number of members with hour shortfalls; and the prevalence of programmatic weaknesses.

One commenter noted that the term "national service program" is not specifically defined in § 2526.70. The commenter questioned whether the Corporation would assess charges only against "the certifying program" or may also assess charges against "upstream grantees." The authority in section 146A(b) is to assess charges for erroneous certifications made under section 146A(a). Those certifications must be made "by the entity that selected the individual for and supervised the individual in the approved national service position." The Corporation expects that in many cases those entities will be either subgrantees of state service commissions or AmeriCorps national grantees who receive their awards directly from the Corporation. However, the Corporation reserves the right to collect erroneous payments from the grantee or any other entity with responsibility for the program. The Corporation has not modified the proposed rule in this regard because it does not view the proposed rule as inconsistent with the authority given in section 146A(b).

One commenter asked whether the Corporation will assess charges for erroneous certifications only if an award has been disbursed from the National Service Trust. Section 146A(b) gives the Corporation the authority to assess a charge "for the amount of any associated payment or *potential* payment from the National Service Trust." (Emphasis added). As discussed above, this authority is broad enough to encompass an assessment before an education award is disbursed. The Corporation's proposed regulation did not limit that authority.

P. Public Service Loan Forgiveness and AmeriCorps (§ 2526.20)

On September 27, 2007, President Bush signed the College Cost Reduction

and Access Act of 2007 (Pub. L. 110–84) into law. The CCRAA created the Public Service Loan Forgiveness Program. This program offers forgiveness for outstanding Federal Direct loans for those individuals who make 120 qualifying payments after October 1, 2007, while working full-time in a "public service job." In the Department of Education's implementing rules, "public service job" has been defined to include "serving in a full-time AmeriCorps * * * position." (34 CFR 685.219(c); 73 FR 63527, Oct. 23, 2008). "AmeriCorps position" as defined in that section would include full-time service in AmeriCorps State and National, AmeriCorps NCCC, AmeriCorps VISTA, and ServeAmerica Fellowships.

Generally, an individual cannot receive an education award and related interest benefits from the National Service Trust as well as other loan cancellation benefits for the same service. For example, the law authorizing the Teacher Loan Forgiveness Program (TLFP) explicitly states that "no borrower may, for the same service, receive a benefit under this [program] and subtitle D of title I of the National and Community Service Act of 1990." (20 U.S.C. 1078–10(g)(2)). Thus, an AmeriCorps member serving in a teacher corps program would have to choose whether to count the service year towards TLFP or AmeriCorps, but would not be able take both benefits for the same period of service.

The Public Service Loan Forgiveness Program is an exception to this general rule. Service performed by an individual serving in a full-time AmeriCorps position may be credited to both an education award and Public Service Loan Forgiveness.

This rule amends § 2526.60 to include an exception to the general prohibition on an individual's receiving an education award and related interest benefits from the National Service Trust as well as other loan cancellation benefits for the Public Service Loan Forgiveness Program.

For more information on qualifying for Public Service Loan Forgiveness while serving in AmeriCorps, please visit: *http://www.nationalservice.gov/for_organizations/highered/ccraa.asp.*

Q. Term Limits for AmeriCorps State and National (§ 2522.235)

AmeriCorps State and National is the national service program funded under Subtitle C of Title I of the NCSA. Prior to passage of the Serve America Act, section 140(h) of the NCSA included a limitation that no program could use any Federal funds to support an individual during a third term of service in an AmeriCorps State and National position. The Serve America Act removed section 140(h) of the NCSA, thereby eliminating the statutory limitation on the number of terms in which one could be supported with Federal funds while serving in an AmeriCorps State and National position.

The Serve America Act amended section 146(c) by changing the limitation from receiving awards for the first two terms of service to receiving up to the value of two full-time education awards. As discussed in the section on the limitation of education award receipt, these amendments now give the Corporation the flexibility to support a single individual during more than two terms of service in less-than-full-time terms. The amendments do not guarantee that an individual may serve more than two terms of service, nor do they direct the Corporation to provide an individual with the opportunity to serve more than two terms of service. Rather, the amended provision establishes a new limitation that the Corporation must enforce.

By statute, one of the Corporation's guiding purposes is to "encourage citizens of the United States * * * to engage in full-time or part-time national service." In furtherance of this, the Corporation's longstanding policy is to limit the number of terms an individual may serve in an approved national service position to ensure that there are opportunities for all interested Americans to serve. Increasingly, applications for AmeriCorps far exceed available positions. The Corporation's longstanding limitation of two terms of service in AmeriCorps State and National meant that, after a maximum of two terms, a position was available for a new individual to have an opportunity to serve.

However, the Corporation appreciates that the law as amended affords more opportunities to serve for those individuals who serve in less-than-full-time positions. To balance the increased flexibility afforded by the amended statute with the Corporation's interest in providing more Americans an opportunity to serve, this rule doubles the number from two to four terms an individual may serve in AmeriCorps State and National and be supported with federal funds. This will provide twice as many opportunities as were previously available, but will place a reasonable limit in order to ensure service opportunities are available for other interested participants. This does not mean that an individual is guaranteed four terms of service in AmeriCorps State and National.

A term of service includes full-time, part-time, reduced part-time, quarter-time, and minimum-time terms, as well as any term from which one exits after serving 15 percent of the agreed term of service, and any term from which one is exited for misconduct. If a person leaves for reasons other than misconduct prior to serving 15 percent, the term is not considered a term of service for the purposes of this limitation.

Exhaustion of the number of terms one may serve in AmeriCorps State and National would not necessarily prevent an individual from enrolling in a position in another national service program, such as AmeriCorps NCCC, AmeriCorps VISTA, or Silver Scholars.

The Corporation received many comments expressing concern about the proposed limit of four terms. These comments generally fell into one of three categories: (1) Those who opposed any term limit for AmeriCorps; (2) those who believe the limitation on education award value received is a sufficient limitation on the number of terms an individual may serve; and (3) those who agree that there should be a limit on the number of terms an individual may serve, but recommend expanding the limit to 5 or more.

The Corporation does not agree that an individual should be permitted to serve in AmeriCorps indefinitely. As discussed above, a limitation on terms ensures that national service positions will be available for more individuals to serve.

Most commenters supported a limitation to the number of terms, but recommended an increase over the proposed rule. Many encouraged the Corporation to adopt a different mechanism for limiting terms, or to rely on the limitation of education award receipt as a sufficient limitation. Based upon the Corporation's statement in the proposed rule that a limitation of the value of two full-time education awards should be understood as "a limitation of two full-time service opportunities," one commenter recommended that the term limit approximate a limit of two full-time service opportunities. One commenter suggested using MSY's (member service years) served as a possible mechanism for measuring the value of service opportunities one has had in AmeriCorps. Another commenter recommended setting a limitation of 3,400 hours served, the equivalent of two full-time terms of service.

The Corporation considered various methodologies in implementing the Serve America Act amendments, but concluded that the number of possible service opportunities afforded by such

methodologies would be counter to ensuring that opportunities to serve are appropriately distributed among those interested. A limit of up to two MSYs would permit someone to serve up to 9 minimum time terms, and a limit of 3,400 hours would permit an individual to serve up to 10 minimum time terms. Further, developing separate value systems for AmeriCorps terms of service and education awards received presents an additional challenge by making AmeriCorps service overly complicated.

The Corporation did not consider using the limitation on education awards alone as a sufficient limit to the number of terms an individual may serve, as using such a limitation would prevent an individual who received education awards through transfer from later serving in an approved AmeriCorps position. To enable these individuals to serve, the Corporation is permitting individuals to enroll in AmeriCorps without receiving an education award. In short, the Corporation believes it necessary to have separate limitations on the number of terms an individual may serve in AmeriCorps State and National and on the value of education awards an individual may receive.

Many commenters offered arguments in support of expanding the term limit, including that participants want to continue service beyond four terms, that increasing the number of terms permits the organization to benefit from a participant's cumulative experience, or similarly that the organization could benefit from the community relationships the participant may have developed over time.

The Corporation does not believe that placing a limit on the number of terms one may serve in AmeriCorps State and National will prevent those individuals interested in continued service from serving, whether it be through their careers, as volunteers, or as participants in other programs such as AmeriCorps NCCC, AmeriCorps VISTA, or a Senior Corps program. Additionally, unlike employment, AmeriCorps is not intended to be a long-term arrangement. If a program wishes to retain a particular individual, the sponsoring organization should consider developing a staff position. In any event, a reasonable limit on the terms of service advances the overriding goal of having meaningful opportunities to serve for all those interested.

The Corporation also received comments in opposition to the Corporation's justification for limiting the number of terms. One commenter noted that the appropriate remedy for ensuring that there are sufficient AmeriCorps members is to increase funding for AmeriCorps, not limit the number of terms an individual may serve. However, recent funding increases have not kept up with the increase in the number of Americans applying to become AmeriCorps members.

One commenter noted that while applications for AmeriCorps service may outnumber available positions overall, this may not be true for individual programs, and that the total number of applicants is not representative of the total number of qualified applicants. This commenter encouraged the Corporation to permit organizations that are able to demonstrate an inability to secure qualified AmeriCorps members a waiver to permit individuals to serve more than four terms. In such cases, the Corporation encourages programs to strengthen their local recruitment methods as well as use the Corporation's online recruitment system.

R. Selection Criteria Sub-Categories for AmeriCorps State and National (Part 2522)

The Serve America Act amended Subtitle C of Title I of the NCSA by placing greater emphasis on a grantee's impact. Programs are now described not only in terms of their programmatic activities and the unmet community needs the programs are addressing, but also in terms of "performance indicators" that demonstrate the program's impact. Additionally, the NCSA now requires the Corporation to fund each year at least two of five statutorily-described programs, including programs that address unmet education, health, economic opportunity, veteran, and clean energy needs. While the Corporation can accommodate these changes in future grant competitions without changing our current published selection criteria, the current "sub-categories" of the basic selection criteria and the published weights for the sub-categories are an imperfect fit for the increased emphasis on performance and funding of programs addressing particular community needs.

This rule removes §§ 2522.425–2522.435, the sections that describe the sub-categories of the three basic selection criteria, as well as §§ 2522.445–2522.448, the sections that set out the weights given to the sub-categories.

The Corporation may, in the future, publish specific sub-categories for the basic selection criteria in the Notice of Funding Opportunity or Availability. This will enable the Corporation to adjust application components and the weights given to sub-components. The Corporation expects that future grant applications will focus less on the process through which grantees achieve their outcomes and more on the outcomes they produce. Additionally, this will further the Corporation's continued efforts to simplify the application process, as supported by the Serve America Act.

The Corporation will continue to use a multi-stage process, including review by a panel of experts, and will continue to make funding decisions based on the same basic selection criteria of program design, organizational capability, and cost-effectiveness and budget adequacy. The weights given to the basic selection criteria—50% for program design, 25% for organizational capability, and 25% for cost-effectiveness and budget adequacy—will not change. The change in location of published sub-categories and their respective weights does not signify a change in the Corporation's standards for transparency, clarity, and consistency in considering applications. All applicants will be made aware of any sub-categories of selection criteria in advance of the application and review process.

The Corporation received several comments expressing concern that the Corporation's timeline for releasing application instructions will arrive too late for State Commissions to be able to help sub-grantees prepare their applications, for State Commissions to operate their own grant competition, and for programs to conduct the type of community assessment and planning necessary to formulate a potentially successful program model. The Corporation intends to release the Notice of Funds Availability and application instructions by late summer each year. This will allow Commissions and multi-state applicants the opportunity to run their RFP processes in the Fall in preparation for submitting applications to the Corporation by its due date the following winter.

S. Applications for the Same Project (§ 2522.320)

The Serve America Act amended section 130(g) of the NCSA, which previously required the Corporation to "reject an application * * * if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation." As amended, this section now prohibits the Corporation from providing "more than [one] grant under the national service laws for a fiscal year to support the

same project under the national service laws." This provision supports the Corporation's longstanding practice not to provide more than one grant to the same project. In addition, the revised language increases the Corporation's flexibility in structuring its grant application review process.

This rule aligns the regulations with the amended statute by removing the regulatory conditions under which an applicant may submit multiple applications for the same project. In the future, the Corporation will include guidance on applying for different funds for the same project in the grant application instructions. For the purposes of preventing the same project from receiving more than one grant under the national service laws, the Corporation will continue to use the characteristics currently listed in § 2522.340 when determining whether two projects are the same.

T. Pre-Approval of Formula Programs (§ 2550.80)

Section 130(f) of the NCSA was amended by the Serve America Act by removing the requirement that a State's application for Subtitle C (of title I of the NCSA) formula funds include an assurance that formula programs be selected on a competitive basis *prior* to submission of the application. This amendment aligns with language from the Corporation's annual appropriations and conforms to current practice. States continue to be required to provide an assurance that formula programs will be selected on a competitive basis, however, States may select these programs after submitting the application for Subtitle C formula funds. This rule amends § 2550.80 to reflect this change.

U. Hardship Waiver Permitted for Cost Reimbursement Requirement for Senior Companion and Foster Grandparent Programs (§§ 2551.92, 2552.92)

Under past regulations, the total of cost reimbursements attributable to Senior Companions or Foster Grandparents, including stipends, insurance, transportation, meals, physical examinations, and recognition, may not exceed 80 percent of the Federal share of the grant award. Because of the financial challenges faced by some organizations as a result of the recent economic downturn and the real potential for a decrease in non-Federal support, this rule permits the Corporation to allow an exception to the 80 percent limit in cases of demonstrated need. Demonstrated need would include initial difficulties in developing local funding sources in the first three years of operation; an economic downturn, natural disaster, or other similar event that severely reduces sources of local funding support; or the unexpected discontinuation of a long-term local funding source.

The Corporation received a total of 65 comments related to the proposed rule change. One comment supported the proposal as stated in the Proposed Rule; one comment suggested the Corporation eliminate the "may not exceed 80 percent of the Federal share" entirely; 3 comments suggested that the Corporation change the ratio to "may not exceed 60 percent"; and 60 comments suggested that the Corporation change the ratio to "may not exceed 70 percent." Implicit in these comments was the concern that non-Federal sources of funds are increasingly difficult to secure, and that a proposal to waive the requirement on a case-by-case basis may not be applied consistently across all grantees.

While the Corporation understands the concerns expressed and is sensitive to resource acquisition issues at the grantee level, it believes that the proposal put forth in the Proposed Rule best serves the statutory intent related to the programs. By allowing case-by-case waivers, based on specific conditions identified by grantees, the Corporation can provide administrative relief when warranted. The Corporation will develop standard criteria for waivers that will include economic downturn at the local level.

IV. Summary of Redesignations

Previous location	New location
§ 2522.220(c)	§ 2522.220(b)
§ 2522.220(d)	§ 2522.220(c)
§ 2522.220(e)	§ 2522.220(d)
§ 2522.220(f)	§ 2522.220(e)
§ 2522.220(g)	§ 2522.220(f)
Part 2530	Part 2531
Part 2531	Part 2532
Part 2532	Part 2533

V. Effective Dates

Except for the amendments to §§ 2522.220, 2522.230, 2522.235, and 2522.240, which are effective August 20, 2010, this rule is effective September 20, 2010.

VI. Non-Regulatory Issues

Executive Order 12866

Under Executive Order 12866, the Chief Executive Officer must determine whether this regulatory action is "significant" and therefore subject to the requirements of the Executive Order and review by OMB. Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may (1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities in a material way (also referred to as an "economically significant" rule); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) create novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. The Chief Executive Officer has determined that this regulatory action is not significant under the Executive Order.

Regulatory Flexibility Act

The Corporation has determined that the regulatory action will not result in (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, the Corporation has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Paperwork Reduction Act of 1995

Sections 2526.10, 2528.10, 2528.30, 2528.40, 2528.60, 2528.70, 2529.10, 2530.30, and 2530.85 contain information collection requirements. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Corporation has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Section 2526.10 identifies two new categories of individuals eligible to receive education awards: Individuals who have successfully completed terms of service in Silver Scholar positions and those who have successfully completed terms of service in Summer of Service positions. These additions require the development of new enrollment and exit forms for the

National Service Trust for individuals enrolling in and exiting from Silver Scholar or Summer of Service positions. The Corporation estimates the burden associated with filling out a Silver Scholar or Summer of Service enrollment form to be 3 minutes and a Silver Scholar or Summer of Service exit form to be 3 minutes. Additionally, § 2526.10 requires the program supervising the participant to certify that the participant met eligibility criteria and successfully completed the required term of service. The proposed change affects those programs that supervise participants. The burden hour estimate associated with the current exit form reported under OMB Control Number 3045–0015 is 3 minutes. The Corporation does not expect the proposed changes to increase the burden for this collection.

Section 2528.10 expands the available uses of an education award to include use for current educational expenses incurred in enrolling in an educational institution or training establishment approved for educational benefits under the G.I. Bill for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs. Sections 2528.60–70 lay out the processes for requesting to use an award for this purpose. These provisions affect individuals who choose to use education awards for this purpose, and the educational institutions or training establishments at which such individuals elect to use their awards. The burden hour estimate associated with the current voucher and payment request form reported under OMB Control Number 3045–0014 is 5 minutes. The Corporation does not expect these additions to increase the burden for this collection.

Section 2529.10 expands the availability of payments on accrued interest to individuals who successfully complete terms of service in Silver Scholar positions. This affects those individuals who serve in Silver Scholar programs and elect to place qualified student loans in forbearance, and request accrued interest payments from the National Service Trust. The burden hour estimate associated with the current forbearance request form and interest accrual form, reported under OMB Control Numbers 3045–0030 and 3045–0053 are 1 minute and 10 minutes, respectively. The Corporation does not expect the changes to increase the burdens for these collections.

Sections 2530.30 and 2530.85 set forth the processes for requesting to transfer an award, accepting a transferred award, and revoking a transferred award. This affects those individuals who choose to transfer their education awards and those individuals receiving awards via transfer. The Corporation estimates the burden associated with requesting to transfer an award and accepting a transferred award to be 5 minutes, and the burden associated with revoking a transferred award to be 5 minutes.

List of Subjects

45 CFR Part 2510

Grant programs—social programs, Volunteers.

45 CFR Part 2518

Grants administration, Grant programs—social programs.

45 CFR Part 2522

Grants administration, Grant programs—social programs, Volunteers.

45 CFR Part 2525

Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2526

Education, Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2527

Education, Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2528

Education, Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2529

Education, Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2530

Education, Grant programs—social programs, Student aid, Volunteers.

45 CFR Part 2531

Grant programs—social programs.

45 CFR Part 2532

Grant programs—social programs, Volunteers.

45 CFR Part 2533

Grants administration, Grant programs—social programs.

45 CFR Part 2550

Grants administration, Grant programs—social programs.

45 CFR Part 2551

Grants administration, Grant programs—social programs, Volunteers.

45 CFR Part 2552

Grants administration, Grant programs—social programs, Volunteers.

■ For the reasons stated in the preamble, under the authority 42 U.S.C. 12651d, the Corporation for National and Community Service amends chapter XXV, title 45 of the Code of Federal Regulations as follows:

PART 2510—OVERALL PURPOSES AND DEFINITIONS

■ 1. The authority citation for part 2510 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

■ 2. Amend § 2510.20 by adding definitions for "Approved Silver Scholar position" and "Approved Summer of Service position" in alphabetical order, to read as follows:

§ 2510.20 Definitions

* * * * *

Approved Silver Scholar Position. The term *approved Silver Scholar position* means a Silver Scholar position for which the Corporation has approved a Silver Scholar education award.

Approved Summer of Service Position. The term *approved Summer of Service position* means a Summer of Service position for which the Corporation has approved a Summer of Service education award.

* * * * *

PART 2518—SERVICE-LEARNING CLEARINGHOUSE

■ 3. The authority citation for part 2518 is amended to read as follows:

Authority: 42 U.S.C. 12653o.

§ 2518.100 [Amended]

■ 4. Amend § 2528.100 by removing the reference "parts 2530 through 2533" and adding "parts 2531 through 2534" in its place.

§ 2518.110 [Amended]

■ 5. Amend § 2528.110 by removing the reference "parts 2530 through 2533" in the introductory text and adding "parts 2531 through 2534" in its place.

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

■ 6. The authority citation for part 2522 continues to read as follows:

Authority: 42 U.S.C. 12571–12595; 12651b–12651d; E.O. 13331, 69 FR 9911.

§ 2522.100 [Amended]

■ 7. Amend § 2522.100 by removing the reference "part 2532" in paragraph (g)(2) and adding "part 2533" in its place.
■ 8. Amend § 2522.220 by:
■ a. Revising the heading;
■ b. Removing paragraph (b);
■ c. Redesignating paragraphs (c) through (g) as (b) through (f), respectively; and
■ d. Revising newly designated paragraph (b).

The revisions read as follows:

§ 2522.220 What are the required terms of service for AmeriCorps participants?

* * * * *

(b) *Eligibility for subsequent term.* A participant will only be eligible to serve a subsequent term of service if that individual has received a satisfactory performance review for any previous term of service in an approved AmeriCorps position, in accordance with the requirements of paragraph (d) of this section and § 2526.15. Mere eligibility for a second or further term of service in no way guarantees a participant selection or placement.

* * * * *

■ 9. Amend § 2522.230 by:
■ a. Revising the heading;
■ b. Revising paragraphs (b)(6) and (b)(7); and
■ c. Amending paragraph (e) by removing the word "two".

The revisions will read as follows:

§ 2522.230 Under what circumstances may an AmeriCorps participant be released from completing a term of service, and what are the consequences?

* * * * *

(b) * * *

(6) An individual's eligibility for a subsequent term of service in AmeriCorps will not be affected by release for cause from a prior term of service so long as the individual received a satisfactory end-of-term performance review as described in § 2522.220(c)(2) for the period served in the prior term.

(7) Except as provided in paragraph (e) of this section, a term of service from which an individual is released for cause counts as one of the terms of service described in § 2522.235 for which an individual may receive the benefits described in §§ 2522.240 through 2522.250.

* * * * *

■ 10. Add § 2522.235 to read as follows:

§ 2522.235 Is there a limit on the number of terms an individual may serve in an AmeriCorps State and National program?

(a) *General limitation.* An individual may receive the benefits described in § 2522.240 through § 2522.250 for no more than four terms of service in an AmeriCorps State and National program, regardless of whether those terms were served on a full-, part-, or reduced part-time basis, consistent with the limitations in § 2526.50.

(b) *Early release.* Except as provided in paragraph (c) of this section, a term of service from which an individual is released for compelling personal circumstances or for cause counts as one of the terms of service for which an individual may receive the benefits described in § 2522.240 through § 2522.250.

(c) *Release prior to serving fifteen percent of a term.* If a person is released for reasons other than misconduct prior to completing fifteen percent of a term of service, the term will not be considered one of the terms of service for which an individual may receive the benefits described in §§ 2522.240 through 2522.250.

■ 11. Amend § 2522.240 by:
■ a. Revising paragraph (a); and
■ b. Removing "§ 2522.220(g)" in paragraph (c) and adding "§ 2522.220(f)" in its place.

The revision reads as follows:

§ 2522.240 What financial benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

(a) *AmeriCorps education awards.* An individual serving in an approved AmeriCorps State and National position may receive an education award from the National Service Trust upon successful completion of each of no more than four terms of service as defined in § 2522.220, consistent with the limitations in § 2526.50.

* * * * *

§§ 2522.320, 2522.330, 2522.425, 2522.430, 2522.435, 2522.445, and 2522.448 [Removed and Reserved]

■ 12. Remove and reserve §§ 2522.320, 2522.330, 2522.425, 2522.430, 2522.435, 2522.445, and 2522.448.

PART 2525—NATIONAL SERVICE TRUST: PURPOSE AND DEFINITIONS

■ 13. The authority citation for part 2525 is amended to read as follows:

Authority: 42 U.S.C. 12601–12606.

■ 14. Amend § 2525.20 by:
■ a. Removing the definition for "Approved school-to-work program";
■ b. Revising the definitions for "education award" and "term of service"; and
■ c. Adding definitions for "AmeriCorps education award," "economically disadvantaged youth," "G.I. Bill approved program," "Silver Scholar education award," and "Summer of Service education award" in alphabetical order, to read as follows:

§ 2525.20 Definitions.

* * * * *

AmeriCorps education award. For the purposes of this section, the term *AmeriCorps education award* means the financial assistance available under parts 2526 through 2528 of this chapter for which an individual in an approved AmeriCorps position may be eligible.

* * * * *

Economically disadvantaged youth. For the purposes of this section, the phrase *economically disadvantaged youth* means a child who is eligible for a free lunch or breakfast under the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).

Education award. For the purposes of this section, the term *education award* refers to the financial assistance available under parts 2526 through 2528 of this chapter, including AmeriCorps education awards, Silver Scholar education awards, and Summer of Service education awards.

* * * * *

G.I. Bill approved program. For the purposes of this section, a *G.I. Bill Approved Program* is an educational institution or training establishment approved for educational benefits under the Montgomery G.I. Bill (38 U.S.C. 3670 *et seq.*) for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary for Veterans Affairs.

* * * * *

Silver Scholar education award. For the purposes of this section, the term *Silver Scholar education award* means the financial assistance available under parts 2526 through 2528 of this chapter for which an individual in an approved Silver Scholar position may be eligible.

Summer of Service education award. For the purposes this section, the term *Summer of Service education award* means the financial assistance available under parts 2526 through 2528 of this chapter for which an individual in an approved Summer of Service position may be eligible.

Term of service. The term *term of service* means—

(1) For an individual serving in an approved AmeriCorps position, one of the terms of service specified in § 2522.220 of this chapter;

(2) For an individual serving in an approved Silver Scholar position, not less than 350 hours during a one-year period; and

(3) For an individual serving in an approved Summer of Service position, not less than 100 hours during the summer months of a single year.

PART 2526—ELIGIBILITY FOR AN EDUCATION AWARD

■ 15. The authority citation for part 2526 is revised to read as follows:

Authority: 42 U.S.C. 12601–12604, 12606.

■ 16. Amend § 2526.10 by revising paragraph (a) to read as follows:

§ 2526.10 Who is eligible to receive an education award from the National Service Trust?

(a) *General.* An individual is eligible to receive an education award from the National Service Trust if the organization responsible for the individual's supervision in a national service program certifies that the individual—

(1) Met the applicable eligibility requirements for the approved AmeriCorps position, approved Silver Scholar position, or approved Summer of Service position, as appropriate, in which the individual served;

(2) (i) For an AmeriCorps education award, successfully completed the required term of service in the approved national service position;

(ii) For a partial AmeriCorps education award, completed at least 15 percent of the originally-approved term of service, and performed satisfactorily prior to being granted a release for compelling personal circumstances consistent with § 2522.230(a);

(iii) For a Summer of Service education award, successfully completed the required term of service in a Summer of Service position; or

(iv) For a Silver Scholar education award, successfully completed the required term of service in a Silver Scholar position; and

(3) Is a citizen, national, or lawful permanent resident alien of the United States.

* * * * *

■ 17. Add § 2526.15 to read as follows:

§ 2526.15 Upon what basis may an organization responsible for the supervision of a national service participant certify that the individual successfully completed a term of service?

(a) An organization responsible for the supervision of an individual serving in an AmeriCorps State and National position must determine whether an individual successfully completed a term of service based upon an end-of-term evaluation conducted pursuant to § 2522.220(d).

(b) An organization responsible for the supervision of an individual serving in a program other than AmeriCorps State and National must determine whether an individual successfully completed a term of service based upon an end-of-term evaluation that examines whether the individual satisfies all of the following conditions:

(1) Completed the required number of service hours for the term of service;

(2) Satisfactorily performed on assignments, tasks, or projects; and

(3) Met any performance criteria as determined by the program and communicated to the member.

(c) A certification by the organization responsible for the supervision of an individual that the individual did or did not successfully complete a term of service will be deemed to incorporate an end-of-term evaluation.

■ 18. Amend § 2526.20 by revising paragraph (a) to read as follows:

§ 2526.20 Is an AmeriCorps participant who does not complete an originally-approved term of service eligible to receive a pro-rated education award?

(a) *Compelling personal circumstances.* A participant in an approved AmeriCorps position who is released prior to completing an approved term of service for compelling personal circumstances in accordance with § 2522.230(a) is eligible for a pro-rated education award if the participant—

(1) Performed satisfactorily prior to being granted a release for compelling personal circumstances; and

(2) Completed at least 15 percent of the originally-approved term of service.

* * * * *

■ 19. Add § 2526.25 to read as follows:

§ 2526.25 Is a participant in an approved Summer of Service position or approved Silver Scholar position who does not complete an approved term of service eligible to receive a pro-rated education award?

No. An individual released for any reason prior to completing an approved term of service in a Silver Scholar or Summer of Service position is not eligible to receive a pro-rated award.

■ 20. Revise § 2526.40 to read as follows:

§ 2526.40 What is the time period during which an individual may use an education award?

(a) *General requirement.* Unless the Corporation approves an extension in accordance with the requirements of paragraph (b) of this section—

(1) An individual may use an AmeriCorps education award or a Silver Scholar education award within seven years of the date on which the individual successfully completed a term of service in an approved AmeriCorps or Silver Scholar position;

(2) An individual may use a Summer of Service education award within ten years of the date on which the individual successfully completed a term of service in an approved Summer of Service position;

(3) A designated individual who receives a transferred education award in accordance with § 2530.10 may use the transferred education award within ten years of the date on which the individual who transferred the award successfully completed the term of service in an approved AmeriCorps or Silver Scholar position that is the basis of the award.

(b) *Extensions.* In order to receive an extension of the period of availability specified in paragraph (a) of this section for using an education award, an individual must apply to the Corporation for an extension prior to the end of that time period. The Corporation may grant an application for an extension under the following circumstances:

(1) If the Corporation determines that an individual was performing another term of service in an approved AmeriCorps, Summer of Service, or Silver Scholar position during the original period of availability, the Corporation may grant an extension for a time period that is equivalent to the time period during which the individual was performing the other term of service.

(2) If the Corporation determines that an individual was unavoidably prevented from using the education award during the original period of availability, the Corporation may grant an extension for a period of time that the Corporation deems appropriate. An individual who is ineligible to use an education award as a result of the individual's conviction of the possession or sale of a controlled substance is not considered to be unavoidably prevented from using the education award for the purposes of this paragraph. In the case of a transferred award, an individual who is unable to use an education award as a result of being too young to enroll in an institution of higher education or other training establishment is not considered to be unavoidably prevented from using the education award.

■ 21. Revise § 2526.50 to read as follows:

§ 2526.50 Is there a limit on the total amount of education awards an individual may receive?

(a) *General Limitation.* No individual may receive more than an amount equal to the aggregate value of two full-time education awards.

(b) *Calculation of the value of an education award.* For the purposes of this section, the *value* of an education award is equal to the actual amount of the education award received divided by the amount of a full-time education award in the year the AmeriCorps or Silver Scholar position to which the award is attributed was approved. Each award received will be considered to have a value between 0 and 1. Although the *amount* of a full-time award as defined in § 2527.10(a) may change, the *value* of a full-time award will always be equal to 1.

(c) *Calculation of aggregate value of awards received.* The aggregate value of awards received is equal to the sum of:

(1) The value of each education award received as a result of successful completion of an approved AmeriCorps position;

(2) The value of each partial education award received as a result of release from an approved AmeriCorps position for compelling personal circumstances;

(3) The value of each education award received as a result of successful completion of a term of service in an approved Silver Scholar position; and

(4) The value of any amount received as a transferred education award, except as provided in § 2530.60(c).

(d) *Determination of Receipt of Award.* For purposes of determining the aggregate value of education awards, an award is considered to be received at the time it becomes available for an individual's use.

■ 22. Add § 2526.55 to read as follows:

§ 2526.55 What is the impact of the aggregate value of education awards received on an individual's ability to serve in subsequent terms of service?

The aggregate value of education awards an individual has received will not impact an individual's ability to serve in a subsequent term of service, but will impact the amount of the education award the individual may receive upon successful completion of that term of service. If the award amount offered for the term of service has a value that, when added to the aggregate value of awards previously received, would exceed 2, upon successful completion of the term of service, the individual will only receive that portion of the award having a value for which the individual is eligible pursuant to § 2527.10(g).

■ 23. Revise § 2526.60 to read as follows:

§ 2526.60 May an individual receive an education award and related interest benefits from the National Service Trust as well as other loan cancellation benefits for the same service?

An individual may not receive an education award and related interest benefits from the National Service Trust for a term of service and have that same service credited toward repayment, discharge, or cancellation of other student loans, except an individual may credit the service toward the Public Service Loan Forgiveness Program, as provided under 34 CFR § 685.219.

■ 24. Add § 2526.70 to read as follows:

§ 2526.70 What are the effects of an erroneous certification of successful completion of a term of service?

(a) If the Corporation determines that the certification made by a national service program under § 2526.10(a)(2)(i), (2)(iii), or (2)(iv) is erroneous, the Corporation shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust, taking into consideration the full facts and circumstances surrounding the erroneous or incorrect certification.

(b) Nothing in this section shall prohibit the Corporation from taking any action authorized by law based upon any certification that is knowingly made in a false, materially misleading, or fraudulent manner.

PART 2527—DETERMINING THE AMOUNT OF AN EDUCATION AWARD

■ 25. The authority citation for part 2527 is amended to read as follows:

Authority: 42 U.S.C. 12601–12606.

■ 26. Amend § 2527.10 by:

■ a. Revising the heading;

■ b. Revising paragraphs (a), (b), and (c); and

■ c. Adding new paragraphs (e), (f), and (g).

The revisions and additions read as follows:

§ 2527.10 What is the amount of an education award?

(a) *Full-time term of service.* Except as provided in paragraph (g) of this section, the education award for a full-time term of service in an approved AmeriCorps position of at least 1,700 hours will be equal to the maximum amount of a Federal Pell Grant under Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such grant may receive in the aggregate for the award year in which the term of service is approved by the Corporation.

(b) *Part-time term of service.* Except as provided in paragraph (g), the education award for a part-time term of service in an approved AmeriCorps position of at least 900 hours is equal to one half of the amount of an education award amount for a full-time term of service described in paragraph (a) of this section.

(c) *Reduced part-time term of service.* Except as provided in paragraph (g), the education award for a reduced part-time term of service in an approved AmeriCorps position of fewer than 900 hours is:

(1) An amount equal to the product of:

(i) The number of hours of service required to complete the reduced part-time term of service divided by 900; and

(ii) The amount of the education award for a part-time term of service described in paragraph (b) of this section; or

(2) An amount as determined otherwise by the Corporation.

* * * * *

(e) *Summer of Service Education Award.* (1) *In general.* The education award for a term of service in an approved Summer of Service position for at least 100 hours is $500.

(2) *Exception.* The Corporation may authorize a Summer of Service education award of $750 if the participant is economically disadvantaged, as verified by the organization or school operating the Summer of Service program.

(f) *Silver Scholar Education Award.* Except as provided in paragraph (g) of this section, the education award for a term of service in an approved Silver Scholar position for at least 350 hours is $1,000.

(g) *Calculating discounted education award amount.* To ensure that an individual receives no more than the aggregate value of two awards, as determined pursuant to § 2526.50, the discounted amount an individual is eligible to receive is determined by the following formula:

(2 − aggregate value of awards the individual has received) × (amount of a full-time education award in the year the position is approved)

PART 2528—USING AN EDUCATION AWARD

■ 27. The authority citation for part 2528 is revised to read as follows:

Authority: 42 U.S.C. 12601–12606.

■ 28. Revise § 2528.10(a)(3) to read as follows:

§ 2528.10 For what purposes may an education award be used?

(a) * * *

(3) To pay expenses incurred in enrolling in a G.I. Bill approved program, in accordance with §§ 2528.60–80.

* * * * *

■ 29. Revise § 2528.30 (a)(2)(vi)(A) and (B) to read as follows:

§ 2528.30 What steps are necessary to use an education award to pay all or part of the current educational expenses at an institution of higher education?

(a) * * *

(2) * * *

(vi) * * *

(A) The individual's cost of attendance and other educational expenses; and

(B) The individual's estimated student financial assistance for that period under part A of title IV of the Higher Education Act (20 U.S.C. 1070 *et seq.*).

* * * * *

■ 30. Revise § 2528.40(a) and (b) to read as follows:

§ 2528.40 Is there a limit on the amount of an individual's education award that the Corporation will disburse to an institution of higher education for which the Corporation has disbursed all or part of that individual's education award?

* * * * *

(a) The individual's cost of attendance and other educational expenses, determined by the institution of higher education in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1987ll); and

(b) The individual's estimated financial assistance for that period under part A of title IV of the Higher Education Act.

■ 31. Revise § 2528.60 to read as follows:

§ 2528.60 Who may use the education award to pay expenses incurred in enrolling in a G.I. Bill approved program?

To use the education award to pay expenses for this purpose, you must have received an education award for successfully completing a term in an approved AmeriCorps position, approved Summer of Service position, or approved Silver Scholar position, in which you enrolled on or after October 1, 2009.

■ 32. Revise § 2528.70 to read as follows:

§ 2528.70 What steps are necessary to use an education award to pay expenses incurred in enrolling in a G.I. Bill approved program?

(a) *Required Information.* Before disbursing an amount from an education award for this purpose, the Corporation must receive—

(1) An individual's written authorization and request for a specific payment amount;

(2) Verification from the individual that the individual meets the criteria in § 2528.60; and

(3) Information from the educational institution or training establishment as requested by the Corporation, including verification that—

(i) The amount requested will be used to pay all or part of the individual's expenses attributable to a course, program of education, apprenticeship, or job training offered by the institution or establishment;

(ii) The course(s) or program(s) for which the individual is requesting to use the education award has been and is currently approved by the State approving agency for the State where the institution or establishment is located, or by the Secretary of Veterans Affairs; and

(iii) If an individual who has used an education award withdraws or otherwise fails to complete the period of enrollment for which the education award was provided, the institution or establishment will ensure a pro-rata refund to the Corporation of the unused portion of the education award.

(b) *Payment.* When the Corporation receives the information required under paragraph (a) of this section, the Corporation will pay the institution or establishment and notify the individual of the payment.

■ 33. Add § 2528.80 to read as follows:

§ 2528.80 What happens if an individual for whom the Corporation has disbursed education award funds withdraws or fails to complete the period of enrollment in a G.I. Bill approved program?

(a) If an individual for whom the Corporation has disbursed education award funds withdraws or otherwise fails to complete a period of enrollment, the approved educational institution or training establishment that receives a disbursement of education award funds from the Corporation must provide a pro-rata refund to the Corporation of the unused portion of the education award.

(b) The Corporation will credit any refund received for an individual under paragraph (a) of this section to the individual's education award allocation in the National Service Trust.

PART 2529—PAYMENT OF ACCRUED INTEREST

■ 34. The authority citation of part 2529 is amended to read as follows:

Authority: 42 U.S.C. 12601–12606.

■ 35. Amend § 2529.10 by revising the heading and paragraph (a)(1) to read as follows:

§ 2529.10 Under what circumstances will the Corporation pay interest that accrues on qualified student loans during an individual's term of service in an approved AmeriCorps position or approved Silver Scholar position?

(a) * * *

(1) The individual successfully completes a term of service in an approved AmeriCorps position or approved Silver Scholar position; and

* * * * *

PARTS 2530, 2531, 2532, and 2533 [REDESIGNATED AS PARTS 2531, 2532, 2533, and 2534]

■ 36. Under the authority of 42 U.S.C. 12651d, redesignate parts 2530, 2531, and 2532 as parts 2531, 2532, and 2533, respectively.

■ 37. Add a new part 2530 to read as follows:

PART 2530—TRANSFER OF EDUCATION AWARDS

Sec.

2530.10 Under what circumstances may an individual transfer an education award?
2530.20 For what purposes may a transferred award be used?
2530.30 What steps are necessary to transfer an education award?
2530.40 Is there a limit on the number of individuals one may designate to receive a transferred award?
2530.50 Is there a limit on the amount of transferred awards a designated individual may receive?
2530.60 What is the impact of transferring or receiving a transferred education award on an individual's eligibility to receive additional education awards?
2530.70 Is a designated individual required to accept a transferred education award?
2530.80 Under what circumstances is a transfer revocable?
2530.85 What steps are necessary to revoke a transfer?
2530.90 Is a designated individual eligible for the payment of accrued interest under Part 2529?

Authority: 42 U.S.C. 12601–12606.

§ 2530.10 Under what circumstances may an individual transfer an education award?

An individual may transfer an education award if—

(a) The individual enrolled in an approved AmeriCorps State and National position or approved Silver Scholar position on or after October 1, 2009;

(b) The individual was age 55 or older on the day the individual commenced the term of service in an approved AmeriCorps State and National position or in approved Silver Scholar position;

(c) The individual successfully completed a term of service in an approved AmeriCorps State and National position or an approved Silver Scholar position;

(d) The award the individual is requesting to transfer has not expired, consistent with the period of availability set forth in § 2526.40(a);

(e) The individual designated to receive the transferred award is the transferring individual's child, grandchild, or foster child; and

(f) The individual designated to receive the transferred award is a citizen, national, or lawful permanent resident alien of the United States.

§ 2530.20 For what purposes may a transferred award be used?

A transferred award may be used by a designated individual to repay qualified student loans or to pay current educational expenses at an institution of higher education, as described in § 2528.10.

§ 2530.30 What steps are necessary to transfer an education award?

(a) *Request for Transfer.* Before transferring an award to a designated individual, the Corporation must receive a request from the transferring individual, including—

(1) The individual's written authorization to transfer the award, the year in which the award was earned, and the specific amount of the award to be transferred;

(2) Identifying information for the individual designated to receive the transferred award;

(3) A certification that the transferring individual meets the requirements of paragraphs (a) through (c) of § 2530.10; and

(4) A certification that the designated individual is the child, grandchild, or foster child of the transferring individual.

(b) *Notification to Designated Individual.* Upon receipt of a request including all required information listed in paragraph (a) of this section, the Corporation will contact the designated individual to notify the individual of the proposed transfer, confirm the individual's identity, and give the individual the opportunity to accept or reject the transferred award.

(c) *Acceptance by Designated Individual.* To accept an award, a designated individual must certify that the designated individual is the child, grandchild, or foster child of the transferring individual and that the designated individual is a citizen, national, or lawful permanent resident alien of the United States. Upon receipt of the designated individual's acceptance, the Corporation will create or permit the creation of an account in the National Service Trust for the designated individual, if an account does not already exist, and the accepted amount will be deducted from the transferring individual's account and credited to the designated individual's account.

(d) *Timing of transfer.* The Corporation must receive the request from the transferring individual prior to the date the award expires.

§ 2530.40 Is there a limit on the number of individuals one may designate to receive a transferred award?

(a) *General Limitation.* For each award an individual earns as a result of successfully completing a single term of service, an individual may transfer all or part of the award to a single designated individual. An individual may not transfer a single award attributable to successful completion of a single term of service to more than one designated individual.

(b) *Re-transfer.* If a designated individual rejects a transferred award in full, or the Corporation otherwise determines that a transfer was revoked for good cause in accordance with § 2530.80(c), the transferring individual may designate another individual to receive the transferred award.

§ 2530.50 Is there a limit on the amount of transferred awards a designated individual may receive?

Consistent with § 2526.50, no individual may receive more than an amount equal to the value of two full-time education awards. If the sum of the value of the requested transfer plus the aggregate value of education awards a designated individual has previously received would exceed the aggregate value of two full-time education awards, as determined pursuant to § 2526.50(b), the designated individual will be deemed to have rejected that portion of the award that would result in the excess. If a designated individual has already received the aggregate value of two full-time education awards, the individual may not receive a transferred education award, and the designated individual will be deemed to have rejected the award in full.

§ 2530.60 What is the impact of transferring or receiving a transferred education award on an individual's eligibility to receive additional education awards?

(a) *Impact on Transferring Individual.* Pursuant to § 2526.50, an award is considered to be received at the time it becomes available for an individual's use. Transferring all or part of an award does not reduce the aggregate value of education awards the transferring individual is considered to have received.

(b) *Impact on Designated Individual.* For the purposes of determining the value of the transferred education award under § 2526.50, a designated individual will be considered to have received a value equal to the amount accepted divided by the amount of a full-time award in the year the transferring individual's position was approved.

(c) *Result of revocation on award value.* If the transferring individual revokes, in whole or in part, a transfer, the value of the education award considered to have been received by the designated individual for purposes of § 2526.50 will be reduced accordingly.

§ 2530.70 Is a designated individual required to accept a transferred education award?

(a) *General Rule.* A designated individual is not required to accept a transferred education award, and may reject an award in whole or in part.

(b) *Result of rejection in full.* If the designated individual rejects a transferred award in whole, the amount is credited to the transferring individual's account in the National Service Trust, and may be transferred to another individual, or may be used by the transferring individual for any of the purposes listed in § 2528.10, consistent with the original time period of availability set forth in § 2526.40(a).

(c) *Result of rejection in part.* If the designated individual rejects a transferred award in part, the rejected portion is credited to the transferring individual's account in the National Service Trust, and may be used by the transferring individual's for any of the purposes listed in § 2528.10, consistent with the original time period of availability set forth in § 2526.40(a). An individual may not re-transfer the rejected portion of the award to another individual.

§ 2530.80 Under what circumstances is a transfer revocable?

(a) *Revocation.* An individual may revoke a transfer at any time and for any reason prior to the award's use by the designated individual.

(b) *Use of Award.* Upon revocation, the amount revoked will be deducted from the designated individual's account and credited to the transferring individual's account. The transferring individual may use the revoked transferred education award for any of the purposes described in § 2528.10,

consistent with the original time period of availability set forth in § 2526.40(a).

(c) *Re-transfer.* Generally, an individual may not re-transfer an award to another individual after revoking the same award from the original designated individual. The Corporation may approve re-transfer of an award for good cause, including cases in which the original designated individual was unavoidably prevented from using the award, as demonstrated by the individual transferring the award.

§ 2530.85 What steps are necessary to revoke a transfer?

(a) *Request for revocation.* Before revoking a transfer, the transferring individual must submit a request to the Corporation that includes —

(1) The individual's written authorization to revoke the award;

(2) The year in which the award was earned;

(3) The specific amount to be revoked; and

(4) The identity of the designated individual.

(b) *Credit to transferring individual.* Upon receipt of a request including all required information listed in paragraph (a) of this section, the Corporation will deduct the amount specified in the transferring individual's request from the designated individual's account and credit the amount to the account of the transferring individual, except as provided in paragraph (c) of this section. The Corporation will notify the transferring individual of the amount revoked.

(c) *Used awards.* A revocation may only apply to that portion of the transferred award that has not been used by the designated individual. If the designated individual has used the entire transferred amount prior to the date the Corporation receives the revocation request, no amount will be returned to the transferring individual. An amount is considered to be used when it is disbursed from the National Service Trust, not when a request is received to use an award.

(d) *Notification to designated individual.* The Corporation will notify the designated individual of the amount being revoked as of the date of the Corporation's receipt of the revocation request.

(e) *Timing of revocation.* The Corporation must receive the request to revoke the transfer from the transferring individual prior to the award's expiration ten years from the date the award was originally earned.

§ 2530.90 Is a designated individual eligible for the payment of accrued interest under Part 2529?

No, an individual must have successfully completed a term of service in an approved AmeriCorps position or Silver Scholar position to be eligible for the payment of accrued interest under Part 2529.

PART 2533—TECHNICAL ASSISTANCE, TRAINING, AND OTHER SERVICE INFRASTRUCTURE-BUILDING ACTIVITIES

■ 38. The authority for part 2533 is revised to read as follows:

Authority: 42 U.S.C. 12657.

§ 2533.10 [Amended]

■ 39. Amend newly redesignated § 2533.10 by removing the reference "part 2530" and adding "part 2531" in its place in the following locations:

■ a. In the introductory text; and

■ b. In paragraph (p).

PART 2550—REQUIREMENTS AND GENERAL PROVISIONS FOR STATE COMMISSIONS AND ALTERNATIVE ADMINISTRATIVE ENTITIES

■ 40. The authority citation for part 2550 continues to read as follows:

Authority: 42 U.S.C. 12638.

■ 41. Amend § 2550.80 by revising paragraph (b) to read as follows:

§ 2550.80 What are the duties of the State entities?

* * * * *

(b) *Selection of subtitle C programs and preparation of application to the Corporation.* Each State must:

(1) Prepare an application to the Corporation to receive funding or education awards for national service programs operating in and selected by the State.

(2) Administer a competitive process to select national service programs for funding. The State is not required to select programs for funding prior to submission of the application described in paragraph (b)(1) of this section.

* * * * *

PART 2551—SENIOR COMPANION PROGRAM

■ 42. The authority citation for part 2551 continues to read as follows:

Authority: 42 U.S.C. 4950 *et seq.;* 42 U.S.C. 12651b–12651d; E.O. 13331, 69 FR 9911.

■ 43. Amend § 2551.92 by revising paragraph (e) to read as follows:

§ 2551.92 What are project funding requirements?

* * * * *

(e) *How are Senior Companion cost reimbursements budgeted?* (1) Except as provided in (e)(2) of this section, the total of cost reimbursements for Senior Companions, including stipends, insurance, transportation, meals, physical examinations, and recognition, shall be a sum equal to at least 80 percent of the amount of the Federal share of the grant award. Federal, required non-Federal, and excess non-Federal resources can be used to make up the amount allotted for cost reimbursements.

(2) The Corporation may allow exceptions to the 80 percent cost reimbursement requirement in cases of demonstrated need such as:

(i) Initial difficulties in the development of local funding sources during the first three years of operations;

(ii) An economic downturn, the occurrence of a natural disaster, or similar events in the service area that severely restrict or reduce sources of local funding support; or

(iii) The unexpected discontinuation of local support from one or more sources that a project has relied on for a period of years.

* * * * *

PART 2552—FOSTER GRANDPARENT PROGRAM

■ 44. The authority citation for Part 2552 continues to read as follows:

Authority: 42 U.S.C. 4950 *et seq.;* 42 U.S.C. 12651b–12651d; E.O. 13331, 69 FR 9911.

■ 45. Amend § 2552.92 by revising paragraph (e) to read as follows:

§ 2552.92 What are project funding requirements?

* * * * *

(e) *How are Foster Grandparent cost reimbursements budgeted?* (1) Except as provided in (e)(2) of this section, the total of cost reimbursements for Foster Grandparents, including stipends, insurance, transportation, meals, physical examinations, and recognition, shall be a sum equal to at least 80 percent of the amount of the Federal share of the grant award. Federal, required non-Federal, and excess non-Federal resources can be used to make up the amount allotted for cost reimbursements.

(2) The Corporation may allow exceptions to the 80 percent cost reimbursement requirement in cases of demonstrated need such as:

(i) Initial difficulties in the development of local funding sources during the first three years of operations; or

(ii) An economic downturn, the occurrence of a natural disaster, or similar events in the service area that severely restrict or reduce sources of local funding support; or

(iii) The unexpected discontinuation of local support from one or more sources that a project has relied on for a period of years.

* * * * *

Dated: August 13, 2010.

Tom Bryant,

Associate General Counsel.

[FR Doc. 2010–20525 Filed 8–19–10; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 202, 212, and 234

[DFARS Case 2008–D011]

Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is adopting as final, without change, the interim rule that amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections 805 and 815 of the National Defense Authorization Act for Fiscal Year 2008. This rule specified when time-and-materials or labor-hour contracts may be used for the acquisition of commercial items, and revised the language to address the conditions under which major weapon systems or subsystems may be treated as commercial items.

DATES: *Effective Date:* August 20, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Cassandra R. Freeman, Defense Acquisition Regulations System, OUSD (AT&L) DPAP/DARS, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060. Telephone 703–602–8383; facsimile 703–602–0350. Please cite DFARS Case 2008–D011.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 74 FR 34263 on July 15, 2009, to implement sections 805 and 815 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008 (Pub. L. 110–181). A correction to the interim rule was published at 74 FR 35825 on July 21, 2009, to clarify the types of services to which this rule applies, consistent with subsections (c)(1)(A) and (c)(1)(C)(i) of section 805 of the NDAA for Fiscal Year 2008. Section 805 specified when time-and-materials or labor-hour contracts may be used for commercial item acquisitions. Section 815 of the NDAA for Fiscal Year 2008 provided clarification regarding situations under which the procurement of a major weapon system, subsystems of major weapon systems, and components and spare parts for major weapon systems, may be acquired using procedures established for the acquisition of commercial items. Section 815 also clarified that the terms "general public" and "non-governmental entities" with regard to sales of commercial items, do not include the Federal Government or a State, local, or foreign government.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule reinforces existing requirements for the appropriate use of commercial acquisition procedures and for ensuring that contract prices are fair and reasonable.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 202, 212, and 234

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule published at 74 FR 34263 on July 15, 2009, as corrected at 75 FR 35825 on July 21, 2009, is adopted as final without change.

[FR Doc. 2010–20436 Filed 8–19–10; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 247 and 252

Defense Federal Acquisition Regulation Supplement; Transportation (DFARS Case 2003–D028)

AGENCY: Defense Acquisition Regulations System. Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule, with changes, amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text on transportation matters relating to DoD contracts.

DATES: *Effective Date:* August 20, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Overstreet, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060. Telephone 703–602–0311; facsimile 703–602–0350. Please cite DFARS Case 2003–D028.

SUPPLEMENTARY INFORMATION:

A. Background

In keeping with the DFARS Transformation initiative objective of improving the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate, DoD issued a proposed rule at 70 FR 43109 on July 26, 2005, to update text on transportation matters relating to DoD contracts, including clarifying certain shipping procedures and offering additional guidance on their use.

This final rule is a result of the DFARS Transformation initiative. The changes to the final rule—

○ Delete text on transportation matters that are sufficiently addressed in the Federal Acquisition Regulation or in DoD transportation regulations;

○ Clarify requirements for inclusion of shipping instructions in solicitations and contracts; and

○ Delete procedures for contracting for the preparation of property for shipment or storage; and for preparation of consignment instructions. Text on these subjects will be relocated to the DFARS companion resource, Procedures, Guidance, and Information (PGI). Additional information on PGI is available at *http://www.acq.osd.mil/dpap/dars/pgi.*

B. Public Comments

No public comments were received in response to the proposed rule.

C. Summary of Changes to the Proposed Rule

The following changes to the proposed rule resulted from DoD deliberations:

○ 247.001 indicates the availability of additional information at PGI 247.001 for the Voluntary Intermodal Sealift Agreement program.

○ 247.200 indicates the availability of additional guidance at PGI 247.200 for procurement of transportation or related services.

○ 247.270–3, proposed for deletion, has been retained (redesignated as 240.270–2).

○ 247.271–2, proposed for deletion, has been retained (redesignated as 247.271–1).

○ 247.271–4(i) (redesignated as 247.271–3(i)) indicates the availability of additional information at PGI 247.271–3(c)(1) for demurrage and detention charges.

○ 247.301 indicates the availability of guidance at PGI 247.301 relating to Government Purchase Card purchases that require shipments to destinations outside CONUS.

○ 247.371 (redesignated as 247.370) indicates the availability of guidance at PGI 247.370 relating to DD Form 1384, Transportation Control and Movement Document.

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

D. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule addresses internal DoD requirements for transportation planning and management. Therefore, DoD has not performed a final regulatory flexibility analysis. No comments were received from small business concerns and other interested parties on the expected impact of this rule on small entities.

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 247 and 252

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

■ Therefore, DoD is amending 48 CFR parts 247 and 252 as follows:

■ 1. The authority citation for 48 CFR parts 247 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 247—TRANSPORTATION

■ 2. Section 247.001 is revised to read as follows:

247.001 Definitions.

For definitions of "Civil Reserve Air Fleet" and "Voluntary Intermodal Sealift Agreement," see Joint Pub 1–02, DoD Dictionary of Military and Associated Terms. See additional information at PGI 247.001 for the Voluntary Intermodal Sealift Agreement program.

Subpart 247.1 [Removed]

■ 3. Subpart 247.1 is removed.

■ 4. Section 247.200 is revised to read as follows:

247.200 Scope of subpart.

This subpart does not apply to the operation of vessels owned by, or bareboat chartered by, the Government. See additional guidance at PGI 247.200 for procurement of transportation or related services.

■ 5. Section 247.206 is revised to read as follows:

247.206 Preparation of solicitations and contracts.

Consistent with FAR 15.304 and 215.304, consider using the following as evaluation factors or subfactors:

(1) Record of claims involving loss or damage; and

(2) Commitment of transportation assets to readiness support (*e.g.,* Civil Reserve Air Fleet and Voluntary Intermodal Sealift Agreement).

247.270–1 [Removed]

■ 6. Section 247.270–1 is removed.

247.270–2, 247.270–3, and 247.270–4 [Redesignated]

■ 7. Sections 247.270–2, 247.270–3, and 247.270–4 are redesignated as sections 247.270–1, 247.270–2, and 247.270–3, respectively.

247.270–5 [Removed]

■ 8. Section 247.270–5 is removed.

247.270–6 [Redesignated]

■ 9. Section 247.270–6 is redesignated as section 247.270–4.

247.271–1 [Removed]

■ 10. Section 247.271–1 is removed.

247.271–2 and 247.271–3 [Redesignated]

■ 11. Sections 247.271–2 and 247.271–3 are redesignated as sections 247.271–1 and 247.271–2, respectively.

■ 12. Newly designated section 247.271–2 is revised to read as follows:

247.271–2 Procedures.

Follow the procedures at PGI 247.271–2 for contracting for the preparation of personal property for shipment or storage.

247.271–4 [Redesignated]

■ 13. Section 247.271–4 is redesignated as section 247.271–3.

■ 14. Newly designated section 247.271–3 is amended by revising paragraphs (c) and (i) to read as follows:

247.271–3 Solicitation provisions, schedule formats, and contract clauses.

* * * * *

(c) In solicitations and resulting contracts, the schedules provided by the installation personal property shipping office. Follow the procedures at PGI 247.271–3(c) for use of schedules.

* * * * *

(i) The clause at 252.247–7014, Demurrage. See additional information at PGI 247.271–3(c)(1) for demurrage and detention charges.

* * * * *

■ 15. Section 247.301 is revised to read as follows:

247.301 General.

See PGI 247.301 for transportation guidance relating to Government Purchase Card purchases that require shipments to destinations outside CONUS.

■ 15a. Sections 247.305–10 and 247.305–70 are revised to read as follows:

247.305–10 Packing, marking, and consignment instructions.

Follow the procedures at PGI 247.305–10 for preparation of consignment instructions.

247.305–70 Returnable containers other than cylinders.

Use the clause at 252.247–7021, Returnable Containers Other Than Cylinders, in solicitations and contracts for supplies involving contractor-furnished returnable reels, spools, or other returnable containers if the

contractor is to retain title to the containers.

247.370 [Removed]

■ 16. Section 247.370 is removed.

247.371 and 247.372 [Redesignated]

■ 17. Sections 247.371 and 247.372 are redesignated as sections 247.370 and 247.371, respectively.

■ 18. Newly designated sections 247.370 and 247.371 are revised to read as follows:

247.370 DD Form 1384, Transportation Control and Movement Document.

The transportation office of the shipping activity prepares the DD Form 1384 to accompany all shipments made through a military air or water port, in accordance with DoD 4500.9–R, Defense Transportation Regulation, Part II, Chapter 203. A link to this document is available in PGI 247.370.

247.371 DD Form 1653, Transportation Data for Solicitations.

The transportation specialist prepares the DD Form 1653 to accompany requirements for the acquisition of supplies. The completed form should contain recommendations for suitable f.o.b. terms and other suggested transportation provisions for inclusion in the solicitation.

247.373 [Redesignated]

■ 19. Section 247.373 is redesignated as section 247.372.

■ 20. Section 247.573–1 is amended by revising paragraphs (b) and (c) to read as follows:

247.573–1 Ocean transportation incidental to a contract for supplies, services, or construction.

* * * * *

(b) DD Form 1653, Transportation Data for Solicitations, shall be used—

(1) By the requesting activity in developing the Government estimate for transportation costs; and

(2) By the contracting officer in ensuring that valid shipping instructions and delivery terms are included in solicitations and contracts that may involve transportation of supplies by sea.

(c) If the contractor notifies the contracting officer that the contractor or a subcontractor considers that—

(1) No U.S.-flag vessels are available, the contracting officer must request confirmation of the nonavailability from—

(i) The Commander, Military Sealift Command (MSC), through the Contracts and Business Management Directorate, MSC; or

(ii) The Commander, Military Surface Deployment and Distribution (SDDC), through the SDDC global e-mailbox *sddc.ops.ffw@us.army.mil* and the Principal Assistant Responsible for Contracting, SDDC.

(2) The proposed freight charges to the Government, the contractor, or any subcontractor are higher than charges for transportation of like goods to private persons, the contracting officer may approve a request for an exception to the requirement to ship on U.S.-flag vessels for a particular shipment.

(i) Prior to granting an exception, the contracting officer must request advice, oral or written, from the Commander, MSC, or the Commander, MTMC.

(ii) In advising the contracting officer whether to grant the exception, the Commander, MSC, or the Commander, SDDC, must consider, as appropriate, evidence from—

(A) Published tariffs;

(B) Industry publications;

(C) The Maritime Administration; and

(D) Any other available sources.

(3) The freight charges proposed by U.S.-flag carriers are excessive or otherwise unreasonable—

(i) The contracting officer must prepare a report in determination and finding format, and must—

(A) Take into consideration that the 1904 Act is, in part, a subsidy of the U.S.-flag commercial shipping industry that recognizes that lower prices may be available from foreign-flag carriers. Therefore, a lower price for use of a foreign-flag vessel is not a sufficient basis, on its own, to determine that the freight rate proposed by the U.S.-flag carrier is excessive or otherwise unreasonable. However, such a price differential may indicate a need for further review;

(B) Consider, accordingly, not only excessive profits to the carrier (to include vessel owner or operator), if ascertainable, but also excessive costs to the Government (i.e., costs beyond the economic penalty normally incurred by excluding foreign competition) resulting from the use of U.S.-flag vessels in extraordinarily inefficient circumstances; and

(C) Include an analysis of whether the cost is excessive, taking into account factors such as—

(*1*) The differential between the freight charges proposed by the U.S.-flag carrier and an estimate of what foreign-flag carriers would charge based upon a price analysis;

(*2*) A comparison of U.S.-flag rates charged on comparable routes;

(*3*) Efficiency of operation regardless of rate differential (*e.g.,* suitability of the vessel for the required transportation in terms of cargo requirements or vessel capacity, and the commercial reasonableness of vessel positioning required); and

(*4*) Any other relevant economic and financial considerations.

(ii) The contracting officer must forward the report to—

(A) The Commander, MSC, through the Contracts and Business Management Directorate, MSC; or

(B) The Commander, through the SDDC global e-mailbox: *sddc.ops.ffw@us.army.mil* and the Principal Assistant Responsible for Contracting, SDDC.

(iii) If in agreement with the contracting officer, the Commander, MSC, or the Commander, SDDC, will forward the report to the Secretary of the Navy or the Secretary of the Army, respectively, for a determination as to whether the proposed freight charges are excessive or otherwise unreasonable.

247.573–2 [Amended]

■ 21. Section 247.573–2 paragraph (d) is amended by removing the acronym "MTMC" and adding in its place the acronym "SDDC" each time it appears as follows:

■ a. In paragraph (d)(1) introductory text;

■ b. In paragraph (d)(1)(i);

■ c. In paragraph (d)(1)(ii)(B);

■ d. In paragraph (d)(1)(iii);

■ e. In paragraph (d)(2);

■ f. In paragraph (d)(3)(ii)(B); and

■ g. In paragraph (d)(3)(iii).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.247–7000 through 252.247–7002 and 252.247–7004 through 252.247–7007 [Amended]

■ 22. Sections 252.247–7000 through 252.247–7002 and 252.247–7004 through 252.247–7007 are amended in the introductory text by removing "247.270–6" and adding in its place "247.270–4".

252.247–7008 [Amended]

■ 23. Section 252.247–7008 and its Alternate I are amended in the introductory text by removing "247.271–4" and adding in its place "247.271–3".

252.247–7009 through 252.247–7012 [Amended]

■ 24. Sections 252.247–7009 through 252.247–7012 are amended in the introductory text by removing "247.271–4" and adding in its place "247.271–3".

252.247–7013 [Amended]

■ 25. Section 252.247–7013 is amended in the introductory text as follows:

■ a. By removing "247.271–4" and adding in its place "247.271–3"; and
■ b. By removing the parenthetical "(see 247.271–2(b))".

252.247–7014 and 252.247–7016 through 252.247–7020 [Amended]

■ 26. Sections 252.247–7014 and 252.247–7016 through 252.247–7020 are amended in the introductory text by removing "247.271–4" and adding in its place "247.271–3".

[FR Doc. 2010–20439 Filed 8–19–10; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 390

[Docket No. FMCSA–2005–23315]

RIN 2126–AB25

Requirements for Intermodal Equipment Providers and for Motor Carriers and Drivers Operating Intermodal Equipment

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule; partial extension of compliance date.

SUMMARY: The FMCSA extends until June 30, 2011, the June 30, 2010, compliance date of its December 29, 2009, final rule concerning the inspection, repair, and maintenance of intermodal equipment (IME), specifically with respect to the requirement for drivers and motor carriers to prepare a driver-vehicle inspection report (DVIR) on an item of IME even if no damage, defects, or deficiencies are discovered by, or reported to, the driver. This action is being taken to provide the Agency with sufficient time to address, through a notice-and-comment rulemaking proceeding, an issue raised in a petition for rulemaking submitted on March 31, 2010, by the Ocean Carrier Equipment Management Association (OCEMA) and the Institute of International Container Lessors (IICL) (also referred to as "the petitioners"). The requirements for intermodal equipment providers (IEPs) to have in place inspection, repair and maintenance programs, and a process for receiving and taking appropriate action in response to DVIRs on which damage, defects, or deficiencies are reported, remain in effect.

DATES: *Compliance Date:* As of August 20, 2010, the compliance date for the requirement in § 390.42(b) for drivers and motor carriers to prepare a DVIR on an item of IME if no damage, defects, or deficiencies are discovered by, or reported to, the driver, is extended until June 30, 2011.

ADDRESSES:

• *Public Access to the Docket:* You may view, print, and download this final rule and all related documents and background material on-line at *http://www.regulations.gov,* using the Docket ID Number FMCSA–2005–23315. These documents can also be examined and copied for a fee at the U.S. Department of Transportation, Docket Operations, West Building-Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations (MC–PSV), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone (202) 366–4325.

SUPPLEMENTARY INFORMATION:

Legal Basis

The legal basis of the December 17, 2008 final rule (73 FR 76794) is also applicable to this rule.

Background

On December 17, 2008, FMCSA published a final rule adopting regulations to implement section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144, 1729, August 10, 2005). The regulations require IEPs to register and file with FMCSA an Intermodal Equipment Provider Identification Report (Form MCS–150C); establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each intermodal chassis; maintain documentation of their maintenance program; and provide a means to effectively respond to driver and motor carrier reports about intermodal chassis mechanical defects and deficiencies. The regulations also require IEPs to mark each intermodal chassis offered for transportation in interstate commerce with a U.S. Department of Transportation (USDOT) identification number. These regulations, for the first time, made IEPs subject to the Federal Motor Carrier Safety Regulations (FMCSRs), and called for shared safety responsibility among IEPs, motor carriers, and drivers. Additionally, FMCSA adopted inspection requirements for motor carriers and drivers operating IME. Improved maintenance is expected to result in fewer chassis being placed out-of-service and fewer breakdowns involving intermodal chassis, thus improving the Nation's intermodal transportation system. Because inadequately maintained intermodal chassis create risks for crashes, the regulations help ensure that commercial motor vehicle (CMV) operations are safer.

On December 29, 2009, FMCSA amended the December 2008 final rule to: (1) Create an additional marking option for identifying the IEP responsible for the inspection, repair, and maintenance of items of IME in response to a petition for reconsideration from the Intermodal Association of North America (IANA); (2) clarify regulatory text and correct an inadvertent error in response to a petition for reconsideration from OCEMA; and (3) extend the deadline for IEPs, motor carriers, and drivers operating IME to comply with certain provisions pertaining to driver-vehicle inspections in response to a petition filed by OCEMA (74 FR 68703).

OCEMA/IICL Petition

On March 31, 2010, OCEMA and IICL submitted a joint petition to FMCSA requesting the repeal of the provision in § 390.42(b) of the FMCSRs that requires motor carriers to prepare and transmit a DVIR to the IEP at the time the IME is returned to the IEP even when no damage, defects, or deficiencies are noted (hereafter referred to as a "no-defect DVIR"). The petitioners contend that requiring the preparation and transmittal of these no-defect DVIRs imposes an undue burden on drivers, motor carriers, IEPs, and intermodal facilities nationwide. The petitioners estimate that a no-defect DVIR requirement will necessitate the completion, transmission, review, and retention of over 38 million unnecessary reports annually. In fact, the petitioners believe that the added administrative burdens of the requirement to file no-defect DVIRs actually could undermine the goal of safe IME. A copy of the petition has been placed in the docket referenced at the beginning of this notice.

The petitioners presented four arguments against the DVIR element of the current rule:

• SAFETEA–LU only requires DVIRs for known damage or defects. Congress could have added a requirement to file no-defect DVIRs but did not do so. As such, the regulatory imposition of no-defect DVIRs is not required by law and

is likely inconsistent with congressional intent.

• Submission of no-defect DVIRs can add to congestion and delay at intermodal facilities. A no-defect DVIR does not add in any meaningful way to the safety of IME and therefore does not justify such congestion and delay.

• An estimated 96 percent of the chassis in-gated at intermodal facilities have no known damage or defect. If no-defect DVIRs are required, there is a significant risk that the 4 percent of DVIRs with damage or defects could be lost in the volume of no-defect DVIRs or result in delays in correcting reported defects at often overburdened marine, rail, and other terminals.

• Data transmission, processing, and storage requirements for no-defect DVIRs add significant, unnecessary costs to intermodal operations with no apparent offsetting benefits.

The petitioners request that § 390.42(b) of the FMCSRs be amended as follows:

(b) A driver or motor carrier transporting intermodal equipment must report to the intermodal equipment provider, or its designated agent, any known damage, defects, or deficiencies in the intermodal equipment at the time the equipment is returned to the provider or the provider's designated agent. The report must include, at a minimum, the items in § 396.11(a)(2) of this chapter. If no damage, defects, or deficiencies are discovered by the driver, no report shall be required.

FMCSA Analysis of the Petition

The Agency has reviewed the petitioners' request and finds that it has merit. In developing the 2008 final rule, FMCSA determined that the DVIR requirements for IME should be consistent with the long-standing driver- and motor carrier-DVIR requirements in § 396.11 for non-IME. Section 396.11(b) calls for a DVIR to be prepared to indicate not only any defects or deficiencies discovered by or reported to the driver that would affect the safety or operation of the vehicle, but also to indicate if the driver found no defects or deficiencies.

The Agency notes that § 390.40(d) of the FMCSRs requires an IEP to "Provide intermodal equipment that is in safe and proper operating condition." More specifically, § 390.40(i) requires that at facilities at which the IEP makes IME available for interchange, the IEP must (1) develop and implement procedures to repair any equipment damage, defects, or deficiencies identified as part of a pre-trip inspection, or (2) replace the equipment. As such, the existing regulations provide a system of checks and balances to ensure that all IME offered for interchange is in safe and proper operating condition—regardless of whether the motor carrier prepared a DVIR for IME that had no damage, defects, or deficiencies at the time it was returned. The Agency also agrees with the petitioners that the existing requirement for motor carriers to submit no-defect DVIRs goes beyond the specific requirements of 49 U.S.C. 31151(a)(3)(L), and appears likely to provide negligible safety benefits.

The FMCSA also notes that, in addition to the petitioners, two other industry stakeholders, the American Trucking Associations' Intermodal Motor Carriers Conference (ATA–IMCC) and IANA, have written the Agency in support of the petition to eliminate the requirement for no-defect DVIRs. This support, in conjunction with the reasons outlined above, has persuaded the Agency to initiate rulemaking on this issue. Copies of documents submitted by the ATA–IMCC, OCEMA, and IANA have been placed in the docket.

Conclusion

After completing its review and analysis of the petition, FMCSA has determined that the petition has merit and that a notice-and-comment rulemaking proceeding should be initiated to provide all interested parties the opportunity to comment on the matter. The Agency plans to issue a notice of proposed rulemaking at a later date to propose eliminating the portion of § 390.42(b) that requires motor carriers to prepare and transmit a DVIR to the IEP upon returning the IME, even when the IME has no known damage, defects, or deficiencies.

Partial Extension of Compliance Date

While the Agency is conducting the rulemaking discussed above, FMCSA extends until June 30, 2011, the June 30, 2010, compliance date of the December 2009 final rule, specifically with respect to the requirement in § 390.42(b) for drivers and motor carriers to prepare a DVIR on an item of IME if no damage, defects, or deficiencies are discovered by, or reported to, the driver.

Issued on: August 13, 2010.

William Bronrott,

Deputy Administrator.

[FR Doc. 2010–20603 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 83

[Docket No. FWS–R9–WSR–2010–0009] [91400–5110–POLI–7B; 91400–9410–POLI–7B]

RIN 1018-AX00

Removing Regulations Implementing the Fish and Wildlife Conservation Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are removing our regulations implementing the Fish and Wildlife Conservation Act of 1980. The Act authorized financial and technical assistance to States to design conservation plans and programs to benefit nongame species; however, funds never became available to carry out the Act, and we do not expect funds to become available in the future.

DATES: This rule is effective on September 20, 2010.

FOR FURTHER INFORMATION CONTACT: Joyce Johnson, Wildlife and Sport Fish Restoration Program, Division of Policy and Programs, U.S. Fish and Wildlife Service, 703–358–2156.

SUPPLEMENTARY INFORMATION:

Background

The Service manages or comanages 54 financial assistance programs. Our Wildlife and Sport Fish Restoration Program manages, in whole or in part, 19 of these programs. We implement some of these programs via regulations in title 50 of the Code of Federal Regulations (CFR), particularly in subchapter F "Financial Assistance—Wildlife and Sport Fish Restoration Program," which currently includes parts 80 through 86.

The regulations at part 83 implement the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901–2911). This act authorized the Service to give financial and technical assistance to States and other eligible jurisdictions to design conservation plans and programs to benefit nongame species. The regulations tell the fish and wildlife agencies of the 50 States, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the District of Columbia, and the territories of Guam, the U.S. Virgin Islands, and American Samoa how they can take part in this grant program. However, neither the Fish and Wildlife Conservation Act nor any subsequent legislation established a

continuing source of funds for this grant program, nor have annual Appropriations Acts provided any funds for it. In 1984, the Service's Western Energy and Land Use Team prepared a document identifying potential funding sources, but none of these options were adopted.

Congress has appropriated funds in recent years for State conservation planning and programs to benefit nongame species, but none of these grant programs has been under the authority of the Fish and Wildlife Conservation Act. Instead, Congress made funds available through the Wildlife Conservation and Restoration grant program in 2001 and—during each year since 2002—the State Wildlife Grants program. Based on this 30–year record, we do not expect that the grant program authorized by the Fish and Wildlife Conservation Act of 1980 will receive any funding. Therefore, we are removing its implementing regulations from title 50 of the CFR.

Public Comments

We published our proposed rule to remove the Fish and Wildlife Conservation Act of 1980's implementing regulations (50 CFR 83) in the May 6, 2010, **Federal Register** (75 FR 24862) and invited public comments for 60 days, ending July 6, 2010. During the public comment period, we received one comment. We reviewed and considered that comment, and we determined that it was not applicable to the specific proposed action described in our proposed rule. Therefore, we made no changes to our proposed action in this final rule.

Required Determinations

Regulatory Planning and Review

The Office of Management and Budget (OMB) has determined that this rule is not significant and has not reviewed this rule under E.O. 12866. OMB bases its determination on the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires an agency to consider the impact of rules on small entities, i.e., small businesses, small organizations, and small government jurisdictions. If there is a significant economic impact on a substantial number of small entities, the agency must perform a Regulatory Flexibility Analysis. This is not required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. The Small Business Regulatory Enforcement Fairness Act (SBREFA) amended the Regulatory Flexibility Act to require Federal agencies to state the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

We are removing a regulation governing an unfunded grant program. Consequently, we certify that the removal would not have a significant economic effect on a substantial number of small entities; a Regulatory Flexibility Analysis is not required.

In addition, this rule is not a major rule under SBREFA and would not have a significant impact on a substantial number of small entities because it:

a. Does not have an annual effect on the economy of $100 million or more.

b. Does not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.

c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. The Act requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of a rule with Federal mandates that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any 1 year. We have determined the following under the Unfunded Mandates Reform Act:

a. As discussed in the determination for the Regulatory Flexibility Act, this rule will not have a significant economic effect on a substantial number of small entities.

b. This rule does not require a small government agency plan or any other requirement for expenditure of local funds.

c. There are no mandated costs associated with this rule.

d. This rule will not produce a Federal mandate of $100 million or greater in any year; i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Takings

This rule will not have significant takings implications under E.O. 12630 because it will not have a provision for taking private property. Therefore, a takings implication assessment is not required.

Federalism

This rule will not have sufficient Federalism effects to warrant preparation of a Federalism assessment under E.O. 13132. It will not interfere with the States' ability to manage themselves or their funds.

Civil Justice Reform

The Office of the Solicitor has determined under E.O. 12988 that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have analyzed this rule under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and part 516 of the Departmental Manual (DM). This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required because this action qualifies for the categorical exclusion for administrative changes provided in 516 DM 2, Appendix 1, section 1.10.

Government-to-Government Relationship with Tribes

We have evaluated potential effects on federally recognized Indian tribes

under the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), E.O. 13175, and 512 DM 2. We have determined that there are no potential effects. This rule will not interfere with the tribes' ability to manage themselves or their funds.

Energy Supply, Distribution, or Use

E.O. 13211 addresses regulations that significantly affect energy supply, distribution, and use and requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 12866 and would not affect energy supplies, distribution, or use. Therefore, no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 83

Fish, Grant programs—natural resources, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

■ For the reasons discussed in the preamble, under the authority of 16 U.S.C. 2901, we amend subchapter F of chapter I, title 50 of the Code of Federal Regulations, as follows:

■ Part 83—[Removed and Reserved]

■ Remove and reserve part 83, consisting of §§ 83.1 through 83.21.

Dated: July 28, 2010.

Thomas L. Strickland,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2010–20634 Filed 8–19–10; 8:45 am]

BILLING CODE 4310–55–S

Proposed Rules

Federal Register
Vol. 75, No. 161
Friday, August 20, 2010

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 No (EERE–2010–BT–NOA–0028)]

RIN 1904–AC24

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Public Meeting and Availability of Statement of Policy for Adopting Full-Fuel-Cycle Analyses Into Energy Conservation Standards Program

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed policy and public meeting.

SUMMARY: In its effort to adopt several National Academy of Sciences (the Academy) recommendations, the U.S. Department of Energy (DOE) proposes to modify the methods it uses to estimate the likely impacts of energy conservation standards for covered products and covered equipment on energy use and emissions and to expand the energy use and emissions information made available to consumers. Specifically, DOE proposes to use full-fuel-cycle (FFC) measures of energy and greenhouse gas (GHG) emissions, rather than the primary energy measures it currently uses. Additionally, DOE proposes to work collaboratively with the Federal Trade Commission (FTC) to make FFC energy and GHG emissions data available to the public to enable consumers to make cross-class comparisons. DOE will hold an informal public meeting to discuss and receive comments on its planned approach. DOE welcomes written comments from the public on any subject within the scope of this policy document.

DATES: DOE will hold a public meeting on Thursday, October 7, 2010, from 9 a.m. to 4 p.m. in Washington, DC. DOE must receive requests to speak at the public meeting before 4 p.m., Thursday, September 23, 2010. DOE must receive an electronic copy of the statement with the name and, if appropriate, the organization of the presenter to be given at the public meeting before 4 p.m., Thursday, September 30, 2010. DOE will accept written comments, data, and information regarding this announcement before and after the public meeting, but no later than October 19, 2010.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 1E–245, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Please note that foreign nationals planning to participate in the public meeting are subject to advance security screening procedures. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards at (202) 586–2945 so that the necessary procedures can be completed.

Interested parties are encouraged to submit comments by e-mail to the following address: *FFC-2010-NOA-0028@ee.doe.gov*. Include docket number EERE–2010–BT–NOA–0028 and/or RIN 1904–AC24] in the subject line of the message. DOE encourages all written comments, data, and information to be submitted electronically in commonly used searchable text formats (*e.g.* Adobe Acrobat PDF, Microsoft Word, *etc*). All comments should clearly identify the name, address and, if appropriate, organization of the commenter.

Alternatively, interested parties may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Notice of Proposed Policy for Full-Fuel-Cycle Analysis Docket No. EERE–2010–BT–NOA–0028 and/or RIN 1904–AC24, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Due to the potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, DOE encourages respondents to submit comments electronically to ensure timely receipt.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024.

Docket: For access to the docket to read background documents or comments received, visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza, SW., 6th Floor, Washington, DC 20024, (202) 586–2945, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at the above telephone number for additional information regarding visiting the Resource Room.

FOR FURTHER INFORMATION CONTACT: Mr. Anthoney Perkins, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 287–1846. E-mail: *Anthoney.Perkins@ee.doe.gov.*

Ms. Ami Grace-Tardy, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–5709. E-mail: *Ami.Grace-Tardy@hq.doe.gov.*

For information on how to submit or review public comments, contact Ms. Brenda Edwards, 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) 586–2945. E-mail: *Brenda.Edwards@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background

DOE's energy conservation program for consumer products and certain commercial and industrial equipment sets energy conservation standards to reduce U.S. energy consumption in residential and commercial buildings. DOE separates covered products and covered equipment into classes differentiated by energy source, technology, and capacity. The Energy Policy and Conservation Act (EPCA) requires DOE to set standards for covered products and covered equipment based on energy consumption at the point-of-use. (42 U.S.C. 6291(4), 6311(4)).

The point-of-use method for measuring energy consumption

considers the use of electricity, natural gas, propane, and/or fuel oil by an appliance at the site where the appliance is operated. DOE uses point-of-use measures of energy consumption, usually presented in the physical units typically used for the relevant fuel (or electricity), for setting energy conservation standards. Before choosing an energy conservation standard, however, DOE performs several analyses to estimate the likely impacts of candidate standard levels. DOE currently uses primary energy measures of energy consumption in several of these analyses. Primary energy includes energy consumed on-site, plus energy losses that occur in the generation, transmission, and distribution of electricity.

DOE impact analyses include a: Life-cycle cost analysis, manufacturer impact analysis, national impact analysis, engineering analysis, screening analysis, environmental assessment, utility impact assessment, and employment impact assessment. DOE utilizes primary energy consumption in several analyses, including the national impact analysis and the environmental assessment, to estimate the total projected amount of energy savings and emissions likely to result from the imposition of a candidate standard. Based on the results of these various analyses, DOE then proposes (and, ultimately, adopts) the energy conservation standard that it determines achieves the maximum energy efficiency improvement that is technologically feasible and economically justified as required by EPCA. (42 U.S.C. 6295(o)(2)(A)). Additionally, DOE must determine that the establishment of a new or amended energy conservation standard will result in significant energy conservation. (42 U.S.C. 6295(o)(3)(B)).

Section 1802 of the Energy Policy Act of 2005 (EPACT 2005) directed DOE to contract a study with the National Academy of Science (the Academy) to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual point-of-use or through the use of FFC, beginning at the source of energy production. (Pub. L. 109–58). The FFC measure includes point-of-use energy plus the energy consumed in extracting, processing, and transporting primary fuels and the energy losses associated with generation, transmission, and distribution of electricity. The study, "Review of Site (Point-of-Use) and Full-Fuel-Cycle Measurement Approaches to DOE/EERE Building Appliance Energy-Efficiency Standards," was completed in May 2009 and provided five recommendations. A free copy of the study can be downloaded at: *http://www.nap.edu/catalog.php?record_id=12670.*

The Academy's primary recommendation is that "DOE consider moving over time to use of a FFC measure of energy consumption for assessment of national and environmental impact, especially levels of greenhouse gas emissions, and to providing more comprehensive information to the public through labels and other means, such as an enhanced Web site." The Academy further recommended that DOE work with the FTC to consider options for making product-specific GHG emissions estimates available to enable consumers to make cross-class product comparisons. DOE is taking numerous steps to implement these recommendations, including proposing this Statement of Policy.

More specifically, the Academy recommends that DOE use the FFC measure of energy consumption for the environmental assessment and national impact analyses used in energy conservation standards rulemakings. The FFC measure would provide more complete information about the total energy use and GHG emissions associated with operating an appliance than the primary energy measure currently used by DOE. Utilizing the FFC measure for environmental assessments and national impact analyses would not require alteration of the measures used to determine the energy efficiency of covered products and covered equipment as existing law still requires such measures to be based solely on the energy consumed at the point of use. (42 U.S.C. 6291(4), 6311(4)). However, using the FFC measure in lieu of primary energy in environmental assessments and national impact analyses could affect DOE's consideration of future alternative standard levels. A shift to considering FFC impacts would increase the energy and emission reductions estimated to result from specific efficiency standard levels. This shift would, consequently, increase some of the estimated benefits of such standards.

DOE proposes to use FFC measures of energy and GHG and other emissions in the national impact analyses and environmental assessments included in future energy conservation standards rulemakings. DOE solicits public comment on its proposal to use FFC measures of energy use and emissions in these analyses.

DOE currently measures primary energy consumption for national impact analyses and environmental assessments using the National Energy Modeling System (NEMS) developed by DOE's Energy Information Administration (EIA). Similarly, DOE must have an appropriate model(s) of FFC energy use and emissions in order to employ FFC measures.

DOE believes that the Greenhouse Gases, Regulated Emissions, and Energy Use in Transportation (GREET) model developed for DOE by Argonne National Laboratory is a model of FFC energy use and emissions that would be appropriate for this purpose. The GREET model is built in Microsoft Excel with graphic user interfaces, generates FFC results in tables that can be readily exported into other table formats, and is available to the public online at no cost.[1] The model uses energy efficiency and emissions information available through the EIA and the Environmental Protection Agency (EPA). GREET was designed to enable users to easily compare the total energy use and GHG emissions of vehicle technologies and different fuels. Since fuel products such as electricity, oil, natural gas, propane, coal, and biomass are already simulated in GREET for their FFC effects, the model can be used to estimate FFC energy use and emissions associated with different fuels used in appliances as well. DOE also solicits public comment on its proposal to use the GREET model to estimate FFC energy use and emissions.

Methodology for Estimating Full-Fuel-Cycle Energy Impacts

DOE intends to use the GREET model in energy conservation standards rulemakings to convert primary energy impacts to FFC energy impacts. First, for each alternative energy conservation standard under consideration, DOE will estimate primary energy impacts by using NEMS projections that include the use of individual fuels in power plants as well as in home appliances such as water heaters. Second, for each alternative energy conservation standard under consideration, DOE will use the energy conversion factors that are generated using the GREET model to convert primary energy use and emission impacts to FFC energy use and emission impacts.

Preliminary estimates of the current and projected primary energy to FFC energy conversion factors for on-site fuel and power plant use developed using the GREET model can be found in Tables 1 and 2. Table 1 lists the preliminary factors to be used to convert

[1] Available at *http://www.transportation.anl.gov/modeling_simulation/GREET/index.html.*

primary energy to FFC energy for natural gas and fuel oil used in home appliances. Similarly, Table 2 lists the preliminary factors to use to convert primary energy to FFC energy for natural gas, fuel oil, coal, biomass, and nuclear energy used for electricity generation. The conversion factors represent the ratio of estimated FFC energy use for each unit of primary energy. To provide additional relevant energy use information to consumers, these conversion factors are further broken down into different types of energy (*i.e.,* total energy and fossil energy; the latter is further broken down to petroleum, natural gas, and coal).

To account for the fact that energy production technologies and energy feedstocks will change over time and, consequently, energy conversion factors will change over time, DOE has also calculated preliminary estimates for FFC energy conversion factors in 2030. The year 2030 was chosen because of data limitations in GREET simulations beyond 2030. As can be seen in Tables 1 and 2, the energy conversion factors are not expected to change dramatically over time. The small change in conversion factors from 2010 to 2030 reflects the comparatively slow incremental changes in the U.S. energy sector expected between now and 2030. DOE may, nevertheless, use conversion factors that more substantially change over time if necessary to reflect evolving expectations regarding the rate of change in energy production technologies and feedstocks.

DOE proposes to use these (or similar) conversion factors in its national impacts analysis, which starts with the compliance date of the standard under development and normally covers a period of 30 years, plus the typical useful life of the product being analyzed. In its national impacts analysis, DOE uses product shipment projections and information about the appliance efficiency base case and the new energy conservation standards efficiency case to project energy savings of new energy conservation standards. The methods used are described in the Technical Support Documents accompanying DOE proposed and final energy conservation standards rules. As Tables 1 and 2 show, the preliminary factors for converting primary energy to FFC energy have been estimated for the years 2010 and 2030. DOE intends to use these or similar estimates, generated by the GREET model, as the basis for converting all of the primary energy estimates contained in national impact analyses to their FFC equivalents. For those years beyond 2030 (or the end year of the most recent GREET model estimates), DOE will develop conversion factors based on a simple extrapolation of prior year estimates. DOE now uses this approach to extrapolate estimates generated by the NEMS model for the next 25 years (current energy trends forecasts are through 2035). This is because of the data limitation of going beyond 2030 in GREET simulations for energy technology efficiencies and emission factors.

TABLE 1—PRELIMINARY ENERGY CONVERSION FACTORS FOR FUELS USED IN HOME APPLIANCES

Conversion factor from primary energy to FFC energy	Natural gas	Fuel oil
GREET 2010 Preliminary Estimates		
Total Energy	1.073	1.134
Fossil Fuels	1.072	1.126
Petroleum	0.004	1.050
Natural Gas	1.065	0.056
Coal	0.002	0.020
GREET 2030 Preliminary Estimates		
Total Energy	1.073	1.147
Fossil Fuels	1.072	1.138
Petroleum	0.004	1.050
Natural gas	1.065	0.068
Coal	0.002	0.019

TABLE 2—PRELIMINARY ENERGY CONVERSION FACTORS FOR POWER PLANT FUEL CONSUMPTION

Conversion factor from primary energy to FFC energy	Natural gas	Fuel oil	Coal	Biomass	Uranium
GREET 2010 Preliminary Estimates					
Total Energy	1.071	1.134	1.021	1.032	1.065
Fossil Fuels	1.070	1.126	1.019	0.030	0.047
Petroleum	0.004	1.050	0.013	0.024	0.004
Natural Gas	1.063	0.056	0.002	0.004	0.017
Coal	0.002	0.020	1.004	0.002	0.026
GREET 2030 Preliminary Estimates					
Total Energy	1.071	1.147	1.021	1.032	1.038
Fossil Fuels	1.069	1.138	1.019	0.031	0.027
Petroleum	0.004	1.050	0.013	0.024	0.003
Natural Gas	1.063	0.068	0.002	0.004	0.011
Coal	0.002	0.019	1.003	0.002	0.013

The hypothetical example in Table 3 below depicts how DOE estimates of the primary energy savings likely to result from a specific standard level for a particular product might be converted to FFC savings in future rulemakings using Tables 1 and 2. In this hypothetical example, the product analyzed has two classes, one using natural gas and the other electricity. If DOE adopts the FFC approach, DOE will likely provide tables similar to Table 3 in future Technical Support Documents. The energy savings estimates included in **Federal Register** notices are likely to remain limited to the total National Energy Savings values now reported.

TABLE 3—HYPOTHETICAL EXAMPLE OF HOW ESTIMATES OF PRIMARY ENERGY SAVINGS MIGHT BE CONVERTED TO FFC ENERGY SAVINGS IN FUTURE RULEMAKINGS ANALYSES

	National energy savings (total)	Natural gas (direct, end-use)	Electric sector (total)	Coal	Natural gas	Petroleum	Nuclear energy	Biomass
Estimated Cumulative Primary Energy Saving (quads)	2.952	0.770	2.182	0.908	0.308	0.003	0.179	0.100
FFC Energy Conversion Factors (for year 2030)	N/A	1.073	N/A	1.021	1.071	1.147	1.038	1.021
Estimated Cumulative FFC Energy Savings (quads)	3.058	0.826	2.232	0.927	0.330	0.003	0.186	0.102

The early estimates in Tables 1–2 and 4–6 are included in this notice for demonstrative purposes only. These estimates are not necessarily the precise conversion factors that will be used in any given energy conservation standard rulemaking. DOE seeks public comment on the proposed methodology for converting primary energy use to FFC energy use, not on the preliminary estimates themselves.

Methodology for Estimating Full-Fuel-Cycle Emissions

The GREET model can also be used to calculate the GHG emissions associated with energy consumption for DOE environmental assessments. This can be accomplished in two ways. Using the conversion factors identified, FFC energy use can be converted to FFC emissions with emission factors per unit of energy. This method would use the FFC energy use and emission factors for individual fuels/energy products. Alternatively, primary energy CO_2 emissions can be converted to FFC GHG emissions, if the type of primary energy is known. The conversion would be identical to the conversion of primary energy to FFC energy, as described previously.

Although methane (CH_4) and nitrous oxide (N_2O) emissions were not specifically addressed in the Academy's report, DOE proposes to include them in its energy conservation standards environmental assessments to provide a more comprehensive assessment of GHG emissions. These two gases are included in national GHG emission inventories worldwide. According to EPA, CH_4 and N_2O are among the principal GHGs that enter the atmosphere because of human activities, including energy production. CH_4 is the primary component of natural gas; CH_4 losses occur at all stages of production and distribution of natural gas. CH_4 gas is also commonly found in coal mines and animal farms. N_2O is released by burning fossil fuels and agricultural farming.

DOE proposes to include CH_4 and N_2O in environmental assessments of energy conservation standards because the gases have a direct association with the production and use of energy and have significant global warming potential (GWP). Using CH_4 and N_2O GWPs from the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) published in 2007, the GREET model can also be used to calculate CH_4 and N_2O emissions in terms of CO_2-equivalent (CO_2e) FFC emissions. CO_2-equivalents are used to compare the GWP of GHG gases. The CO_2e of CH_4 and N_2O emissions can be identified from CH_4 and N_2O emissions (as in Table 4) and their IPCC-determined GWPs.

Table 4 shows preliminary estimates of GHG emissions per unit energy consumed using the FFC energy use to FFC emissions conversion. For example, if an energy conservation standard saves 2.76 quads of FFC natural gas over the normal 30-year analysis period, the 3–GHG CO_2e emission factor from Table 4 of 62,957 kg per billion Btu of FFC natural gas could be used to calculate that the energy conservation standard saves 173.8 million metric tons of 3–GHG CO_2e emissions over the normal 30-year analysis period (2.76×10^{15} Btu/1000000000 x 62,957 kg/10^9 Btu/1000). These estimates provide a general idea of how these factors are expected to change during a 25-year span covered by an environmental impact analysis completed in 2010.

Table 5 shows preliminary conversion factors from primary energy CO_2 emissions to FFC GHG emissions. With emissions in Table 4, the conversion factors from primary energy CO_2 emissions to FFC emissions for CO_2, CH_4, and N_2O (collectively, 3–GHG) can be developed as presented in Table 5. For example, if the NEMS model estimates that an energy conservation standard for a natural gas water heater saves 10 million tons of CO_2 emissions at the point of natural gas use by the water heater, the FFC 3–GHG CO_2e emissions saved would be 10 million tons times 1.17 (as shown in Table 5). These estimates provide a general idea of how these factors are expected to change during a 25-year span covered by an environmental impact analysis completed in 2010.

TABLE 4—PRELIMINARY ESTIMATES OF GHG EMISSIONS PER UNIT ENERGY CONSUMED

	Natural gas kg/billion BTU	Fuel oil kg/billion BTU	Coal kg/billion BTU	Biomass kg/billion BTU	Uranium kg/billion BTU
GREET 2010 Preliminary Unit					
CO_2, Fuel Combustion	53,620	79,548	102,905	97,212	0
CO_2, FFC Total	58,469	89,438	104,422	−3,993	3,919
CH_4, FFC Total	161.733	99.499	120.356	6.557	6.940
N_2O, FFC Total	1.492	0.537	1.091	11.940	0.064
3-GHG CO_2e FFC Total	62,957	92,086	107,756	−271	4,112

TABLE 4—PRELIMINARY ESTIMATES OF GHG EMISSIONS PER UNIT ENERGY CONSUMED—Continued

	Natural gas kg/billion BTU	Fuel oil kg/billion BTU	Coal kg/billion BTU	Biomass kg/billion BTU	Uranium kg/billion BTU
GREET 2030 Preliminary Unit					
CO_2, Fuel Combustion	53,619	79,548	102,904	97,212	0
CO_2, FFC Total	58,451	90,255	104,406	−3,991	2,185
CH_4, FFC Total	161.917	100.583	120.446	6.560	4.389
N_2O, FFC Total	1.518	0.562	1.178	11.942	0.055
3-GHG CO_2e FFC Total	62,952	92,937	107,768	−268	2,311

TABLE 5—PRELIMINARY ESTIMATES OF GHG EMISSIONS CONVERSION FACTORS

	Natural gas	Fuel oil	Coal	Biomass	Uranium
GREET 2010 Preliminary Estimates					
Primary energy CO_2 to FFC CO_2	1.09	1.12	1.01	−0.04	N/A
Primary energy CO_2 to FFC CH_4	0.00302	0.00125	0.00117	0.00007	N/A
Primary energy CO_2 to FFC N_2O	0.00003	0.00001	0.00001	0.00012	N/A
Primary energy CO_2 to 3–GHG FFC CO_2e	1.17	1.16	1.05	0.00	N/A
GREET 2030 Preliminary Estimates					
Primary energy CO_2 to FFC CO_2	1.09	1.13	1.01	−0.04	N/A
Primary energy CO_2 to FFC CH_4	0.00302	0.00126	0.00117	0.00007	N/A
Primary energy CO_2 to FFC N_2O	0.00003	0.00001	0.00001	0.00012	N/A
Primary energy CO_2 to 3–GHG FFC CO_2e	1.17	1.17	1.05	0.00	N/A

DOE environmental assessments that accompany energy conservation standards rulemakings also include non-GHG emissions that result from energy use. These emissions include mercury (Hg), nitrogen oxide (NO_X), and sulfur dioxide (SO_X). NO_X and SO_X primary energy consumption emissions can be converted to FFC emissions using the energy conversion factors in Tables 1 and 2 generated from the GREET model (to convert primary energy use to FFC energy use) and the emission conversion factors in Table 6 (to convert energy combustion emissions to FFC emissions). Again, these emissions were not specifically addressed by the Academy, but addressing them in environmental assessments will give DOE a more complete picture of total emissions benefits associated with energy conservation standards. The current GREET model does not attempt to estimate the emissions of Hg that occur from the point of fossil fuel production to the point of use. Such emissions are expected to be quite small relative to the emissions of Hg associated with the combustion of fossil fuels and are not expected to be in the future expansion of GREET.

Preliminary estimates of conversion factors for NO_X and SO_x and estimates of NO_X and SO_X emissions per unit energy consumed are provided in Table 6. These estimates provide a general idea of how these factors are expected to change during a 25-year span covered by an environmental impact analysis completed in 2010.

TABLE 6—PRELIMINARY ESTIMATES OF NO_X AND SO_X CONVERSION FACTORS

	Natural Gas	Fuel Oil	Coal	Biomass	Uranium
GREET 2010 Preliminary Estimates					
NO_X fuel combustion to FFC NO_X	1.77	1.24	1.14	1.14	N/A
SO_X fuel combustion to FFC SO_X	N/A	1.03	1.03	1.06	N/A
Unit	kg/billion BTU	kg/billion BTU	kg/billion BTU	kg/billion BTU	kg/billion BTU
NO_X, FFC Total	50.919	203.309	109.747	119.052	7.509
SO_X, FFC Total	11.448	558.361	274.901	30.459	7.795
GREET 2030 Preliminary Estimates					
NO_X fuel combustion to FFC NO_X	1.64	1.22	1.12	1.09	N/A
SO_X fuel combustion to FFC SO_X	N/A	1.03	1.03	1.05	N/A
Unit	kg/billion BTU	kg/billion BTU	kg/billion BTU	kg/billion BTU	kg/billion BTU
NO_X, FFC Total	47.927	199.443	92.415	111.992	4.673
SO_X, FFC Total	11.277	556.691	220.219	30.734	3.270

DOE proposes to use these emission conversion factors in conjunction with NEMS to conduct environmental assessments for energy conservation standards rulemakings. The environmental assessment estimates changes in emissions from GHGs and other pollutants that would result from the implementation of a new energy conservation standard. The NEMS model uses information on fossil fuel energy consumption and fuel-specific emissions factors to estimate CO_2 emissions, which are projected over approximately a 25-year time horizon (currently 2035, as determined by EIA).

NEMS model energy projections can be used along with the emissions factors from the GREET model to determine the current and projected emissions for CO_2, and CH_4 and N_2O in CO_2-equivalents. If DOE adopts this approach, it will likely provide tables in future Technical Support Documents that indicate how primary energy savings and/or emission reduction values generated by the NEMS model are then converted to estimates of FFC energy savings and/or emission reductions using conversion factors similar to those reported in Tables 4–6. The FFC emission reduction estimates included in standards rulemaking documents are likely to remain limited to the total cumulative emission reduction values now reported for each candidate standard level.

DOE proposes to use the energy savings and/or emission reductions generated by the NEMS model and the emissions factors produced by the GREET model to project emissions for CO_2, CH_4, N_2O, NO_X, and SO_X for environmental assessments. DOE seeks public comment on the proposed methodology for determining FFC GHG and other emissions.

Policy for Disseminating Information to Consumers

The Academy has recommended that DOE work with the FTC to provide consumers with information about FFC energy use and emissions of individual appliances so that the public can make more informed purchasing decisions. In particular, the Academy recommended that "DOE/EERE (the Office of Energy Efficiency and Renewable Energy) and the Federal Trade Commission should initiate a project to consider the merits of adding to the Energy Guide label an indicator of how an appliance's total energy consumption might affect levels of greenhouse gas emissions. Such a project would include development of specific data on greenhouse gas emissions associated with the appliance's operation, formulation of pertinent information for addition to the appliance's energy efficiency label, and research with a sample of consumers to test various options for encouraging consumers' understanding and use of information on FFC energy consumption and its impacts."

The FTC maintains online databases of the site energy use and efficiency ratings of appliances currently on the market.[2] These databases do not, however, include FFC energy use or any energy cost or emissions-related data. While it is possible to compare the site energy use and efficiency ratings of different products using these databases, such comparisons are often difficult, especially if they involve products that have different features. Furthermore, comparing products that use different fuels is not feasible because there are no comparable measures of energy use or efficiency for products that use different fuels.

DOE proposes to significantly improve upon the FTC's existing on-line databases by making FFC energy use and emissions data (and possibly annual energy costs data) available to the public. The improved databases could provide tools to enable users to easily compare a product's energy use, emissions, and costs to similar products, including products that are in different classes, have different features or use different fuels. Additional energy, emissions, and cost data could be included by updating FTC's online database with the emissions factors developed with the GREET model and the average energy prices reported by manufacturers on appliance Energy Guide labels. DOE is soliciting public comment on whether this proposed online service would likely benefit consumers and, if so, the most effective way to present this information.

The Academy also recommended consideration of "the merits of adding to the Energy Guide label an indicator of how an appliance's total energy consumption might affect levels of greenhouse gas emissions." It is unclear, however, whether such additional label disclosures would be valuable to customers unless they could easily compare the GHG emissions associated with one product to other comparable products or other common energy uses. Because the GHG emissions associated with a particular class of products would be directly proportional to that class of products' estimated annual energy costs, simply comparing an individual product to products of the same class would add little useful information to the label. In addition, providing comparisons to the energy use, costs or emissions associated with other comparable products of different classes on the Energy Guide label may increase the complexity of the label, making the label more difficult to understand and decreasing the utility of the basic annual operating cost information already on the label.[3] Nevertheless, DOE seeks comments on whether it should provide this type of information on Energy Guide labels and on the issues associated with disseminating this type of information to consumers via such label or by other means.

Public Participation

DOE considers public participation to be a very important part of the process for developing this policy document. DOE actively encourages the participation and interaction of the public during the comment period.

The public meeting will be conducted in an informal, facilitated conference style. There will be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws.

Public meeting participants need not limit their comments to the issues identified. DOE is also interested in comments on other relevant issues. DOE invites all interested parties, whether or not they participate in the public meeting, to submit in writing by October 19, 2010, comments and information on matters addressed in this notice.

Anyone who wishes to participate in the public meeting, receive meeting materials, or be added to the DOE mailing list to receive future notices and information about this policy document should contact Ms. Brenda Edwards at (202) 586–2945, or via e-mail at *Brenda.Edwards@ee.doe.gov*.

Issued in Washington, DC, on August 12, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010–20563 Filed 8–19–10; 8:45 am]

BILLING CODE 6450–01–P

[2] Available at *http://www.ftc.gov/appliancedata.*

[3] For most products covered under the appliance label program, Energy Guide labels display estimated annual operating cost as the primary disclosure, with energy use or efficiency displayed as secondary information. These Energy Guide labels also include a range of costs for models of similar size and features (*e.g.,* natural gas water heaters with first hour ratings between 41 and 47). Labels for a few products, such as furnaces and central air conditioners, do not provide operating cost but, instead, display an efficiency measure and display where that efficiency falls in a range of efficiencies for similar models. *See* 16 CFR Part 305.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–62717; File No. S7–16–10]

RIN 3235–AK65; 3038–AD06

Definitions Contained in Title VII of Dodd-Frank Wall Street Reform and Consumer Protection Act

AGENCY: Securities and Exchange Commission; Commodity Futures Trading Commission.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Dodd-Frank Act"), provides for the comprehensive regulation of swaps and security-based swaps. Title VII of the Dodd-Frank Act ("Title VII"), provides that the Securities and Exchange Commission ("SEC") and the Commodity Futures Trading Commission ("CFTC") (collectively, "the Commissions"), in consultation with the Board of Governors of the Federal Reserve System, shall jointly further define certain key terms (specifically, "swap", "security-based swap", "swap dealer", "security-based swap dealer", "major swap participant", "major security-based swap participant", "eligible contract participant", and "security-based swap agreement"), and shall jointly prescribe regulations regarding "mixed swaps," as that term is used in Title VII of the Dodd-Frank Act. To assist the SEC and CFTC in further defining such terms, the Commissions are issuing this Notice and request for public comment.

DATES: Comments must be in writing and received by September 20, 2010.

ADDRESSES: Comments may be submitted by any of the following methods:

SEC

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*);
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–12–10 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

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 S7—16–10. This file number should be included on the subject line if e-mail is used. To help us 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/proposed.shtml*). Comments are also available for Web site viewing and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

CFTC

Comments may be submitted by any of the following methods:

- *Mail:* David A. Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as mail above.
- *Fax:* 202–418–5521.
- *E-mail:* Comments may be submitted via e-mail at *dfadefinitions@cftc.gov.*
- *Agency Web Site:* Comments may be submitted to *http://www.cftc.gov.* Follow the instructions for submitting comments on the Web site.
- *Federal eRulemaking Portal:* Comments also may be submitted at *http://www.regulations.gov.* Follow the instructions for submitting comments.

"Definitions" must be in the subject field of responses submitted via e-mail, and clearly indicated on written submissions. All comments must be submitted in English, or if not, accompanied by an English translation. All comments provided in any electronic form or on paper will be published on the CFTC Web site, without review and without removal of personally identifying information. All comments are subject to the CFTC Privacy Policy.

FOR FURTHER INFORMATION CONTACT: *SEC:* Matthew A. Daigler, Senior Special Counsel, at 202–551–5578, or Cristie L. March, Attorney Adviser, at 202–551–5574, Division of Trading and Markets, or Michael J. Reedich, Special Counsel, at 202–551–3279, Office of Chief Counsel, Division of Corporate Finance, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–7010; *CFTC:* Terry S. Arbit, Deputy General Counsel, at 202–418–5357, *tarbit@cftc.gov*, Julian E. Hammar, Assistant General Counsel, at 202–418–5118, *jhammar@cftc.gov*, Mark Fajfar, Assistant General Counsel, at 202–418–6636, *mfajfar@cftc.gov*, or David Aron, Counsel, at 202–418–6621, *daron@cftc.gov*, Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Act was enacted on July 21, 2010.[1] Title VII of the Dodd-Frank Act provides for the comprehensive regulation of swaps and security-based swaps and includes definitions of key terms relating to such regulation.[2] Section 712(d) of the Dodd-Frank Act provides that the SEC and CFTC, in consultation with the Board of Governors of the Federal Reserve System, shall jointly further define the terms "swap", "security-based swap", "swap dealer", "security-based swap dealer", "major swap participant", "major security-based swap participant", "eligible contract participant", and "security-based swap agreement" (collectively "Key Definitions").[3] Section 712(d) further provides that such jointly prescribed rules and regulations shall be comparable to the maximum extent possible, taking into consideration differences in instruments and in the applicable statutory requirements.

Further, Section 721(c) requires the CFTC to adopt a rule to further define the terms "swap", "swap dealer", "major swap participant", and "eligible contract participant", and Section 761(b) requires the SEC to adopt a rule to further define the terms "security-based swap", "security-based swap dealer", "major security-based swap participant" and "eligible contract participant", with regard to security-based swaps, for the purpose of including transactions and

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law No. 111–203, 124 Stat. 1376 (2010).

[2] Under Section 701 of the Dodd-Frank Act, Title VII may be cited as the "Wall Street Transparency and Accountability Act of 2010."

[3] These terms are defined in Sections 721 and 761 of the Dodd-Frank Act and, with respect to the term "eligible contract participant", in Section 1a(18) of the Commodity Exchange Act, 7 U.S.C. 1a(18), as re-designated and amended by Section 721 of the Dodd-Frank Act.

entities that have been structured to evade Title VII of the Dodd-Frank Act. Finally, Section 712(a) of the Dodd-Frank Act provides that the SEC and CFTC, after consultation with the Board of Governors of the Federal Reserve System, shall jointly prescribe regulations regarding "mixed swaps,"[4] as may be necessary to carry out the purposes of Title VII.

To assist the SEC and CFTC in further defining the Key Definitions specified above, and to prescribe regulations regarding "mixed swaps" as may be necessary to carry out the purposes of Title VII, the Commissions are seeking comment from interested parties.

II. Solicitation for Comments About the Key Definitions and the Regulation of "Mixed Swaps"

The Commissions invite comment with respect to all aspects of the Key Definitions, and also the regulation of "mixed swaps" as may be necessary to carry out the purposes of Title VII. Commenters are encouraged to address aspects of the Key Definitions such as the extent to which the definitions should be based on qualitative or quantitative factors and what those factors should be, any analogous areas of law, economics, or industry practice, and any factors specific to the commenter's experience. Commenters also are encouraged to express views on the regulation of "mixed swaps", as may be necessary to carry out the purposes of Title VII. Please comment generally and specifically, and please include empirical data and other information in support of such comments, where appropriate and available, regarding any of the Key Definitions described above and the regulation of "mixed swaps".

When commenting, please also take into account the statutory definitions of these terms that have been enacted in the Dodd-Frank Act. These statutory definitions are reprinted herein as follows:

Swap: Section 721(a)(21) of the Dodd-Frank Act:

"(47) Swap.—

(A) In general.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction—

(i) That is a put, call, cap, floor, collar, or similar option of any kind that is for the purchase or sale, or based on the value, of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

(ii) That provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

(iii) That provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as—

(I) An interest rate swap;
(II) A rate floor;
(III) A rate cap;
(IV) A rate collar;
(V) A cross-currency rate swap;
(VI) A basis swap;
(VII) A currency swap;
(VIII) A foreign exchange swap;
(IX) A total return swap;
(X) An equity index swap;
(XI) An equity swap;
(XII) A debt index swap;
(XIII) A debt swap;
(XIV) A credit spread;
(XV) A credit default swap;
(XVI) A credit swap;
(XVII) A weather swap;
(XVIII) An energy swap;
(XIX) A metal swap;
(XX) An agricultural swap;
(XXI) An emissions swap; and
(XXII) A commodity swap;

(iv) That is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap;

(v) Including any security-based swap agreement which meets the definition of 'swap agreement' as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein; or

(vi) That is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (v).

(B) Exclusions.—The term 'swap' does not include—

(i) Any contract of sale of a commodity for future delivery (or option on such a contract), leverage contract authorized under section 19, security futures product, or agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

(ii) Any sale of a nonfinancial commodity or security for deferred shipment or delivery, so long as the transaction is intended to be physically settled;

(iii) Any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to—

(I) The Securities Act of 1933 (15 U.S.C. 77a *et seq.*); and

(II) The Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*);

(iv) Any put, call, straddle, option, or privilege relating to a foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

(v) Any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis that is subject to—

(I) The Securities Act of 1933 (15 U.S.C. 77a *et seq.*); and

(II) The Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*);

(vi) Any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) and the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), unless the agreement, contract, or transaction predicates the purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

(vii) Any note, bond, or evidence of indebtedness that is a security, as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1));

(viii) Any agreement, contract, or transaction that is—

(I) Based on a security; and

(II) Entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933 (15 U.S.C. 77b(a)(11)) by the issuer of such security for the purposes of raising capital, unless the agreement, contract, or transaction is entered into to manage a risk associated with capital raising;

(ix) Any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the Federal Government, or a Federal agency that is expressly backed by the full faith and credit of the United States; and

(x) Any security-based swap, other than a security-based swap as described in subparagraph (D).

(C) Rule of Construction regarding master agreements.—

(i) In general.—Except as provided in clause (ii), the term 'swap' includes a master agreement that provides for an agreement, contract, or transaction that is a swap under subparagraph (A), together with each supplement to any master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A).

(ii) Exception.—For purposes of clause (i), the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction covered by the master agreement that is a swap pursuant to subparagraph (A).

[4] Sections 721 and 761 of the Dodd-Frank Act amend the Commodity Exchange Act, 7 U.S.C. 1 *et seq.*, and the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*, respectively, to define "mixed swap".

(D) Mixed swap.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in section 3(a)(68)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(A)) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(iii)).

(E) Treatment of foreign exchange swaps and forwards.—

(i) In general.—Foreign exchange swaps and foreign exchange forwards shall be considered swaps under this paragraph unless the Secretary makes a written determination under section 1b that either foreign exchange swaps or foreign exchange forwards or both—

(I) Should be not be regulated as swaps under this Act; and

(II) Are not structured to evade the Dodd-Frank Wall Street Reform and Consumer Protection Act in violation of any rule promulgated by the [Commodity Futures Trading] Commission pursuant to section 721(c) of that Act.

(ii) Congressional notice; effectiveness.—The Secretary shall submit any written determination under clause (i) to the appropriate committees of Congress, including the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Any such written determination by the Secretary shall not be effective until it is submitted to the appropriate committees of Congress.

(iii) Reporting.—Notwithstanding a written determination by the Secretary under clause (i), all foreign exchange swaps and foreign exchange forwards shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such swaps or forwards, to the [Commodity Futures Trading] Commission pursuant to section 4r within such time period as the [Commodity Futures Trading] Commission may by rule or regulation prescribe.

(iv) Business standards.—Notwithstanding a written determination by the Secretary pursuant to clause (i), any party to a foreign exchange swap or forward that is a swap dealer or major swap participant shall conform to the business conduct standards contained in section 4s(h).

(v) Secretary.—For purposes of this subparagraph, the term 'Secretary' means the Secretary of the Treasury.

(F) Exception for certain foreign exchange swaps and forwards.—

(i) Registered entities.—Any foreign exchange swap and any foreign exchange forward that is listed and traded on or subject to the rules of a designated contract market or a swap execution facility, or that is cleared by a derivatives clearing organization, shall not be exempt from any provision of this Act or amendments made by the Wall Street Transparency and Accountability Act of 2010 prohibiting fraud or manipulation.

(ii) Retail transactions.—Nothing in subparagraph (E) shall affect, or be construed to affect, the applicability of this Act or the jurisdiction of the [Commodity Futures Trading] Commission with respect to agreements, contracts, or transactions in foreign currency pursuant to section 2(c)(2)."

Security-Based Swap: Section 761(a)(6) of the Dodd-Frank Act:

"(68) Security-Based Swap.—

(A) In general.—Except as provided in subparagraph (B), the term 'security-based swap' means any agreement, contract, or transaction that—

(i) Is a swap, as that term is defined under section 1a of the Commodity Exchange Act (without regard to paragraph (47)(B)(x) of such section); and

(ii) Is based on—

(I) An index that is a narrow-based security index, including any interest therein or on the value thereof;

(II) A single security or loan, including any interest therein or on the value thereof; or

(III) The occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer.

(B) Rule of construction regarding master agreements.—The term 'security-based swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a security-based swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a security-based swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a security-based swap only with respect to each agreement, contract, or transaction under the master agreement that is a security-based swap pursuant to subparagraph (A).

(C) Exclusions.—The term 'security-based swap' does not include any agreement, contract, or transaction that meets the definition of a security-based swap only because such agreement, contract, or transaction references, is based upon, or settles through the transfer, delivery, or receipt of an exempted security under paragraph (12), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in paragraph (29) as in effect on the date of enactment of the Futures Trading Act of 1982), unless such agreement, contract, or transaction is of the character of, or is commonly known in the trade as, a put, call, or other option.

(D) Mixed swap.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in subparagraph (A) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(ii)(III)).

(E) Rule of construction regarding use of the term index.—The term 'index' means an index or group of securities, including any interest therein or based on the value thereof."

Swap Dealer: Section 721(a)(21) of the Dodd-Frank Act:

"(49) Swap dealer.—

(A) In general.—The term 'swap dealer' means any person who—

(i) Holds itself out as a dealer in swaps;

(ii) Makes a market in swaps;

(iii) Regularly enters into swaps with counterparties as an ordinary course of business for its own account; or

(iv) Engages in any activity causing the person to be commonly known in the trade as a dealer or market maker in swaps, provided however, in no event shall an insured depository institution be considered to be a swap dealer to the extent it offers to enter into a swap with a customer in connection with originating a loan with that customer.

(B) Inclusion.—A person may be designated as a swap dealer for a single type or single class or category of swap or activities and considered not to be a swap dealer for other types, classes, or categories of swaps or activities.

(C) Exception.—The term 'swap dealer' does not include a person that enters into swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

(D) De minimis exception.—The [Commodity Futures Trading] Commission shall exempt from designation as a swap dealer an entity that engages in a de minimis quantity of swap dealing in connection with transactions with or on behalf of its customers. The [Commodity Futures Trading] Commission shall promulgate regulations to establish factors with respect to the making of this determination to exempt."

Security-Based Swap Dealer: Section 761(a)(6) of the Dodd-Frank Act:

"(71) Security-Based Swap Dealer.—

(A) In general.—The term 'security-based swap dealer' means any person who—

(i) Holds themself out as a dealer in security-based swaps;

(ii) Makes a market in security-based swaps;

(iii) Regularly enters into security-based swaps with counterparties as an ordinary course of business for its own account; or

(iv) Engages in any activity causing it to be commonly known in the trade as a dealer or market maker in security-based swaps.

(B) Designation by type or class.—A person may be designated as a security-based swap dealer for a single type or single class or category of security-based swap or activities and considered not to be a security-based

swap dealer for other types, classes, or categories of security based swaps or activities.

(C) Exception.—The term 'security-based swap dealer' does not include a person that enters into security-based swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of regular business.

(D) De minimis exception.—The [Securities and Exchange] Commission shall exempt from designation as a security-based swap dealer an entity that engages in a de minimis quantity of security-based swap dealing in connection with transactions with or on behalf of its customers. The [Securities and Exchange] Commission shall promulgate regulations to establish factors with respect to the making of any determination to exempt."

Major Swap Participant: Section 721(a)(16) of the Dodd-Frank Act:

"(33) Major Swap Participant.—

(A) In general.—The term 'major swap participant' means any person who is not a swap dealer, and—

(i) Maintains a substantial position in swaps for any of the major swap categories as determined by the [Commodity Futures Trading] Commission, excluding—

(I) Positions held for hedging or mitigating commercial risk; and

(II) Positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

(ii) Whose outstanding swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

(iii)(I) Is a financial entity that is highly leveraged relative to the amount of capital it holds and that is not subject to capital requirements established by an appropriate Federal banking agency; and

(II) Maintains a substantial position in outstanding swaps in any major swap category as determined by the [Commodity Futures Trading] Commission.

(B) Definition of substantial position.—For purposes of subparagraph (A), the [Commodity Futures Trading] Commission shall define by rule or regulation the term 'substantial position' at the threshold that the [Commodity Futures Trading] Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States. In setting the definition under this subparagraph, the [Commodity Futures Trading] Commission shall consider the person's relative position in uncleared as opposed to cleared swaps and may take into consideration the value and quality of collateral held against counterparty exposures.

(C) Scope of designation.—For purposes of subparagraph (A), a person may be designated as a major swap participant for 1 or more categories of swaps without being classified as a major swap participant for all classes of swaps.

(D) Exclusions.—The definition under this paragraph shall not include an entity whose primary business is providing financing, and uses derivatives for the purpose of hedging underlying commercial risks related to interest rate and foreign currency exposures, 90 percent or more of which arise from financing that facilitates the purchase or lease of products, 90 percent or more of which are manufactured by the parent company or another subsidiary of the parent company."

Major Security-Based Swap Participant: Section 761(a)(6) of the Dodd-Frank Act:

"(67) Major Security–Based Swap Participant.—

(A) In general.—The term 'major security-based swap participant' means any person—

(i) Who is not a security-based swap dealer; and

(ii)(I) Who maintains a substantial position in security-based swaps for any of the major security-based swap categories, as such categories are determined by the [Securities and Exchange] Commission, excluding both positions held for hedging or mitigating commercial risk and positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

(II) Whose outstanding security-based swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

(III) That is a financial entity that—

(aa) Is highly leveraged relative to the amount of capital such entity holds and that is not subject to capital requirements established by an appropriate Federal banking agency; and

(bb) Maintains a substantial position in outstanding security-based swaps in any major security-based swap category, as such categories are determined by the [Securities and Exchange] Commission.

(B) Definition of substantial position.—For purposes of subparagraph (A), the [Securities and Exchange] Commission shall define, by rule or regulation, the term 'substantial position' at the threshold that the [Securities and Exchange] Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States. In setting the definition under this subparagraph, the [Securities and Exchange] Commission shall consider the person's relative position in uncleared as opposed to cleared security-based swaps and may take into consideration the value and quality of collateral held against counterparty exposures.

(C) Scope of designation.—For purposes of subparagraph (A), a person may be designated as a major security-based swap participant for 1 or more categories of security-based swaps without being classified as a major security-based swap participant for all classes of security-based swaps."

Eligible Contract Participant: Section 1a(18) of the Commodity Exchange Act, 7 U.S.C. 1a(18), as re-designated and amended by Sections 721(a)(9) and 741(b)(10) [5] of the Dodd-Frank Act:

"(18) Eligible Contract Participant.—The term 'eligible contract participant' means—

(A) Acting for its own account—

(i) A financial institution;

(ii) An insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the [Commodity Futures Trading] Commission, including a regulated subsidiary or affiliate of such an insurance company;

(iii) An investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

(iv) A commodity pool that—

(I) Has total assets exceeding $5,000,000; and

(II) Is formed and operated by a person subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant) provided, however, that for purposes of section 2(c)(2)(B)(vi) and section 2(c)(2)(C)(vii), the term 'eligible contract participant' shall not include a commodity pool in which any participant is not otherwise an eligible contract participant;

(v) A corporation, partnership, proprietorship, organization, trust, or other entity—

(I) That has total assets exceeding $10,000,000;

(II) The obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or

(III) That—

(aa) Has a net worth exceeding $1,000,000; and

(bb) Enters into an agreement, contract, or transaction in connection with the conduct of

[5] Section 741(b)(10) of the Dodd-Frank Act provides that "Section 1a(19)(A)(iv)(II) of the Commodity Exchange Act (7 U.S.C. 1a(19)(A)(iv)(II)) (as redesignated by section 721(a)(1)) is amended by inserting before the semicolon at the end the following: "provided, however, that for purposes of section 2(c)(2)(B)(vi) and section 2(c)(2)(C)(vii), the term 'eligible contract participant' shall not include a commodity pool in which any participant is not otherwise an eligible contract participant". The probable intent of Congress was to amend the definition of "eligible contract participant", which is in paragraph (18)(A)(iv)(II), not paragraph (19)(A)(iv)(II).

the entity's business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity's business;

(vi) An employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 *et seq.*), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

(I) That has total assets exceeding $5,000,000; or

(II) The investment decisions of which are made by—

(aa) An investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) or this Act;

(bb) A foreign person performing a similar role or function subject as such to foreign regulation;

(cc) A financial institution; or

(dd) An insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

(vii)(I) A governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

(II) A multinational or supranational government entity; or

(III) An instrumentality, agency, or department of an entity described in subclause (I) or (II);

except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of paragraph (17)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $50,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii);

(viii)(I) A broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

(II) An associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

(III) An investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i));

(ix) A futures commission merchant subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

(x) A floor broker or floor trader subject to regulation under this Act in connection with any transaction that takes place on or through the facilities of a registered entity (other than an electronic trading facility with respect to a significant price discovery contract) or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or

(xi) An individual who has amounts invested on a discretionary basis, the aggregate of which is in excess of—

(I) $10,000,000; or

(II) $5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual;

(B)(i) A person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

(ii) An investment adviser subject to regulation under the Investment Advisers Act of 1940, a commodity trading advisor subject to regulation under this Act, a foreign person performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

(C) Any other person that the [Commodity Futures Trading] Commission determines to be eligible in light of the financial or other qualifications of the person."

Security-Based Swap Agreement: Section 761(a)(6) of the Dodd-Frank Act:

"(78) Security-Based Swap Agreement.—

(A) In general.—For purposes of sections 9, 10, 16, 20, and 21A of this Act, and section 17 of the Securities Act of 1933 (15 U.S.C. 77q), the term 'security-based swap agreement' means a swap agreement as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

(B) Exclusions.—The term 'security-based swap agreement' does not include any security-based swap."

By the Securities and Exchange Commission.

Dated: August 13, 2010.

Elizabeth M. Murphy,

Secretary.

By the Commodity Futures Trading Commission.

Dated: August 13, 2010.

David A. Stawick,

Secretary.

[FR Doc. 2010–20567 Filed 8–19–10; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106750–10]

RIN 1545–BJ30

Modifications of Debt Instruments; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed rulemaking relating to the modification of debt instruments.

DATES: The public hearing, originally scheduled for Wednesday, September 8, 2010, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Richard A. Hurst of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), at *Richard.A.Hurst@irscounsel.treas.gov*.

SUPPLEMENTARY INFORMATION: A notice of public hearing that appeared in the **Federal Register** on Friday, June 4, 2010 (75 FR 31736), announced that a public hearing was scheduled for September 8, 2010, at 10 a.m., in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under section 1001 of the Internal Revenue Code.

The public comment period for these regulations expired on Tuesday, August 3, 2010. Outlines of topics to be discussed at the hearing were due on Wednesday, August 11, 2010. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Tuesday, August 17, 2010, no one has requested to speak. Therefore, the public hearing

scheduled for September 8, 2010, is cancelled.

LaNita Van Dyke,

Branch Chief, Publications and Regulations, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2010–20743 Filed 8–19–10; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 257, 261, 264, 265, 268, 271, and 302

[EPA–HQ–RCRA–2009–0640; FRL–9191–5]

RIN–2050–AE81

Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule: corrections, extension of the comment period, and additional public hearings.

SUMMARY: On June 21, 2010, EPA proposed to regulate the disposal of coal combustion residuals generated from the combustion of coal at electric utilities and by independent power producers. This action makes several administrative corrections in the preamble to the proposed rule, which were discovered after the proposal was published in the **Federal Register**. In addition, EPA is providing notice that additional support documents are available for public inspection in the rulemaking docket.

This action also extends the deadline for submitting written comments on the proposed rule to November 19, 2010. This extension provides an additional 60 days for the public to provide written comments. EPA received numerous requests for an extension of the comment period and this notice is the Agency's response to those persons who requested an extension of the comment period.

Also, in response to significant public interest in the proposed rule, the Agency recently announced on its Web site that it will conduct two additional public hearings on the proposed rule, one in Pittsburgh, Pennsylvania, and the other in Louisville, Kentucky, and an additional Webinar. Additional information on these announcements is included in this notice.

DATES: Comments on the proposed rule must be received on or before November 19, 2010.

ADDRESSES: Submit your comments on the proposed rule, identified by Docket ID No. EPA–HQ–RCRA–2009–0640, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Comments may be sent by electronic mail (e-mail) to *rcra-docket@epa.gov,* Attention Docket ID No. EPA–HQ–RCRA–2009–0640. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.
- *Fax:* Comments may be faxed to 202–566–0272; Attention Docket ID No. EPA–HQ–RCRA–2009–0640.
- *Mail:* Send your comments to the Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities Docket, Attention Docket ID No., EPA–HQ–RCRA–2009–0640, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* Deliver two copies of your comments to the Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities Docket, Attention Docket ID No., EPA–HQ–RCRA–2009–0640, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–RCRA–2009–0640. 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 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 Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566–0270. 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.

FOR FURTHER INFORMATION CONTACT: For questions on the June 21, 2010, proposed rule or today's notice, contact Alexander Livnat, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Mailcode 5304P, Washington, DC 20460; telephone number: (703) 308–7251; e-mail address: *livnat.alexander@epa.gov,* or Steve Souders, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 1200

Pennsylvania Ave., NW., Mailcode 5304P, Washington, DC 20460; telephone number: (703) 308–8431; e-mail address: *souders.steve@epa.gov.* If you have questions concerning the public hearings or the Webinars, please contact Bonnie Robinson, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Mailcode 5304P, Washington, DC 20460; telephone number (703) 308–8429; e-mail address: *robinson.bonnie@epa.gov,* or Elaine Eby, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Mailcode 5304P, Washington, DC 20460; telephone number (703) 308–8449; e-mail address *eby.elaine@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background on the Proposed Rule

On June 21, 2010, EPA co-proposed two options for regulating the disposal of coal combustion residuals (CCRs), commonly known as coal ash, generated from the combustion of coal at electric utilities and by independent power producers (75 FR 35128). Under the first proposal, EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding CCRs and list these residuals as special wastes subject to regulation under subtitle C of the Resource Conservation and Recovery Act (RCRA), when they are destined for disposal in landfills and surface impoundments. Under the second proposal, EPA would leave the Bevill Regulatory Determinations in place and regulate the disposal of such materials under subtitle D of RCRA by issuing national minimum criteria. Under both alternatives, EPA proposed not to change the May 2000 Regulatory Determination for beneficially used CCRs, which are currently exempt from the hazardous waste regulations under Section 3001(b)(3)(A) of RCRA.

To assist the reader in reviewing the proposed rule and the corrections published today, EPA has made available an unofficial version of the entire corrected proposal on its Web site, which can be accessed at *http://www.epa.gov/coalashrule.*

B. Corrections to the Proposed Rule

The proposed rule as published in the **Federal Register** on June 21, 2010, contained a number of inadvertent administrative errors in: (1) The **ADDRESSES** section; (2) a table summarizing EPA's estimates of regulatory costs and benefits; (3) the discussion of EPA's risk assessment; and (4) a footnote. Accordingly, the June 21, 2010 publication of the proposed rule is corrected as follows:

1. On page 35128, second column, sixth paragraph, in the first sentence, "*Mailcode:* 5305T," is corrected to read "*Mailcode: 28221T,*".

2. On page 35134, Table 1 is replaced with the following table.

TABLE 1—SUMMARY TABLE COMPARISON OF REGULATORY BENEFITS TO COSTS—RANGING OVER ALL THREE BENEFICIAL USE SCENARIOS

[$Millions @ 2009 $ prices and @ 7% discount rate over 50-year future period-of-analysis 2012 to 2061]

	Subtitle C "special waste"	Subtitle D	Subtitle "D prime"
A. Present Values			
1. Regulatory Costs	$20,349	$8,095	$3,259.
2. Regulatory Benefits	($230,817) to $102,191	$1,168 to $41,761	$593 to $17,501.
3. Net Benefits (2–1)	($251,166) to $81,842	($6,927) to $33,666	($2,666) to $14,242.
4. Benefit/Cost Ratio (2/1)	(11.343) to 5.022	0.144 to 5.159	0.182 to 5.370.
B. Average Annualized Equivalent Values*			
1. Regulatory Costs	$1,474	$587	$236.
2. Regulatory Benefits	($16,725) to $7,405	$85 to $3,026	$43 to $1,268.
3. Net Benefits (2–1)	($18,199) to $5,930	($502) to $2,439	($193) to $1,032.
4. Benefit/Cost Ratio (2/1)	(11.343) to 5.022	0.144 to 5.159	0.182 to 5.370.

* **Note:** Average annualized equivalent values calculated by multiplying 50-year present values by a 50-year 7% discount rate "capital recovery factor" of 0.07246.

3. On page 35144, second column, third paragraph, the first sentence which reads "EPA submitted the revised draft risk assessment report, together with public comments on the report in response to the 2007 NODA, to a peer review panel. EPA completed the risk assessment, taking into account peer review comments, in a final report titled "Human and Ecological Risk Assessment of Coal Combustion Wastes," (September 2009)." is corrected to read "EPA submitted the revised draft risk assessment report, together with public comments on the report in response to the 2007 NODA, to a peer review panel. EPA completed the risk assessment, taking into account peer review comments, in a final report titled "Human and Ecological Risk Assessment of Coal Combustion Wastes," (April 2010)."

4. On page 35170, in the first column, the first full sentence which reads "A detailed discussion of the modeling and risks from this pathway can be found in U.S. EPA 2009a (available in the docket for this proposal)." is corrected to read "A detailed discussion of the modeling and risks from this pathway can be found in U.S. EPA 2010a (available in the docket for this proposal)."

5. On page 35170, in the first column, third paragraph, the third sentence which reads "For CCRs co-managed with coal refule, thallium is estimated at two times the reference dose in unlined landfills at the 90th percentile, but did not exceed the reference dose at the 0th percentile for any liner type." is corrected to read "For CCRs co-managed with coal refuse, thallium is estimated at two times the reference dose in unlined landfills at the 90th percentile, but did not exceed the reference dose at the 50th percentile for any liner type."

6. On page 35170, in the second column, at the end of the first paragraph, the sentence "Of the contaminated groundwater plumes that are estimated to reach the receptor wells from composite-lined units, the median time to peak well concentration as not estimated to sour in the 10,000 year time period that was modeled.[101]" is corrected to read "Of the contaminated groundwater plumes that are estimated to reach the receptor wells from composite-lined units, the median time to peak well concentrations was not

estimated to occur in the 10,000 year time period that was modeled.[101]"

7. On page 35220, first column, footnote 165 which reads "U.S. EPA. Regulatory Impact Analysis for EPA's Proposed Regulation of Coal Combustion Wastes Generated by the Electric Utility Industry, 2009. Office of Resource Conservation and Recovery." is corrected to read "U.S. EPA. Regulatory Impact Analysis for EPA's Proposed Regulation of Coal Combustion Wastes Generated by the Electric Utility Industry, April 2010. Office of Resource Conservation and Recovery."

C. Notice That Additional Support Documents Have been Placed in the Docket

This document also notifies the public that EPA has included additional support documents in the proposed rule docket. Documents that were referenced in the proposed rule, and were previously found only on EPA's Coal Combustion Products Partnership (C2P2) Web site have been moved to the docket for this rulemaking. Similarly, EPA has included in the docket a notice that describes a file transfer protocol (FTP) site where the public can download the full scale risk modeling input and output files used in the document entitled, "Draft Human and Ecological Risk Assessment of Coal Combustion Wastes," April, 2010. EPA also has added the executable files for the models used in the risk assessment in the same FTP site. As part of the proposed rule, EPA had stated that these materials would be available upon request; in the interest of ensuring the greatest degree of public access, EPA has subsequently decided to place them in the rulemaking docket.

EPA therefore recommends that the public consult the docket to access all of EPA's record support documents. The docket provides the date on which the material was added, so newly added materials will be easily identifiable.

D. Two Additional Public Hearings

On July 15, 2010 (75 FR 41121), EPA announced in the **Federal Register** its intent to conduct five public hearings across the United States to allow the public an opportunity to present data, views or arguments concerning the proposed rule. These public hearings are scheduled to take place in Arlington, Virginia; Denver, Colorado; Dallas, Texas; Charlotte, North Carolina; and Chicago, Illinois. Given the significant public interest in this rule and to further public participation opportunities, on August 6, 2010, EPA announced on its website that it would hold two additional public hearings, one in Pittsburgh, Pennsylvania, on September 21, 2010, and the other in Louisville, Kentucky, on September 28, 2010. These public hearings will be conducted in the same manner as the public hearings announced in the July 15, 2010, **Federal Register** notice. Details on the Pittsburgh and Louisville public hearings can be found on EPA's Web site at: *http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/ccr-hearing.htm.* If you have any questions, please contact either Bonnie Robinson or Elaine Eby at the addresses given above under **FOR FURTHER INFORMATION CONTACT**.

E. Additional Webinar

EPA previously announced that the Agency will be hosting two Webinars; one on August 5, 2010, and a second on August 12, 2010. On August 6, 2010, EPA announced on its Web site that we would conduct an additional Webinar. As soon as the scope and format of the third Webinar is determined, EPA will post such information on the Web site: *http://www.epa.gov/osw/nonhaz/industrial/special/fossil/ccr-rule/ccr-webinar.htm.* EPA will post the transcript from the Webinars on its Web site and will put into the rulemaking record the questions that we receive during the Webinars. However, the Webinars are designed to assist the public in understanding the proposal and are not designed to take public comment on the proposal. For example, many of the questions that were submitted appear to have been made in response to statements made as part of the presentation, and may not be entirely clear without that context. Consequently, although EPA will treat the questions submitted during the Webinar as part of the rulemaking record, (and will respond accordingly), EPA encourages those who submitted questions as part of the Webinar, and who wish to submit comments on the proposal, to consider whether they wish to supplement or clarify those questions, and to follow the procedures for submitting comments set out in this notice and in our June 21 proposal.

Dated: August 12, 2010.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 2010–20703 Filed 8–19–10; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 75, No. 161

Friday, August 20, 2010

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

Submission for OMB Review; Comment Request

August 16, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Virtual Incident Procurement (VIPR) Existing Vendor User Survey.

OMB Control Number: 0596–NEW.

Summary of Collection: The authorization to survey vendors for customer service improvements comes from Executive Order 12862 which seeks to "* * * ensure that the Federal Government provides the highest quality service possible to the American people." The Virtual Incident Procurement (VIPR) is an acquisition system designed to solicit, award, and manage preseason incident agreements and contracts for equipment and services at the Forest Service (FS). Using an online electronic survey the FS will collect information from existing VIPR vendor users.

Need and Use of the Information: Opinions and comments from individual VIPR vendor users are needed to evaluate their experiences with the acquisition system, customer service support, and other supporting tools. The information will be collected and analyzed by the FS Acquisition Management Systems Branch. Information collected will be used to evaluate the system and to make decisions on program improvements, potential system functionality upgrades, improve overall customer service and other support tools. Results from the information collection may be shared with other FS divisions, with agencies outside of the FS, and with the public.

Description of Respondents: Business or other for-profit.

Number of Respondents: 3,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,000.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–20628 Filed 8–19–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2010–0025]

Notice of Request for Extension of a Currently Approved Information Collection (Advanced Meat Recovery)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request an extension of an approved information collection regarding the regulatory requirements associated with the production of meat from Advanced Meat Recovery systems because the OMB approval will expire on January 31, 2011.

DATES: Comments on this notice must be received on or before October 19, 2010.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 2–2175, George Washington Carver Center, 5601 Sunnyside Avenue, Beltsville, MD 20705, Mailstop 5272.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2010–0025. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

For Additional Information: Contact John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue, SW., Room 6065, South Building, Washington, DC 20250, (202) 720–0345.

SUPPLEMENTARY INFORMATION:

Title: Advanced Meat Recovery.

OMB Number: 0583–0130.

Expiration Date of Approval: 1/31/2011.

Type of Request: Extension of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Federal Meat Inspection Act (21 U.S.C. 601, *et seq.*). The statute provides that FSIS is to protect the public by verifying that meat products are safe, wholesome, not adulterated, and properly labeled and packaged.

FSIS is announcing its intention to request an extension of an approved information collection addressing paperwork and recordkeeping requirements regarding the regulatory requirements associated with the production of meat from Advanced Meat Recovery (AMR) systems because the OMB approval will expire on January 31, 2011.

FSIS requires official establishments that produce meat from AMR systems to (1) ensure that the bones used for the systems do not contain brain, trigeminal ganglia, or spinal cord and, if the establishments produce beef AMR product, are from cattle younger than 30 months of age; (2) test for calcium, iron, spinal cord, and dorsal root ganglia; (3) document their testing protocols; (4) handle product in a manner that does not cause product to be misbranded or adulterated; and (5) maintain records of their documentation and of their test results (9 CFR 318.24).

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of one-half hour per response.

Respondents: Official establishments that produce meat from AMR systems.

Estimated No. of Respondents: 56.

Estimated No. of Annual Responses per Respondent: 900.

Estimated Total Annual Burden on Respondents: 25,209 hours.

Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence, SW, Room 6065, South Building, Washington, DC 20250, (202) 720–0345.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, *etc.*) should contact USDA's Target Center at 202–720–2600 (voice and TTY).

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

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2010_Notices_Index/index.asp.*

FSIS also will make copies of this **Federal Register** publication available through the *FSIS Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Update* is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The *Update* also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on August 16, 2010.

Alfred V. Almanza,

Administrator.

[FR Doc. 2010–20720 Filed 8–19–10; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Office of Innovation and Entrepreneurship; The National Advisory Council on Innovation and Entrepreneurship: Meeting of the National Advisory Council on Innovation and Entrepreneurship

AGENCY: Office of Innovation and Entrepreneurship, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The National Advisory Committee on Innovation and Entrepreneurship will hold a meeting on Thursday, September 2, 2010. The meeting will be conducted from 9 a.m. to 12 p.m. and will be opened to the public. The Council was chartered on November 10, 2009, to advise the Secretary of Commerce on matters relating to innovation and entrepreneurship in the United States.

DATES: September 2, 2010.

TIME: 9 a.m.–12 p.m. (EDT).

ADDRESSES: Department of Commerce, 1401 Constitution Avenue, NW., Office of the Secretary, Washington, DC 20230. This program will be available to the

public via a listen in conference number, 888–942–9574, and passcode, 6315042. Please specify any requests for reasonable accommodation of auxiliary aids at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

SUPPLEMENTARY INFORMATION: Agenda topics to be discussed include: The nation's capacity for innovation and entrepreneurship; Administration and Department of Commerce priorities related to innovation and entrepreneurship; and strategies for promoting greater innovation and entrepreneurship in the United States. No time will be available for oral comments from members of the public listening to the meeting. Any member of the public may submit pertinent written comments concerning the Council's affairs at any time before and after the meeting. Comments may be submitted to Esther Lee at the contact information indicated below. Copies of Board meeting minutes will be available within 90 days of the meeting.

FOR FURTHER INFORMATION CONTACT: Esther Lee, Director, Office of Innovation and Entrepreneurship, Room 7019, 1401 Constitution Avenue, NW., Washington, DC 20230, *telephone:* 202–482–4068, *e-mail: elee@eda.doc.gov.*

Dated: August 18, 2010.

Esther Lee,

Director, Office of Innovation and Entrepreneurship.

[FR Doc. 2010–20876 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–03–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Application and Reports for Scientific Research and Enhancement Permits Under the Endangered Species Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 19, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Craig Heberer at 760–431–9440 x 303, *craig.heberer@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The owners of vessels that fish out of West Coast ports for highly migratory species such as tuna, billfish, and sharks are required to submit information about their fishing activities so that the National Marine Fisheries Service and the Pacific Fishery Management Council can monitor the fisheries and determine the effects and effectiveness of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS). Catch and effort statistics from logbooks are essential for evaluating if the objectives of the FMP are being achieved and for evaluating the impacts of potential changes in management to respond to new information or new problems in the fisheries. Vessel Monitoring System (VMS) units will facilitate enforcement of closures associated with the longline fishery.

II. Method of Collection

Paper logbooks and electronic reports are required from participants.

III. Data

OMB Control Number: 0648–0498.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 756.

Estimated Time per Response: Logbook reports, 1 hour; vessel monitoring system (VMS) reports, 24 seconds; pre-trip reports, 5 minutes.

Estimated Total Annual Burden Hours: 2,579.

Estimated Total Annual Cost to Public: $1,413.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 17, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–20721 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 88–12A–16]

Export Trade Certificate of Review

ACTION: Notice of Issuance of an amended Export Trade Certificate of Review to Wood Machinery Manufacturers of America ("WMMA") (Application #88–12A–16).

SUMMARY: The U.S. Department of Commerce issued an amended Export Trade Certificate of Review to Wood Machinery Manufacturers of America on August 16, 2010. The Certificate has been amended eleven times. The previous amendment was issued to WMMA on July 9, 2008, and a notice of its issuance was published in the **Federal Register** on January 11, 2010 (75 FR 1335). The original Export Trade Certificate of Review No. 88–00016 was issued on February 3, 1989, and published in the **Federal Register** on February 9, 1989 (54 FR 6312).

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

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to

issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (2010).

The Office of Competition and Economic Analysis ("OCEA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

WMMA's Export Trade Certificate of Review has been amended to:

1. Add the following new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Precision Drive Systems LLC, Vortex Tool Company, Inc., and Williams & Hussey Machine Co., Inc; and

2. Delete the following Member from WMMA's Certificate: CTD Machines, Inc.

The effective date of the amended certificate is April 26, 2010, the date on which WMMA's application to amend was deemed submitted. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: Augsut 17, 2010.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2010–20738 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–801]

Solid Urea from the Russian Federation: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On April 15, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on solid urea from the Russian Federation. The solid urea subject to this review was produced and exported by MCC EuroChem (EuroChem). The period of review (POR) is July 1, 2008, through June 30, 2009.

Based on our analysis of comments received, we have made changes in the margin calculation for EuroChem. Therefore, the final results are different from the preliminary results. The final weighted–average dumping margin for EuroChem is listed below in the section entitled "Final Results of the Administrative Review."

EFFECTIVE DATE: August 20, 2010.

FOR FURTHER INFORMATION CONTACT: Dustin Ross or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0747 and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 15, 2010, the Department published the Preliminary Results of the administrative review of the antidumping duty order on solid urea from the Russian Federation. See *Solid Urea From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 19610 (April 15, 2010) (*Preliminary Results*).

On June 30, 2010, we received case briefs from the petitioners[1] and from EuroChem. On July 12, 2010, we received rebuttal briefs from the petitioners and from EuroChem. On July 13, 2010, at the request of EuroChem, we held a public hearing.

Scope of the Order

The merchandise subject to the antidumping duty order is solid urea, a high–nitrogen content fertilizer which is produced by reacting ammonia with carbon dioxide. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item number 3102.10.00.00. Previously such merchandise was classified under item number 480.3000 of the Tariff Schedules of the United States. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[1] The Ad Hoc Committee of Domestic Nitrogen Producers and its individual urea–producing members, CF Industries, Inc., and PCS Nitrogen.

Verification

We conducted a sales verification of EuroChem's response concerning its constructed–export price sales on June 14, 2010, and June 15, 2010, at EuroChem Trading USA's facility in Florida. We did not make any changes to EuroChem's data as a result of the verification. The Department released its verification report to interested parties on June 22, 2010.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum for the Antidumping Duty Administrative Review of Solid Urea from the Russian Federation for the Period of Review July 1, 2008, through June 30, 2009" (Issues and Decision Memorandum) from Edward C. Yang, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, dated concurrently with this notice, which is hereby adopted by this notice. A list of the issues which the parties have raised and to which we have responded is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised and corresponding recommendations in this public memorandum, which is on file in Import Administration's Central Records Unit, Room 1117 of the main Department building. In addition, a complete version of the Issues and Decision Memorandum is available on the Internet at http://ia.ita.doc.gov/frn/index.html. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since The Preliminary Results

Based on the analysis of comments received, we have revised the appropriate date of sale for U.S. transactions from the date of sale used in the *Preliminary Results*. Specifically, we adopted the date of contract as the appropriate date of sale, rather than the date of shipment. See the Issues and Decision Memorandum at Comment 3 for a complete discussion of this issue.

Final Results of the Administrative Review

We determine that the weighted–average margin on solid urea from the Russian Federation produced and exported by EuroChem for the period July 1, 2008, through June 30, 2009, is 21.79 percent.

Assessment Rates

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). The Department intends to instruct CBP to assess all antidumping duties due for this review period on the single unliquidated entry. Please see the Issues and Decision Memorandum for further information.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by EuroChem, which it did not know were destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediary(ies) involved in the transaction. For a full discussion of this clarification, see *Assessment Policy Notice*.

The Department intends to issue assessment instructions directly to CBP 15 days after publication of these final results of review.

Cash–Deposit Requirements

The following cash–deposit requirements will be effective upon publication for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this review, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): 1) the cash–deposit rate for EuroChem will be 21.79 percent; 2) for previously reviewed or investigated companies not listed above, the cash–deposit rate will continue to be the company–specific rate published for the most recent period; 3) if the exporter is not a firm covered in this review, a prior review, or the original less–than–fair–value (LTFV) investigation but the manufacturer is, the cash–deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; 4) the cash–deposit rate for all other manufacturers or exporters will continue to be 64.93 percent, the all–others rate established in the LTFV investigation. See *Urea From the Union of Soviet Socialist Republics; Final Determination of Sales at Less Than Fair Value*, 52 FR 19557 (May 26, 1987). Following the break–up of the Soviet Union, the antidumping duty order on solid urea from the Soviet Union was transferred to the individual members of the Commonwealth of Independent States. See *Solid Urea From the Union of Soviet Socialist Republics; Transfer of the Antidumping Order on Solid Urea From the Union of Soviet Socialist Republics to the Commonwealth of Independent States and the Baltic States and Opportunity to Comment*, 57 FR 28828 (June 29, 1992). The rate established in the LTFV investigation for the Soviet Union was applied to each new independent state, including the Russian Federation. These cash–deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the APO itself. See 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: August 13, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix

Comment 1: Presumption of Reimbursement

Comment 2: CEP Offset

Comment 3: Date of Sale

Comment 4: Zeroing

Comment 5: Assessment of Antidumping Duties

[FR Doc. 2010–20750 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XY32

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Visioning Project Committee will hold a meeting to begin development of the Visioning Project.

DATES: The meeting will be held Thursday, September 9, 2010, from 10 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Four Points by Sheraton BWI Airport: 7032 Elm Road, Baltimore, MD 21240 (telephone: 410–859–3300).

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

FOR FURTHER INFORMATION CONTACT: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to begin the development of the Council's Visioning Project. The discussion will include the purpose and scope of the project as well as possible identification of specific project goals. The initial purpose of the project is to identify stakeholders' views on the management approaches currently used by the Council such that the Council could then use the project's results to develop future management actions.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office (302) 526–5251 at least five days prior to the meeting date.

Dated: August 17, 2010.

William D. Chappell,

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

[FR Doc. 2010–20748 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet September 14, 2010, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Opening remarks by Bureau of Industry and Security.
3. Export Enforcement update.
4. Regulations update.
5. Working group reports.
6. Automated Export System (AES) update.
7. Presentation of papers or comments by the Public.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than September 7, 2010.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 11, 2010, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 §§ (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)1 and 10(a)(3). The remaining portions of the meeting will be open to the public.

FOR MORE INFORMATION CALL: Yvette Springer at (202) 482–2813.

Dated: August 16, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–20723 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on September 9, 2010, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Public Session

1. Welcome and Introductions.
2. Special Presentation by Analog Devices, Inc. on MEMS Devices.
3. Review Status of Working Groups.
4. Proposals from the Public.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than September 2, 2010.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on July 8, 2010, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 §§ (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)1 and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: August 16, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–20725 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–833]

Polyester Staple Fiber from Taiwan: Rescission of Antidumping Duty Administrative Review in Part

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

SUMMARY: On June 30, 2010, in response to a request from an interested party, the Department of Commerce initiated an administrative review of the antidumping duty order on polyester staple fiber from Taiwan. The period of review is May 1, 2009, through April 30, 2010. The Department of Commerce is rescinding this review in part.

EFFECTIVE DATE: August 20, 2010.FOR FURTHER INFORMATION: Michael A. Romani or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0198 or (202) 482–4477.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2010, in response to a request from the petitioner, Invista, S.a.r.L., the Department of Commerce (the Department) initiated an

administrative review of the antidumping duty order on polyester staple fiber from Taiwan with respect to respondents Nan Ya Plastics Corporation and Far Eastern Textiles Ltd. (aka and dba Far Eastern New Century Corporation). See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 75 FR 37759 (June 30, 2010). On July 28, 2010, Invista, S.a.r.L withdrew its request for an administrative review of Nan Ya Plastics Corporation.

Rescission of Review in Part

In accordance with 19 CFR 351.213(d)(1) the Department will rescind an administrative review "if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." We received Invista, S.a.r.L's withdrawal letter within the 90-day time limit. Because the Department received no other requests for review of Nan Ya Plastics Corporation, the Department is rescinding the review with respect to Nan Ya Plastics Corporation. This rescission is pursuant to 19 CFR 351.213(d)(1). The Department will issue appropriate assessment instructions to U.S. Customs and Border Protection 15 days after publication of this notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's assumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

We are issuing and publishing this rescission in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 16, 2010.

Edward C. Yang,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–20751 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV99

Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar

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

ACTION: Notice; issuance of three Letters of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that NMFS has issued three one-year Letters of Authorization (LOAs) to take marine mammals by harassment incidental to the U.S. Navy's operation of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar operations to the Chief of Naval Operations, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350 and persons operating under his authority.

DATES: Effective from August 16, 2010, through August 15, 2011.

ADDRESSES: Copies of the Navy's April 1, 2010, LOA application letter, the LOAs, the Navy's 2009 annual report and the Navy's 2007 5–Year Comprehensive Report are available by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, by telephoning the contact listed here (SEE FOR FURTHER INFORMATION CONTACT), or online at:*http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, Office of Protected Resources, NMFS (301) 713–2289 x 113.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a military readiness activity if certain findings are made and regulations are issued.

Authorization may be granted for periods of 5 years or less if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to the U.S. Navy's operation of SURTASS LFA sonar were published on August 21, 2007 (72 FR 46846), and remain in effect through August 15, 2012. They are codified at 50 CFR part 216 subpart Q. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals by the SURTASS LFA sonar system. For detailed information on this action, please refer to the August 21, 2007 **Federal Register** document and 50 CFR part 216 subpart Q.

Summary of LOA Request

NMFS received an application from the U.S. Navy for three LOAs, one covering the USNS ABLE (T-AGOS 20), one covering the USNS IMPECCABLE (T-AGOS 23), and one covering the USNS EFFECTIVE (T-AGOS 21) under the regulations issued on August 21, 2007 (72 FR 46846). (The R/V *Cory Chouest* has been retired and has been replaced by the USNS ABLE.) The Navy requested that these LOAs become effective on August 16, 2010. The application requested authorization, for a period not to exceed one year, to take, by harassment, marine mammals incidental to employment of the SURTASS LFA sonar system for training, testing and routine military operations on the aforementioned ships in areas of the Pacific Ocean.

Monitoring and Reporting

In compliance with NMFS' 2007 SURTASS LFA sonar regulations, the Navy submitted an annual report (No. 2) for SURTASS LFA sonar operations during 2008–2009. The Navy also submitted a comprehensive report on SURTASS LFA sonar operations and the mitigation and monitoring activities conducted under the LOAs issued under

its previous rule for the 2002 through 2007 period. A copy of these reports can be viewed and/or downloaded at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*.

In accordance with the current SURTASS LFA sonar regulations (50 CFR 216.186), the Navy has submitted classified quarterly mission reports. Under the first two LOA periods in the current rule, the Navy has not exceeded the take authorized by NMFS. Based on the submitted quarterly report for the 2009 LOAs, NMFS does not expect the Navy to exceed authorized take (requested and authorized) based on the Navy's 2009 application. The annual report for the 2009–2010 LOA is due on September 30, 2010. Upon receipt, NMFS will post this annual report on the same Internet address.

Authorization

NMFS has issued three LOAs to the U.S. Navy, authorizing the incidental harassment of marine mammals, incidental to operating the three SURTASS LFA sonar systems for training, testing and routine military operations. Issuance of these three LOAs is based on findings, described in the preamble to the final rule (72 FR 46846, August 21, 2007) and supported by information contained in the Navy's required reports on SURTASS LFA sonar, that the activities described under these three LOAs will have no more than a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses.

These LOAs remain valid through August 15, 2011, provided the Navy remains in conformance with the conditions of the regulations and the LOAs, and the mitigation, monitoring, and reporting requirements described in 50 CFR 216.184–216.186 (72 FR 46846, August 21, 2007) and in the LOAs are undertaken.

Dated: August 13, 2010.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–20749 Filed 8–19–10; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

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

ACTION: Additions to the procurement list.

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

DATES: *Effective Date:* 9/20/2010.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 6/4/2010 (75 FR 31768–31769); 6/11/2010 (75 FR 33270–33271); 6/18/2010 (75 FR 34701–34702); and 6/25/2010 (75 FR 36363–36371), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

Comments were received from a commercial contractor indicating that its firm produces the Army Combat Uniform (ACU). The company indicates that their work on the ACU makes up 50% of the sales of their company and, therefore, the addition of the product to the Procurement List would constitute severe adverse impact on their company.

The Multi-Cam product is a new requirement of the U.S. Army, as aggregated by the Department of the Army Research, Development, and Engineering Command, Natick, MA and has not been procured previously. It does not replace other ACU items produced by other entities, including the company that submitted the comments.

The contracting activity has determined that 50% of their requirement for this new product can be provided by qualified nonprofit agencies associated with the AbilityOne Program. The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) has reviewed this project and determined that it is suitable for procurement by the government and that it will result in employment of people who are blind or who have other severe disabilities. Accordingly, the Committee has determined that the addition of this product to the Procurement List is proper.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

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

Products

Double Pocket Portfolios

NSN: 7510–01–316–2302.
NPA: L.C. Industries for the Blind, Inc., Durham, NC.
Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—PAPER Products, New York, NY.
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Colored Straight Cut File Folders, 11 Point

NSN: 7530–01–364–9484—RED.
NSN: 7530–01–364–9502—BLUE.
NSN: 7530–01–364–9505—GREEN.
NSN: 7530–01–364–9506—ORANGE.
NSN: 7530–01–364–9486—YELLOW.
NSN: 7530–01–203–1493—LAVENDER.
NSN: 7530–01–364–9482—PINK.
NSN: 7530–01–364–9483—PURPLE.
NSN: 7530–01–364–9485—WHITE.
NSN: 7530–01–364–9503—BROWN.
NSN: 7530–01–364–9504—GRAY.
NPA: L.C. Industries for the Blind, Inc., Durham, NC.
Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products, New York, NY.
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Scissors and Shears

NSN: 5110–01–241–4371—Shears, Bent Trimmers.
NSN: 5110–01–241–4373—Shears, Straight Trimmers.
NSN: 5110–01–241–4375—Scissors, Ladies Sewing; Stainless Steel.
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.
NSN: 5110–01–241–4376—Scissors, Pocket.
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.
NPA: Winston-Salem Industries for the Blind, Winston-Salem, NC.
Contracting Activity: Federal Acquisition Service/GSA, Kansas City, MO.

Multi-Cam Coat

NSN: 8415–01–579–9622.
NSN: 8415–01–580–0075.
NSN: 8415–01–579–9843.
NSN: 8415–01–579–9852.
NSN: 8415–01–579–9814.
NSN: 8415–01–579–9833.
NSN: 8415–01–579–9776.
NSN: 8415–01–579–9784.
NSN: 8415–01–579–9794.
NSN: 8415–01–579–9753.
NSN: 8415–01–579–9762.
NSN: 8415–01–579–9747.
NSN: 8415–01–579–9752.
NSN: 8415–01–579–9864.
NSN: 8415–01–580–0077.
NSN: 8415–01–579–9847.
NSN: 8415–01–579–9806.
NSN: 8415–01–579–9827.
NSN: 8415–01–579–9836.
NSN: 8415–01–579–9781.
NSN: 8415–01–579–9823.
NSN: 8415–01–579–9795.
NSN: 8415–01–579–9756.
NSN: 8415–01–579–9616.
NSN: 8415–01–579–9749.
NSN: 8415–01–580–0068.
NSN: 8415–01–579–9840.
NSN: 8415–01–579–9850.
NSN: 8415–01–579–9811.
NSN: 8415–01–579–9830.
NSN: 8415–01–579–9773.
NSN: 8415–01–579–9782.
NSN: 8415–01–579–9789.
NSN: 8415–01–579–9801.
NSN: 8415–01–579–9759.
NSN: 8415–01–579–9621.
NSN: 8415–01–579–9745.
NPAs: Southside Training Employment Placement Services, Inc., Farmville, VA ReadyOne Industries, Inc., El Paso, TX.
Contracting Activity: Dept of the Army, XR W2DF RDECOM ACQ CTR Natick, MA.
Coverage: C-List for 50% of the requirement of the U.S Army, as aggregated by the Department of the Army Research, Development, and Engineering Command, Natick, MA.

Undershirt, Midweight Cold Weather (Gen III)

NSN: 8415–01–546–0124—Size X Small Short.
NSN: 8415–01–546–0128—Size X Small Regular.
NSN: 8415–01–546–0160—Size Small Short.
NSN: 8415–01–538–8598—Size Small Regular.
NSN: 8415–01–546–0166—Size Small Long.
NSN: 8415–01–538–8614—Size Medium Regular.
NSN: 8415–01–546–0305—Size Medium Long.
NSN: 8415–01–538–8621—Size Large Regular.
NSN: 8415–01–538–8701—Size Large Long.
NSN: 8415–01–538–8705—Size X Large Regular.
NSN: 8415–01–538–8711—Size X Large Long.
NSN: 8415–01–546–0362—Size X Large X Long.
NSN: 8415–01–546–0369—Size XX Large Regular.
NSN: 8415–01–546–0370—Size XX Large Long.
NSN: 8415–01–546–0374—Size XX Large X Long.
NPAs: Knox County Association for Retarded Citizens, Inc., Vincennes, IN Peckham Vocational Industries, Inc., Lansing, MI.
Contracting Activity: Defense Logistics Agency, Defense Supply Center Philadelphia.
Coverage: C-List for an additional 25% of the requirement (total now equals 75%) of the Department of Defense, as aggregated by the Defense Logistics Agency, Defense Supply Center Philadelphia.

Services

Service Type/Location: Mess Attendant Service, 185th Air Refueling Wing Dining Hall, 2920 Headquarters Avenue, Sioux City, IA.
NPA: Goodwill Community Rehabilitation Services, Inc., Sioux City, IA.
Contracting Activity: Dept of the Army, XRAW7M8 USPFO Activity IA ARNG, Johnston, IA.
Service Type/Location: Medical Transcription Service, VA VISN 20 Portland OR VA Medical Center, (Offsite location: 3602 West Dallas, Houston, TX).
NPA: Lighthouse for the Blind of Houston, Houston, TX.
Contracting Activity: Department of Veterans Affairs, VA Medical Center, Boise, ID.
Service Type/Location: Custodial Service, DCMA Pease Air National Guard Base, 302 Newmarket St., Building 247, Pease ANGB, NH.
NPA: CW Resources, Inc., New Britain, CT.
Contracting Activity: Department of Defense, Defense Contract Management Agency (DCMA), Boston, MA.
Service Type/Location: Custodial Service, Bureau of Land Management, 1046 Gunston Road, Lorton, VA.
NPA: MVLE, Inc., Springfield, VA.
Contracting Activity: Dept of the Interior, Bureau of Land Management, ES-Eastern States Office, Springfield, VA.
Service Type/Location: Administrative Support Service, Welcome Center, Defense Supply Center Richmond, 8000 Jefferson Davis Highway, Richmond, VA.
NPA: Richmond Area Association for Retarded Citizens, Richmond, VA.
Contracting Activity: Defense Logistics Agency, Defense Supply Center Richmond, Richmond, VA.
Service Type/Location: Receiving/Delivery, Supply Store, Warehousing, Mailroom, Environmental Protection Agency Complex System, 109 T.W. Alexander Drive, Research Triangle Park, NC.
NPA: Employment Source, Inc., Fayetteville, NC.
Contracting Activity: Environmental Protection Agency, Rtp Procurement Operations Division (RTPPOD), Research Triangle Park, NC.
Service Type/Location: Custodial Service, Air Traffic Control Tower, Duluth International Airport, 4525 Airport Approach Road, Duluth, MN.
NPA: Goodwill Industries Vocational Enterprises, Inc., Duluth, MN.
Contracting Activity: Dept of Transportation, Federal Aviation Admin, DES PLAINES, IL.
Service Type/Location: Custodial Service, Naval Air Station (NAS)/Joint Reserve Base (JRB), New Orleans, LA.
NPA: Goodworks, Inc., Metairie, LA.
Contracting Activity: Dept of the Navy, Naval Facilities Engineering CMD, NAVFAC Southeast, Jacksonville, FL.
Service Type/Location: Grounds Maintenance, 130th Airlift Squadron, 1679 Coonskin Dr Unit #36, Charleston, WV.
NPA: Goodwill Industries of Kanawha Valley, Inc., Charleston, WV.
Contracting Activity: Dept of the Army, XRAW8BS WV USPF0 SPT SEC, Buckhannon, WV.
Service Type/Location: Janitorial Service, Rescue 21 Project Residence Office (PRO), 100 Savikko Road, Douglas, AK.
NPA: REACH, Inc., Juneau, AK.
Contracting Activity: U.S. Coast Guard, CG–9, Department of Homeland Security, Washington, DC.

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2010–20704 Filed 8–19–10; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 10–34]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives,

Transmittal 10–34 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 16, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Transmittal No. 10–34

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

AUG 1 0 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-34, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services estimated to cost $900 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 10-34

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kuwait

(ii) Total Estimated Value:

Major Defense Equipment*	$900 million
Other	$ 0 million
TOTAL	$900 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 209 MIM-104E PATRIOT Guidance Enhanced Missile-T (GEM-T) Missiles

(iv) Military Department: Army (ULU)

(v) Prior Related Cases, if any:
FMS case UJO-$789M-11Jan93
FMS case UKD-$17M-12Nov99
FMS case UKF-$66M-30Dec05
FMS case UKI-$108M-30Dec05
FMS case ULC-$256M-19Mar08

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: 10 August 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait – MIM-104E PATRIOT Guidance Enhanced Missile-T (GEM-T)

The Government of Kuwait has requested a possible sale of 209 MIM-104E PATRIOT Guidance Enhanced Missile-T (GEM-T) Missiles. The estimated cost is $900 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO ally which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

Kuwait needs these missiles to meet current and future threats of enemy air-to-ground weapons. Kuwait will use the increased capability as a deterrent to regional threats and to strengthen its homeland defense. Kuwait will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Corporation in Tewksbury, Massachusetts. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require any additional U.S. Government or contractor representatives in Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-34

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The PATRIOT Air Defense System contains classified secret components and critical/sensitive technology. The requested purchase will not increase the existing Kuwait PATRIOT system capabilities.

2. Loss of the hardware, software, documentation and/or data could permit development of information leading to the exploration of countermeasures and provide a significant threat to future U.S. military operations. If an adversary were to obtain this sensitive technology, the missile system effectiveness could be compromised through reverse engineering techniques.

3. The Kuwait GEM-T missile will include the release of hardware and associated documentation. The highest classification is Secret.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware in the proposed sale, the information could be used to develop countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–20662 Filed 8–19–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Policy Board; Correction

AGENCY: Department of Defense (DoD).

ACTION: Notice; correction.

SUMMARY: On August 6, 2010, the Department of Defense (DoD) published a notice in the **Federal Register** (75 FR 47553) announcing a meeting of the Defense Policy Board. This document corrects the August 6 notice by changing the "June 24, 2010" meeting date to "September 14, 2010." As discussed in the August 6 notice, the meeting is closed to the public.

DATES: The meeting will be held on September 13 (from 0730 hrs until 1800 hrs) and on September 14, 2010 (from 0730 hrs until 1000 hrs).

ADDRESSES: The meeting will be held at the Pentagon.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Hansen, 703–571–9232.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 6, 2010, in FR Doc. 2010–19316, on page 47553, in the second column, in the first paragraph under the "**SUMMARY**" caption, remove "June 24, 2010" and add in its place "September 14, 2010".

Dated: August 17, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–20693 Filed 8–19–10; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Withdrawal of Notice for Preparation of an Environmental Impact Statement (EIS) for the Arkansas White River Cutoff Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: The Little Rock District of the U.S. Army Corps of Engineers (Corps) is withdrawing its intent to prepare an Environmental Impact Statement (EIS) for the Arkansas White River Cutoff Study. The original Notice of Intent (NOI) was published in the **Federal Register** on June 20, 2003 (68 FR 36974). The Corps has determined that a long term solution that is economically justified and environmentally acceptable cannot be determined under current authorities and funding at this time.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Coburn, Chief, Environmental Branch, Planning and Environmental Division, PO Box 867, Little Rock, Arkansas 72203–0867, Telephone 501–324–5601, e-mail: *Dana.O.Coburn@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The purpose of the EIS was to present alternatives and assess the impacts associated with implementation of environmentally sustainable solutions for reducing head-cutting and scouring in the Ark-White Cutoff area. The two rivers are attempting to join in this area and are strongly influenced by high water in the Mississippi River. The study area included the Lower Arkansas River below Dam #2, the lower 5–10 miles of the White River in Arkansas, and any adjacent landmasses that are presently being impacted or could be potentially impacted by the alternatives. There are numerous public and private entities that have a variety of interests within the study area. Head-cutting in

the study area has resulted in adverse impacts to navigation and the environment. Solutions were focused on decreasing erosion on the White River containment structure, reducing degradation of the landmass separating the White and Arkansas Rivers, and other required features to ensure navigation on the McClellan-Kerr Arkansas River Navigation System (MKARNS) is maintained. Continued Operation and Maintenance actions will proceed as usual until a more long term solution can be determined in the future.

Glen A. Masset

Colonel, EN, Commanding.

[FR Doc. 2010–20742 Filed 8–19–10; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management 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 October 19, 2010.

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. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

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: August 17, 2010.

Darrin A. King,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Migrant Education Program (MEP) Migrant Student Information Exchange (MSIX) and Minimum Data Elements.

OMB #: 1810–0683.

Agency Form Number(s): N/A.

Frequency: Other: Nightly Database Submission.

Affected Public: State, Local, or Tribal Government, State Educational Agencies (SEAs) or Local Educational Agencies (LEAs).

Reporting and Recordkeeping Hour Burden:

Responses: 17,520.

Burden Hours: 235,452.

Abstract: The collection is necessary to extend collection of the existing data elements as well as add several new data elements to the set of minimum data elements that are collected and transferred between State migrant education programs (MEPs) as part of a larger mandated Migrant Student Information Exchange (MSIX). State educational agencies (SEAs) with MEPs will transfer the minimum data elements using the MSIX in order to facilitate timely class placement and credit accural for migratory children.

Requests for 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 4364. 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 when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* 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. 2010–20727 Filed 8–19–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management 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 October 19, 2010.

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. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

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: August 13, 2010.

Darrin A. King,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Revision.

Title: Jacob K. Javits Fellowship Program Final Performance Report.

OMB #: 1840–0752.

Agency Form Number(s): N/A.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Private Sector.

Reporting and Recordkeeping Hour Burden:

Responses: 20.

Burden Hours: 120.

Abstract: The purpose of the Jacob K. Javits Fellowship Program is to award fellowships to eligible students of superior ability, selected on the basis of demonstrated achievement, financial need, and exceptional promise; to undertake graduate study in selected fields in the arts, humanities, and social sciences leading to a doctoral degree in those fields in which the master's degree is the terminal highest degree awarded in the selected field of study at accredited institutions of higher education. Grants are awarded to institutions of higher education that disburse funds to fellows. This Final Performance Report will be used by these institutions to report information on the fellowships administered during the four-year project period.

Requests for 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 4369. 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 when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. 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. 2010–20730 Filed 8–19–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of 229 Boundary Revision for the Oak Ridge National Laboratory

AGENCY: Department of Energy (DOE).

ACTION: Notice of 229 Boundary Revision for the Oak Ridge National Laboratory.

SUMMARY: Notice is hereby given that the U.S. Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR part 860 published in the **Federal Register** on August 26, 1963 (28 FR 8400), prohibits the unauthorized entry, as provided in 10 CFR 860.3 and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.4, into or upon the following described facilities of the Oak Ridge National Laboratory of the United States Department of Energy. The following amendments are made:

The U.S. Department of Energy installation known as the Oak Ridge National Laboratory 7900 Area, occupied by the High Flux Isotope Reactor and associated facilities, is located in the Second Civil District of Roane County, Tennessee, within the corporate limits of the City of Oak Ridge. The facility contains approximately 20 acres and is located on the south side of Melton Valley Drive, approximately 0.7 miles west of the intersection of Melton Valley Drive and Melton Valley Access Road. This intersection is approximately 0.6 miles south of the intersection of Bethel Valley Road and Melton Valley Access Road. The 229 Boundary of this facility is indicated by a combination of bollards, chain link fence and guardrails which surround the facility.

The U.S. Department of Energy installation known as the National U–233 Repository (Building 3019) is located in the Second Civil District of Roane County, Tennessee, within the corporate limits of the City of Oak Ridge. The physical facility contains approximately 2.5 acres including approximately 40,000 square feet of floor space within the security area boundary. This complex is located south of Bethel Valley Road, approximately 0.25 miles east of the intersection of Bethel Valley Road and First Street. The 229 Boundary for this facility is indicated by a chain link fence which surrounds the facility.

FOR FURTHER INFORMATION CONTACT: Ms. Tracye M. Baber, Certified Realty Specialist, DOE Oak Ridge Office, Post Office Box 2001, Oak Ridge, Tennessee 37831. Telephone: (865) 241–5627. Facsimile: (865) 576–9204.

SUPPLEMENTARY INFORMATION: This security boundary is designated pursuant to Section 229 of the Atomic Energy Act of 1954. This revised boundary supersedes and/or re-describes the entries previously contained in the **Federal Register** notice published October 19, 1965, at 30 FR 13285; amended on January 11, 1973, at 38 FR 1301; amended on March 6, 1974, at 39 FR 8652; and amended on November 13, 2007, at 72 FR 63893 for Oak Ridge National Laboratory.

Issued in Oak Ridge, Tennessee, on August 4, 2010.

Tracye M. Baber,

Certified Realty Specialist.

[FR Doc. 2010–20696 Filed 8–19–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board Chairs

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB) Chairs. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 15, 2010; 8 a.m.–5:30 p.m. Thursday, September 16, 2010; 8 a.m.–1 p.m.

ADDRESSES: La Fonda on the Plaza, 100 East San Francisco Street, Santa Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: Catherine Alexander Brennan, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; Phone: (202) 586–7711.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations

to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda Topics

Wednesday, September 15, 2010

○ EM Headquarters American Recovery and Reinvestment Act and Waste Disposition Updates.

○ EM Headquarters Land Use Update.

○ Technical Area 21, Los Alamos National Laboratory Case Study.

○ EM Headquarters Budget Update.

○ EM SSAB Chairs' Roundtable Discussion: Day One Presentations and Product Development.

Thursday, September 16, 2010

○ EM Program Update.

○ EM SSAB Chairs' Round Robin: Top Three Site-Specific Issues, EM SSAB Accomplishments, and Major Board Activities.

○ EM SSAB Chairs' Roundtable Discussion: Day Two Presentations and Product Development.

Public Participation: The EM SSAB Chairs welcome the attendance of the public at their advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Catherine Alexander Brennan at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed either before or after the meeting with the Designated Federal Officer, Catherine Alexander Brennan, at the address or telephone listed above. Individuals who wish to make oral statements pertaining to agenda items should also contact Catherine Alexander Brennan. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Catherine Alexander Brennan at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.em.doe.gov/stakepages/ssabchairs.aspx.*

Issued at Washington, DC on August 16, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–20698 Filed 8–19–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7320–040]

Erie Boulevard Hydropower, L.P.; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process Procedures

August 13, 2010.

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process Procedures.

b. *Project No.:* 7320–040.

c. *Dated Filed:* June 29, 2010.

d. *Submitted By:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* Chasm Hydroelectric Project.

f. *Location:* On the Salmon River, in Franklin County, New York. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Steven Murphy, Compliance Specialist, Brookfield Renewable Power—New York West Operations, 33 West 1st Street South, Fulton, NY, 13069; (315) 589–6130; e-mail—*steven.murphy@brookfieldpower.com*

i. *FERC Contact:* John Mudre at (202) 502–8902; or e-mail at *john.mudre@ferc.gov.*

j. Erie Boulevard Hydropower, L.P. (Erie) filed its request to use the Traditional Licensing Process Procedures on June 29, 2010. Erie provided public notice of its request on June 25 and June 27, 2010. In a letter dated August 12, 2010, the Director of the Office of Energy Projects approved Erie's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and (b) the New York State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Erie as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, and section 106 of the National Historic Preservation Act.

m. Erie filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site using the "eLibrary" link (*http://www.ferc.gov/docs-filing/elibrary.asp*). Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 7320. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 30, 2013.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–20653 Filed 8–19–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

August 12, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–329–010; ER07–597–005.

Applicants: Northwestern Corporation; Montana Generation, LLC.

Description: NorthWestern Corporation submits updated indicative market power screen analysis for wholesale electricity markets in the Northwest Region as defined in Order No 697.

Filed Date: 06/30/2010.

Accession Number: 20100707–0205.

Comment Date: 5 p.m. Eastern Time on Thursday, September 30, 2010.

Docket Numbers: ER08–649–019.

Applicants: EFS Parlin Holdings, LLC.

Description: EFS Parlin Holdings, LLC submits a revision to its tariff to include the citation for compliance with Order No. 697–A under ER08–649.

Filed Date: 08/09/2010.

Accession Number: 20100810–0222.

Comment Date: 5 p.m. Eastern Time on Monday, August 30, 2010.

Docket Numbers: ER08–1126–003; ER07–100–003; ER08–1127–002; ER08–1128–003; ER08–1129–003; ER08–1130–003; ER08–1131–003; ER08–1132–002; ER08–1133–002; ER08–1134–003; ER08–1135–003; ER08–1136–003; ER08–1137–003; ER08–1138–002; ER08–1139–003.

Applicants: Georgia-Pacific Brewton LLC; Koch Supply & Trading, LP; GP Big Island, LLC; Brunswick Cellulose, Inc.; Georgia-Pacific Cedar Springs LLC; Georgia-Pacific Consumer Operations LLC; Georgia-Pacific Con Ops LLC Port Hudson; Georgia-Pacific Con Prod LP Green Bay W; Georgia-Pacific Consumer Products LP Mus; Georgia-Pacific Cons Prods LP Naheola ; Georgia-Pacific Cons Prods LP Savannah; Georgia-Pacific LLC Crosset; Georgia-Pacific Monticello LLC; Georgia-Pacific Toledo LLC; Leaf River Cellulose, LLC.

Description: Notice of Non-material Change in Status Submitted on Behalf of the Koch Companies.

Filed Date: 08/12/2010.

Accession Number: 20100812–5055.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–1304–001.

Applicants: DownEast Power Company, LLC.

Description: DownEast Power Company, LLC submits tariff filing per 35: eTariff Compliance Filing to be effective 6/1/2009.

Filed Date: 07/13/2010.

Accession Number: 20100713–5091.

Comment Date: 5 p.m. Eastern Time on Monday, August 23, 2010.

Docket Numbers: ER10–1568–001.

Applicants: Long Beach Generation LLC.

Description: Long Beach Generation LLC submits tariff filing per 35: Long Beach Generation—Amendment to Market-Based Rate Tariff to be effective 6/28/2010.

Filed Date: 06/30/2010.

Accession Number: 20100630–5087.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–1580–001.

Applicants: Saguaro Power Company LP.

Description: Saguaro Power Company LP submits tariff filing per 35: Saguaro Power—Amendment to Market-Based Rate Tariff to be effective 6/28/2010.

Filed Date: 06/30/2010.

Accession Number: 20100630–5107.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–1581–001.

Applicants: Long Beach Peakers LLC.

Description: Long Beach Peakers LLC submits tariff filing per 35: Long Beach Peakers—Amendment to Market-Based Rate Tariff to be effective 7/1/2010.

Filed Date: 06/30/2010.

Accession Number: 20100630–5092.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2061–001.

Applicants: Tampa Electric Company.

Description: Tampa Electric Company seeks to amend their July 30, 2010 filing, to be effective 8/12/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5022.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2092–001.

Applicants: Boralex Ashland LP.

Description: Boralex Ashland LP submits tariff filing per 35: Boralex Ashland LP Compliance to be effective 8/3/2010 under ER10–2092 Filing Type: 70.

Filed Date: 08/12/2010.

Accession Number: 20100812–5105.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2117–001.

Applicants: Boralex Livermore Falls LP.

Description: Boralex Livermore Falls LP submits tariff filing per 35: Boralex Livermore Falls LP Compliance Filing to be effective 8/5/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5092.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2118–001.

Applicants: Boralex Stratton Energy LP.

Description: Boralex Stratton Energy LP submits tariff filing per 35: Boralex Stratton Energy LP Compliance Filing to be effective 8/5/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5100.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2119–001.

Applicants: Boralex Fort Fairfield LP.

Description: Boralex Fort Fairfield LP submits tariff filing per 35: Boralex Fort Fairfield LP Compliance Filing to be effective 8/5/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5103.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2198–000.

Applicants: Lakefield Wind Project, LLC.

Description: Lakefield Wind Project, LLC submits tariff filing per 35.12: Lakefield Wind Project Application for Market-Based Rate Authorization to be effective 10/10/2010.

Filed Date: 08/11/2010.

Accession Number: 20100811–5102.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 1, 2010.

Docket Numbers: ER10–2199–000.

Applicants: AC Landfill Energy, LLC.

Description: AC Landfill Energy, LLC submits tariff filing per 35.12: Baseline Tariff Filing to be effective 8/12/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5042.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2200–000.

Applicants: BC Landfill Energy, LLC.

Description: BC Landfill Energy, LLC submits tariff filing per 35.12: Baseline Tariff Filing to be effective 8/12/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5052.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2201–000.

Applicants: Marina Energy, LLC.

Description: Marina Energy, LLC submits tariff filing per 35.12: Baseline Tariff Filing to be effective 8/12/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5054.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2203–000.

Applicants: SC Landfill Energy, LLC.

Description: SC Landfill Energy, LLC submits tariff filing per 35.12: Baseline Tariff Filing to be effective 8/12/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5059.

Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2210–000.

Applicants: New York Independent System Operator.

Description: New York Independent System Operator submits tariff filing per 35.13(a)(2)(iii: Compliance Filing In-City ICAP—Kavanah to be effective 6/30/2010.

Filed Date: 08/12/2010.

Accession Number: 20100812–5073.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2211–000.
Applicants: Vandolah Power Company, L.L.C.
Description: Vandolah Power Company, L.L.C. submits tariff filing per 35.12: Vandolah Power Company, L.L.C. FERC Electric Tariff No. 1 (Baseline MBR) to be effective 8/12/2010.
Filed Date: 08/12/2010.
Accession Number: 20100812–5074.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2212–000.
Applicants: South Jersey Energy Company.
Description: South Jersey Energy Company submits tariff filing per 35.12: Baseline Tariff Filing to be effective 8/12/2010.
Filed Date: 08/12/2010.
Accession Number: 20100812–5075.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2213–000.
Applicants: WC Landfill Energy, LLC.
Description: WC Landfill Energy, LLC submits tariff filing per 35.12: Baseline Tariff Filing to be effective 8/12/2010 under ER10–2213 Filing Type: 360.
Filed Date: 08/12/2010.
Accession Number: 20100812–5085.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2214–000.
Applicants: Zion Energy LLC.
Description: Zion Energy LLC submits tariff filing per 35.13(a)(2)(iii: Reactive Service Rate Schedule to be effective 9/1/2010 under ER10–2214 Filing Type: 10.
Filed Date: 08/12/2010.
Accession Number: 20100812–5104.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

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 dockets(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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–20649 Filed 8–19–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

August 13, 2010.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG10–57–000.
Applicants: Lakefield Wind Project, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Lakefield Wind Project, LLC.
Filed Date: 08/11/2010.
Accession Number: 20100811–5131.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 1, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1195–001.
Applicants: NV Energy, Inc.
Description: NV Energy submits First Revised Service Agreement 10–0560, to include an executed Amendment 1 to the Engineering and Procurement Agreement with Spring Valley Wind LLC.
Filed Date: 08/12/2010.
Accession Number: 20100813–0201.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2205–000.
Applicants: Nexen Marketing.
Description: Nexen Marketing USA, Inc submits its Notice of Cancellation.
Filed Date: 08/11/2010.
Accession Number: 20100812–0205.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 1, 2010.

Docket Numbers: ER10–2206–000; ER10–2207–000.
Applicants: NASDAQ OMX Commodities Clearing—Contract LLC; NASDAQ OMX Commodities Clearing—Finance, LLC.
Description: NASDAQ OMX Commodities Clearing—Contract Merchant LLC submits notices of cancellation of Contract Merchant's and Finance's market based-rate tariffs.
Filed Date: 08/11/2010.
Accession Number: 20100812–0204.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 1, 2010.

Docket Numbers: ER10–2208–000.
Applicants: Energy Systems North East, LLC.
Description: Energy Systems North East, LLC submits notice of cancellation of its FERC Electric Tariff, Original Volume 1, Original Sheet 1–2.
Filed Date: 08/11/2010.

Accession Number: 20100812–0203.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 1, 2010.

Docket Numbers: ER10–2209–000.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, L.L.C. submits an interconnection service agreement.
Filed Date: 08/11/2010.
Accession Number: 20100812–0202.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 1, 2010.

Docket Numbers: ER10–2215–000.
Applicants: SU FERC, L.L.C.
Description: SU FERC, L.L.C. submits Notice of Succession to reflect their succession to and adoption of the Open Access Transmission Taridd of NewCorp Resources Electric Cooperative, Inc.
Filed Date: 08/12/2010.
Accession Number: 20100813–0202.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Docket Numbers: ER10–2216–000.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35: Entergy Operating Companies OATT Baseline Filing to be effective 7/9/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5019.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2217–000.
Applicants: Front Range Power Company, LLC.
Description: Front Range Power Company, LLC submits tariff filing per 35.12: Front Range Power Company, LLC FERC Electric Tariff No. 1 to be effective 8/13/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5027.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2218–000.
Applicants: Orlando CoGen Limited, L.P.
Description: Orlando CoGen Limited, L.P. submits tariff filing per 35.12: Orlando CoGen Limited, L.P. FERC Electric Tariff No. 1 to be effective 8/13/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5031.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2219–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii): Large Generator Interconnection Procedures & Agreement of PG&E's WD Tariff to be effective 8/13/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5053.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2220–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator submits tariff filing per 35.13(a)(2)(iii): 205 Filing—ROS Mitigation—Schnell 8/13/10 to be effective 10/12/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5057.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2221–000.
Applicants: NASDAQ OMX Commodities Clearing Company.
Description: NASDAQ OMX Commodities Clearing Company submits tariff filing per 35.13(a)(2)(iii): Notice of Succession of NASDAQ OMX Commodities Clearing Company to be effective 8/10/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5061.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2222–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): SA Riverside N Corona R 081310 to be effective 9/1/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5062.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2223–000.
Applicants: Entergy Mississippi, Inc.
Description: Entergy Mississippi, Inc. submits tariff filing per 35: EMI OATT Baseline Filing, to be effective 8/2/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5066.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2224–000.
Applicants: Entergy Texas, Inc.
Description: Entergy Texas, Inc. submits tariff filing per 35: ETI OATT Baseline Filing to be effective 7/9/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5068.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2225–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 1067 SubR1 East Texas Elec. Coop. NITSA and NOA Original Docket No. ER10–698 to be effective 7/30/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5069.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2226–000.
Applicants: Entergy Louisiana, LLC.
Description: Entergy Louisiana, LLC submits tariff filing per 35: ELL OATT Baseline Filing to be effective 8/2/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5079.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Docket Numbers: ER10–2227–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 1065 SubR1 Tex-La Elec. NITSA and NOA Original Docket No. ER10–694 to be effective 7/30/2010.
Filed Date: 08/13/2010.
Accession Number: 20100813–5080.
Comment Date: 5 p.m. Eastern Time on Friday, September 3, 2010.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA10–12–000.
Applicants: SU FERC, L.L.C.
Description: SU FERC, L.L.C. Request continued Waiver of Requirements of Order Nos. 889 and 890 and Standards of Conduct.
Filed Date: 08/12/2010.
Accession Number: 20100812–5116.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH10–18–000.
Applicants: HH–SU Investments L.L.C.
Description: Notice of Material Change of HH–SU Investments L.L.C.
Filed Date: 08/12/2010.
Accession Number: 20100812–5118.
Comment Date: 5 p.m. Eastern Time on Thursday, September 2, 2010.

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.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–20650 Filed 8–19–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF10–13–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Mid-South Expansion Project and Request for Comments on Environmental Issues

August 13, 2010.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Mid-South Expansion Project (MSEP) involving construction and operation of facilities by Transcontinental Gas Pipe Line Company, LLC (Transco) in Coosa, Randolph, Dallas, and Marengo Counties, Alabama; Gaston, Rowan, Davidson, and Cleveland Counties, North Carolina; Walton, Coweta, and Henry Counties, Georgia; and Spartanburg County, South Carolina. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the **scoping period will close on September 13, 2010**.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" is available for viewing on the FERC Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Transco is proposing to construct and operate five new pipeline loops,[1] construct one new compressor station, add compression at two existing compressor stations, and perform other modifications to five compressor stations. The MSEP would provide about 451 million standard cubic feet of natural gas per day to Transco's existing mainline system from the Clean Energy LNG import terminal currently under construction in Pascagoula, Mississippi, with existing capacity on Transco's Mobile Bay Lateral, down to existing Compressor Station 85. According to Transco, its project would expand delivery capacity on its existing pipeline system to growing markets in the east as far downstream as Rockingham County, North Carolina.

The MSEP would consist of the following facilities:

- Five pipeline loops located in Coosa and Randolph Counties, Alabama, and Gaston, Rowan and Davidson Counties, North Carolina;
- One new compressor station, Station 95, to be located in Dallas County, Alabama;
- Additional new compression at two existing compressor stations:
  - Station 90 in Marengo County, Alabama; and
  - Station 125 in Walton County, Georgia;
- Modifications at the following existing compressor stations:
  - Station 105 in Coosa County, Alabama;
  - Station 115 in Coweta County, Georgia;
  - Station 120 in Henry County, Georgia;
  - Station 140 in Spartanburg County, South Carolina; and
  - Station 145 in Cleveland County, North Carolina.

The planned loops would be constructed with 42-inch-diameter steel pipe and would have a combined total length of about 22.6 miles.

[1] A pipeline loop is constructed parallel to an existing pipeline to increase capacity.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the planned facilities would disturb approximately 287.9 acres of land for the aboveground facilities and the pipeline. Following construction, approximately 144.6 acres would be maintained for permanent operation of the project's facilities; the remaining acreage would be restored and allowed to revert to former uses. The entire planned pipeline route either parallels or would be located within existing pipeline, utility, or road rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC. As part of our pre-filing review, we have begun to contact some Federal and State agencies to discuss their involvement in the scoping process and the preparation of the EA.

Our independent analysis of the issues will be presented in the EA. The EA will be placed in the public record and, depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project is further developed. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Transco. This preliminary list of issues may be changed based on your comments and our analysis.

- Cultural resources;
- Water resources, fisheries, and wetlands; and
- Threatened and endangered species.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before **September 13, 2010**.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF10–13–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the *eComment* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are

[2] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies of appendices were sent to all those receiving this notice in the mail and are available at *http://www.ferc.gov* using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

making. A comment on a particular project is considered a "Comment on a Filing"; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. **If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2)**.

Becoming an Intervenor

Once Transco files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until a formal application for the project is filed with the Commission.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF10–13). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–20652 Filed 8–19–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC10–146–000]

Delaware Pipeline Company LLC; Notice of Filing

August 13, 2010.

Take notice that on July 13, 2010, Delaware Pipeline Company LLC (DPC) submitted a request for waiver of the requirement to file the FERC Form No. 6–Q for the second quarter of 2010.

On June 1, 2010, DPC acquired oil pipeline assets associated with an idled refinery in Delaware City, Delaware from The Premcor Refining Group, Inc., a subsidiary of Valero Energy Corporation. For the thirty days in June 2010 during which the pipeline was under DPC's ownership, the pipeline was not in operation and DPC had no revenue. The pipeline is currently in standby mode while the refinery, which is the origin for products shipped on the pipeline, is shutdown for a complete turnaround until early next year, and the pipeline also undergoes checks of certain operational systems.

On July 1, 2010, Delaware Pipeline Company adopted the tariffs of The Premcor Pipeline Co. ("Premcor") including FERC Nos. 2.0, 3.0 and 4.0 in their entirety. FERC Nos. 2.0.0, 3.0.0, and 4.0.0 implement a change in ownership effective June 1, 2010 of the pipeline facilities used to perform the services stated in the Premcor tariffs that are being adopted and brought forward under DPC's name. DPC is adopting these tariffs to reflect its purchase of the Premcor pipeline system associated with the Delaware City Refinery, located in New Castle County, Delaware, which originates at the Delaware City Refinery and extends to Sunoco Pipeline L.P.'s Twin Oaks Pump Station, located in Delaware County, Pennsylvania.

Since DPC had no operations during the 30-day period in June, it requests waiver of the quarter 2 6–Q reporting requirement of 18 CFR 357.4.

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 or 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. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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 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: August 31, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–20651 Filed 8–19–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8992–3]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 08/09/2010 through 08/13/2010.

Pursuant to 40 CFR 1506.9.

Notice: In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.* Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register.**

EIS No. 20100318, Draft Supplement, FHWA, AR, River Valley Intermodal Facilities, New and Updated Information, Construction and Operation of Multi-Modal Transportation Complex, U.S. Army COE Section 10 and 404 Permits, City of Russellville, Pope County, AR, Comment Period Ends: 10/08/2010, Contact: Randal J. Looney 501–324–5625.

EIS No. 20100319, Final EIS, NOAA, 00, Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region, To Implement Long-Term Management Measures Expected to End Overfishing of the Red Snapper Stock, South Atlantic Region, Wait Period Ends: 09/20/2010, Contact: Roy E. Crabtree 727–824–5305.

EIS No. 20100320, Final EIS, FHWA, MN, U.S. 14 Construction, Owatonna to Kasson, Funding and Section 404 Permit, Dodge and Steele Counties, MN, Wait Period Ends: 09/20/2010, Contact: Phil Forst 651–291–6110.

EIS No. 20100321, Final EIS, NPS, KY, Cumberland Gap National Historical Park, General Management Plan, Implementation, Middlesboro, KY, Wait Period Ends: 09/20/2010, Contact: David Libman 404–507–5701.

EIS No. 20100322, Draft EIS, USAF, 00, Powder River Training Complex Project, Proposal to Improve Airspace for Training, Primarily, B–1 Aircrews at Ellsworth AFB, South Dakota, and B–52 Aircrews at Minot AFB, North Dakota, Comment Period Ends: 11/17/2010, Contact: Linda Devine 757–964–9434.

EIS No. 20100323, Draft Supplement, BLM, NV, Cortez Hills Expansion Project, Updated Information to Refine the Analysis of Specific Air Quality Effects and Dewatering Mitigation Effectiveness, Proposes to Construct and Operate a New Facilities and Expansion of the Existing Open-Pit Gold Mining and Processing Operations, Crescent Valley, Lander and Eureka Counties, NV, Comment Period Ends: 10/04/2010, Contact: Christopher Worthington 775–635–4000.

EIS No. 20100324, Final EIS, BR, ID, Minidoka Dam Spillway Replacement Project, To Prevent Structural Failure of the Minidoka Dam Spillway and Canal Headworks, Lake Walcott, Minidoka County, ID, Wait Period Ends: 09/20/2010, Contact: Jim Taylor 208–378–5081.

EIS No. 20100325, Draft EIS, NRC, AZ, GENERIC EIS—License Renewal of Nuclear Plants, Regarding Palo Verde Nuclear Generating Station, Supplement 43, NUREG–1437, Maricopa County, AZ, Comment Period Ends: 10/29/2010, Contact: David Drucker 301–415–6223.

EIS No. 20100326, Draft EIS, NPS, SD, South Unit—Badlands National Park, General Management Plan, Implementation, SD, Comment Period Ends: 10/18/2010, Contact: Eric J. Brunnemann 605–433–5361.

EIS No. 20100327, Draft EIS, BLM, NM, Alamogordo Regional Water Supply Project, Construct and Operate Groundwater Wells, Right-of-Way Application, Otero County, NM, Comment Period Ends: 10/18/2010, Contact: Rena Gutierrez 575–525–4338.

EIS No. 20100328, Final EIS, DOE, KS, Abengoa Biorefinery Project, To Support the Design, Construction, and Startup of a Commercial-Scale Integrated Biorefinery, Federal Funding, Located near the City Hugoton, Stevens County, KS, Wait Period Ends: 09/09/2010, Contact: Kristin Kerwin 720–356–1564.

EIS No. 20100329, Final EIS, BLM, CA, Blythe Solar Power Project (09–AFC–6), Application for Right-of Way Grant to Construct and Operate, and Decommission a Solar Thermal Facility on Public Lands, Riverside County, CA, Wait Period Ends: 09/20/2010, Contact: Allison Shaffer 760–833–7104.

Dated: August 17, 2010.

Ken Mittelholtz,

Deputy Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010–20702 Filed 8–19–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9191–6]

Notice of Extended Availability of Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Residually Designated Discharges in Milford, Bellingham and Franklin, Massachusetts; and Notice of Extended Availability of Proposed Amendments to the Preliminary Residual Designation Issued by EPA on November 12, 2008

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extended Availability of Draft NPDES General Permit.

SUMMARY: On April 20, 2010, the Director of the Office of Ecosystem Protection, Environmental Protection Agency-Region 1 (EPA), issued a Notice of Availability of a draft NPDES general permit for storm water discharges in the Charles River watershed within Milford, Bellingham and Franklin, Massachusetts, from sites that are proposed for final designation for NPDES permitting pursuant to EPA's residual designation authority, and a Notice of Availability of Proposed Amendments to the Preliminary Residual Designation issued by EPA on November 12, 2008 (*see* FRL–9139–4). Today EPA is extending the public comment period for the draft permit and proposed Residual Designation until September 30, 2010. The draft general permit, appendices, and fact sheet are available at: *http://www.epa.gov/region1/npdes/stormwater.*

DATES: The public comment period is extended to September 30, 2010. Interested persons may submit comments on the draft general permit

and the proposed Residual Designation to EPA–Region 1, at the address given below, no later than midnight September 30, 2010. Those comments will be placed in the administrative record for the designation and permit. The general permit shall be effective on the date specified in the **Federal Register** publication of the Notice of Availability of the final general permit. The final general permit will expire five years from its effective date.

ADDRESSES: Submit comments identified by Docket ID No. EPA–R01–OW–2010–0292 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: Voorhees.mark@epa.gov.*
- *Mail:* Mark Voorhees, US EPA—Region 1, 5 Post Office Square—Suite 100, Mail Code—OEP 06–4, Boston, MA 02109–3912.

No facsimiles (faxes) will be accepted.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the draft permit may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday excluding holidays from: Mark Voorhees, Office of Ecosystem Protection, Environmental Protection Agency, 5 Post Office Square—Suite 100, Boston, MA 02109–3912; telephone: 617–918–1537; e-mail: *Voorhees.mark@epa.gov.*

Dated: August 12, 2010.

Ira Leighton,

Acting Spalding, Regional Administrator, Region 1.

[FR Doc. 2010–20706 Filed 8–19–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Approved by the Office of Management and Budget

August 13, 2010.

SUMMARY: The Federal Communications Commission has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid OMB control number. Comments concerning the accuracy of the burden estimate(s) and any suggestions for reducing the burden should be directed to the person listed in the "**FOR FURTHER INFORMATION CONTACT**" section below.

FOR FURTHER INFORMATION CONTACT: For additional information contact Melissa Kirkel, *melissa.kirkel@fcc.gov*, (202) 418–7958.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0742.

OMB Approval Date: 7/29/2010.

Expiration Date: 7/31/2013.

Title: Sections 52.21 through 52.36, Telephone Number Portability (47 CFR Part 52, Subpart C) and CC Docket No. 95–116.

Form Number: N/A.

Estimated Annual Burden: 3,616 respondents; 10,001,890 responses; 672,516 total annual hours; 4 minutes–410 hours per response.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 1, 2, 3, 251 and 332 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. If the Commission requests respondents to submit information which the respondents believe is confidential, respondents may request confidential treatment under 47 CFR 0.459 of the Commission rules.

Needs and Uses: The Commission has revised this information collection (IC) by adding standardized local service request data fields. Section 251(b)(2) of the Telecommunications Act of 1996 requires LECs to "provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." Through the Local Number Portability (LNP) process, consumers have the ability to retain their phone number when switching telecommunications service providers, enabling them to choose a provider that best suits their needs and enhancing competition. In the *Porting Internal Order and Further Notice*, the Commission mandated a one-business day porting interval for simple wireline-to-wireline and intermodal port requests. The information collected in the standard local service request data fields is necessary to complete simple wireline-to-wireline and intermodal ports within the one business day porting interval mandated by the Commission and will be used to comply with section 251 of the Telecommunications Act of 1996.

Part 52, Subpart C implements the statutory requirements that LECs and Commercial Mobile Radio Service (CMRS) providers provide LNP as set forth in Sections 1, 2, 4, 251, and 332 of the Telecommunications Act of 1996. The Commission requires the following information to be collected from various entities: (1) Requests for long-term number portability; (2) petitions to extend implementation deadline; (3) tariffs and cost support materials; and (4) recordkeeping requirement.

(1) Long-term number portability must be provided by LECs and CMRS providers in switches for which another carrier has made a specific request for number portability, according to the Commission's deployment schedule. Wireline carriers began providing LNP in 1998. In a *Memorandum Opinion and Order*, FCC 02–215, CC Docket No. 95–116, the Commission extended the deadline for CMRS providers to offer LNP. CMRS providers began offering LNP in 2003.

(2) Carriers that are unable to meet the deadlines for implementing a long-term number portability solution are required to file with the Commission at least 60 days in advance of the deadline a petition to extend the time by which implementation in its network will be completed.

(3) Incumbent LECs may recover their carrier-specific costs directly related to providing long-term number portability by establishing in tariffs filed with the Commission certain number portability charges. *See* 47 CFR 52.33. Incumbent LECs are required to include many details in their cost support that are unique to the number portability proceeding pursuant to the *Cost Classification Order.* For instance, incumbent LECs must demonstrate that any incremental overhead costs claimed in their cost support are actually new cost incremental to and resulting from the provision of long-term number portability. *See* the *Cost Classification Order.*

(4) Incumbent LECs are required to maintain records that detail both the nature and specific amount of these carrier-specific costs that are directly related to number portability, and those carrier-specific costs that are not directly related to number portability. The information collected and required by the Commission will be used to comply with Section 251 of the Telecommunications Act of 1996.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–20736 Filed 8–19–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

[File No. 101 0068]

Novartis AG; Analysis of Proposed Agreement Containing Consent Orders to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order — embodied in the consent agreement — that would settle these allegations.

DATES: Comments must be received on or before September 16, 2010.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to "Norvartis AG, File No. 101 0068" to facilitate the organization of comments. Please note that your comment — including your name and your state — will be placed on the public record of this proceeding, including on the publicly accessible FTC website, at (*http://www.ftc.gov/os/publiccomments.shtm*).

Because comments will be made public, they should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any "[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential. . . .," as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (*https://ftcpublic.commentworks.com/ftc/novartis*) and following the instructions on the web-based form. To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink: (*https://ftcpublic.commentworks.com/ftc/novartis*). If this Notice appears at (*http://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC website at (*http://www.ftc.gov/*) to read the Notice and the news release describing it.

A comment filed in paper form should include the "Norvartis AG, File No. 101 0068" reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex D), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The Federal Trade Commission Act ("FTC Act") and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at (*http://www.ftc.gov/os/publiccomments.shtm*). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.shtm*).

FOR FURTHER INFORMATION CONTACT: Kari A. Wallace (202-326-3085), Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 16, 2010), on the World Wide Web, at (*http://www.ftc.gov/os/actions.shtm*). A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order to Aid Public Comment

I. Introduction

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an Agreement Containing Consent Orders ("Consent Agreement") from Novartis AG ("Novartis") that is designed to remedy the anticompetitive effects of Novartis' acquisition of a controlling interest in Alcon, Inc. ("Alcon") from Nestle, S.A. The proposed Consent Agreement requires Novartis to divest its rights and assets in its injectable miotics product, Miochol-E, to Bausch & Lomb, Inc. ("B&L").

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement, modify it, or make final the Decision and Order ("Order").

Pursuant to a Purchase and Option Agreement dated April 6, 2008, and the

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

execution of the call option on January 4, 2010, Novartis proposes to acquire all of the outstanding shares of Alcon held by Nestle in a transaction valued at approximately $28.1 billion. After consummating the transaction, Novartis will hold 77 percent of Alcon. Novartis also proposes to acquire the remaining 23 percent of Alcon held by public shareholders. The Commission's Complaint alleges that the proposed acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, by lessening competition in the U.S. market for the research, development, marketing, manufacture and sale of injectable miotics. The proposed Consent Agreement will remedy the alleged violations by replacing the lost competition that would result from the acquisition in this market.

Novartis is a global manufacturer and supplier of numerous branded and generic pharmaceuticals headquartered in Basel, Switzerland. Nestle is the world's largest food company, and is headquartered in Vevey, Switzerland. Among Nestle's holdings is a 52 percent stake in Alcon, which provides Nestle with a controlling interest in the company. Alcon, a global medical specialty company focused on eye care, is also a Swiss corporation, based in Hünenberg. Alcon develops, manufactures, and sells surgical devices used in surgical eye procedures, branded and generic pharmaceuticals, and over-the-counter consumer eye care products.

II. Injectable Miotics

Injectable miotics are a class of prescription pharmaceutical products that are used to induce miosis, or constriction of the pupil. Injectable miotics are used in a variety of applications, most commonly during cataract surgery. Novartis introduced its product, Miochol-E, in 1993; Alcon's product, Miostat, was launched in 1972. Though patents no longer cover the formulation of the active ingredient of either Miostat or Miochol-E, no generic versions of either product have been launched. For years, Novartis and Alcon have been the only suppliers of injectable miotics in the United States, with respective market shares of approximately 67 and 33 percent. U.S. sales of injectable miotic products in 2009 totaled $12.4 million.

Entry into the market for the research, development, manufacture and sale of injectable miotics would not be timely, likely or sufficient in its magnitude, character, and scope to deter or counteract the anticompetitive effects of the acquisition. Entry would not take place in a timely manner because the combination of branded drug development times and U.S. Food and Drug Administration ("FDA") approval requirements takes at least two years. Entry would not be likely because the relevant market is relatively small and in decline, so the limited sales opportunities available to a new entrant are likely insufficient to warrant the time and investment necessary to enter.

In sum, the proposed acquisition of Alcon by Novartis would create a monopoly in the market for injectable miotics. The evidence indicates that customers have benefitted from direct pricing competition between the two companies, and that the price of Miostat-E is currently constrained by Miostat pricing. The reduction in the number of competitors in this market from two to one would allow the merged entity to unilaterally exercise market power and result in an increase in prices to consumers.

III. The Consent Agreement

The proposed Consent Agreement effectively remedies the proposed acquisition's anticompetitive effects in the relevant product market. Pursuant to the Consent Agreement, Novartis is required to divest certain rights and assets related to its injectable miotics product to a Commission-approved acquirer no later than ten (10) days after the acquisition. Specifically, the proposed Consent Agreement requires that Novartis divest its rights and assets related to Miochol-E to B&L.

Pursuant to the Consent Agreement, the acquirer of divested assets must receive the prior approval of the Commission. As always, the Commission's goal in evaluating a possible purchaser of divested assets is to maintain the competitive environment that existed prior to the acquisition. A proposed acquirer of divested assets must not itself present competitive problems.

B&L is an eye-health company that develops, sells, and distributes products in over 100 countries. B&L is particularly well-positioned to manufacture and market Miochol-E and compete effectively in the injectable miotics market. The acquisition by B&L does not create a competitive problem in the injectable miotics market because B&L does not participate in the market. With its resources, capabilities, strong reputation, and experience marketing eye care products, specifically other cataract surgery products, B&L is expected to replicate the competition that would be lost if the proposed transaction were to proceed unremedied.

If the Commission ultimately determines after the public comment period that B&L is not an acceptable acquirer of the assets to be divested, or that the manner of the divestitures is not acceptable, the parties must unwind the sale and divest the assets within six months of the date the Order becomes final to another Commission-approved acquirer. If the parties fail to divest within six months, the Commission may appoint a trustee to accomplish the divestiture.

The proposed remedy contains several provisions to ensure that the divestiture is successful. The Order requires Novartis to provide transitional services to enable the Commission-approved acquirer to successfully transfer the manufacturing from Novartis. Much of the manufacturing process for Miochol-E is performed for Novartis by third-party manufacturers. As part of the divestiture, Novartis will transfer its manufacturing arrangements to B&L. Additionally, Novartis will provide technical assistance to help B&L manufacture Miochol-E.

The Commission has appointed Karl L. Hoffman Jr. of Rondaxe Pharma ("Rondaxe") to oversee the asset transfer and to ensure Novartis' compliance with all of the provisions of the proposed Consent Agreement. Mr. Hoffman is a Quality Systems and Support Director at Rondaxe and has an extensive background in the pharmaceutical industry. He is a highly-qualified expert on FDA regulatory matters and currently advises Rondaxe clients on achieving satisfactory regulatory compliance and interfacing with the FDA. In order to ensure that the Commission remains informed about the status of the proposed divestiture and the transfers of assets, the proposed Consent Agreement requires Novartis and Alcon to file reports with the Commission periodically until the divestitures and transfers are accomplished.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission, Commissioner William E. Kovacic recused.

Richard C. Donohue

Acting Secretary.

[FR Doc. 2010–20709 Filed 8–19–10: 8:45 am]

BILLING CODE: 6750–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10052, CMS–R–216, CMS–R–53, CMS–10215, CMS–724, CMS–116 and CMS–1500(08–05)]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Recognition of pass-through payment for additional (new) categories of devices under the Outpatient Prospective Payment System and Supporting Regulations in 42 CFR, Part 419; *Use:* Section 201(b) of the Balanced Budget Act of 1999 amended section 1833(t) of the Social Security Act (the Act) by adding new section 1833(t)(6). This provision requires the Secretary to make additional payments to hospitals for a period of 2 to 3 years for certain drugs, radiopharmaceuticals, biological agents, medical devices and brachytherapy devices. Section 402 of the Benefits Improvement and Protection Act of 2000 made changes to the transitional pass-through provision for medical devices. The most significant change is the required use of categories as the basis for determining transitional pass-through eligibility for medical devices, through the addition of section 1833(t)(6)(B) of the Act. This information collection is necessary to determine eligibility of medical devices for establishment of additional device categories for payment under transitional pass-through payment provisions as required by section 1833(t)(6) of the Act. *Form Number:* CMS–10052 (OMB#: 0938–0857); *Frequency:* Once; *Affected Public:* Private Sector: Business or other for-profits; *Number of Respondents:* 10; Total *Annual Responses:* 10; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Christina S. Ritter at 410–786–4636. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Issuance of Advisory Opinions Concerning Physicians' Referrals*; Use:* Section 1877(g)(6) of the Social Security Act requires that the Department of Health and Human Services accept requests for advisory opinions made after November 3, 1997 and before August 21, 2000. Section 543 of the Benefits Improvement and Protection Act of 2001, Public Law 106–554, extended indefinitely the period during which the Department of Health and Human Services accepts requests for these advisory opinions. CMS promulgated 42 CFR 411.370 through 411.389 to comply with this statutory mandate. The collection of information contained in 42 CFR 411.372 and 411.373 is necessary to allow CMS to consider requests for advisory opinions and provide accurate and useful opinions. *Form Number:* CMS–R–216 (OMB#: 0938–0714); *Frequency:* Occasionally; *Affected Public:* Private Sector: Business or other for-profits and not- for profit institutions; *Number of Respondents:* 25; *Total Annual Responses:* 25; *Total Annual Hours:* 500. (For policy questions regarding this collection contact John Davis at 410–786–0008. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Imposition of Cost Sharing Charges under Medicaid and Supporting Regulations in 42 CFR 447.53; *Use:* The purpose of this collection is to ensure that States impose normal cost sharing charges upon categorically and medically needy individuals as allowed by law and implementing regulations. States must identify in their State plan the service for which the charge is made, the amount of the charge, the basis for determining the charge, the basis for determining whether an individual is unable to pay the charge and the way in which the individual will be identified to providers, and the procedures for implementing and enforcing the exclusions from cost sharing. *Form Number:* CMS–R–53 (OMB#: 0938–0429); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 2; *Total Annual Hours:* 20. (For policy questions regarding this collection contact Barbara Washington at 410–786–9964. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Payment for Prescription Drugs—Physicians and Hospital Outpatient Departments Collecting and Submitting Drug Identifying Information to State Medicaid Programs; *Use:* Section 6002 of the Deficit Reduction Act (DRA) of 2005 added provisions under section 1927 of the Social Security Act to require physicians in their offices and hospital outpatient settings or other entities (e.g., non-profit facilities) to collect and submit the drug National Drug Code (NDC) numbers on Medicaid claims to their State in order for Federal Financial Participation to be available for these drugs. *Form Number:* CMS–10215 (OMB#: 0938–1026); *Frequency:* Weekly; *Affected Public:* Private Sector: Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 20,000; *Total Annual Responses:* 3,910,000; *Total Annual Hours:* 15,836. (For policy questions regarding this collection contact Bernadette Leeds at 410–786–9463. For all other issues call 410–786–1326.)

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Psychiatric Hospital Survey Data; *Use:* The CMS–724 form is used to collect data that is not collected elsewhere and assists CMS in program planning and evaluation and in maintaining an accurate database on providers participating in the psychiatric hospital program. *Form Number:* CMS–724 (OMB#: 0938–0378); *Frequency:* Annually; *Affected Public:* Private Sector: Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 500; *Total Annual Responses:* 150; *Total Annual Hours:* 75. (For policy questions regarding this collection contact Kelley Leonette at 410–786–6664. For all other issues call 410–786–1326.)

6. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) Application Form and Supporting Regulations in 42 CFR

493.1–.2001 Medicare/Medicaid Psychiatric Hospital Survey Data; *Use:* The application must be completed by entities performing laboratory's testing specimens for diagnostic or treatment purposes. This information is vital to the certification process. *Form Number:* CMS–116 (OMB#: 0938–0581); *Frequency:* Biennially and Occasionally; *Affected Public:* Private Sector: Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 219,000; *Total Annual Responses:* 31,520; *Total Annual Hours:* 23,640. (For policy questions regarding this collection contact Sheila Ward at 410–786–3115. For all other issues call 410–786–1326.)

7. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Health Insurance Common Claims Form and Supporting Regulations at 42 CFR Part 424, Subpart C; *Form Number:* CMS–1500(08–05), CMS–1490–S (OMB#: 0938–0999); *Use:* The Form CMS–1500 answers the needs of many health insurers. It is the basic form prescribed by CMS for the Medicare program for claims from physicians and suppliers. The Medicaid State Agencies, CHAMPUS/TriCare, Blue Cross/Blue Shield Plans, the Federal Employees Health Benefit Plan, and several private health plans also use it; it is the de facto standard "professional" claim form.

Medicare carriers use the data collected on the CMS–1500 and the CMS–1490S to determine the proper amount of reimbursement for Part B medical and other health services (as listed in section 1861(s) of the Social Security Act) provided by physicians and suppliers to beneficiaries. The CMS–1500 is submitted by physicians/suppliers for all Part B Medicare. Serving as a common claim form, the CMS–1500 can be used by other third-party payers (commercial and nonprofit health insurers) and other Federal programs (*e.g.,* CHAMPUS/TriCare, Railroad Retirement Board (RRB), and Medicaid).

However, as the CMS–1500 displays data items required for other third-party payers in addition to Medicare, the form is considered too complex for use by beneficiaries when they file their own claims. Therefore, the CMS–1490S (Patient's Request for Medicare Payment) was explicitly developed for easy use by beneficiaries who file their own claims. The form can be obtained from any Social Security office or Medicare carrier. *Frequency:* Reporting—On occasion; *Affected Public:* State, Local, or Tribal Government, Business or other-for-profit, Not-for-profit institutions; *Number of Respondents:* 1,048,243; *Total Annual Responses:* 991,160,925; *Total Annual Hours:* 23,815,541.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *October 19, 2010:*

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 13, 2010.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2010–20385 Filed 8–19–10; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10314]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506I(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Medicare Savings Program Protection from Medicaid Estate Recovery—State Plan Pre-print under Title XIX. *Form No.:* CMS–10314 (OMB# 0938–New); *Use:* Section 115 of the Medicare Improvements for Patients and Providers Act (MIPPA)—2008, provides new protections from Medicaid estate recovery for limited categories of dual eligibles age 55 and over. To offer these protections, States have to amend their Medicaid State plans to reflect these new limits on estate recovery. To reduce paperwork burden and expedite this process, CMS is providing States with a pre-printed document (*i.e.*, a State plan preprint) which neither needs nor requires any insertion of language or even completion of a check-off box. As Section 115 simply mandates compliance (there is no option not to comply), States only need return the preprint page (as prepared by CMS) to CMS, as a requested amendment to their State Plan. This is a one-time only submission, with little burden imposition and complete electronic routing to and from States.

Frequency: Reporting—Once; *Affected Public:* State, Local or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 51; *Total Annual Hours:* 102. (For policy questions regarding this collection contact Nancy Dieter at 410–786–7219. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on *September 20, 2010.*

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer. *Fax Number:* (202) 395–6974. *E-mail: OIRA_submission@omb.eop.gov.*

Dated: August 13, 2010.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2010–20386 Filed 8–19–10; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2476–FN2]

Medicare and Medicaid Programs; Approval of the American Association for Accreditation of Ambulatory Surgery Facilities for Continued Deeming Authority for Ambulatory Surgical Centers

AGENCY: Centers for Medicare & Medicaid Services (CMS).

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve without condition the American Association for Accreditation of Ambulatory Surgery Facilities' (AAAASF) request for continued recognition as a national accreditation program for ambulatory surgical centers (ASC) seeking to participate in the Medicare or Medicaid programs.

DATES: *Effective Date:* This final notice is effective on November 27, 2009 through November 27, 2012.

FOR FURTHER INFORMATION CONTACT: Cindy Melanson (410) 786–0310. Patricia Chmielewski (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in an ambulatory surgical center (ASC) provided certain requirements are met. Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for a facility seeking designation as an ASC. Under this authority, the minimum requirements that an ASC must meet to participate in Medicare are set forth in regulations at 42 CFR part 416, which determine the basis and scope of ASC covered services, and the conditions for Medicare payment for facility services. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488.

Generally, to enter into an agreement, an ASC must first be certified by a State survey agency as complying with conditions or requirements set forth in part 416 of our regulations. Then, the ASC is subject to regular surveys by a State survey agency to determine whether it continues to meet those requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accreditation organization that all applicable Medicare conditions are met or exceeded, we may "deem" those provider entities to have met the requirements. Accreditation by an accreditation organization is voluntary and is not required for Medicare participation.

If an accreditation organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, a provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. A national accreditation organization applying for approval of deeming authority under part 488, subpart A, must provide us with reasonable assurance that the accreditation organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning re-approval of accrediting organizations are set forth at section § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accreditation organizations to reapply for continued approval of deeming authority every 6 years, or sooner as determined by CMS. The regulation at § 488.8(f)(3)(i) provides CMS the authority to grant conditional approval of an accreditation organization's deeming authority, with a probationary period of up to 180 days, if the accreditation organization has not adopted comparable standards during the reapplication process.

We received a complete application from AAAASF for continued recognition as a national accreditation organization for ASCs on March 31, 2009. In accordance with the requirements at § 488.4 and § 488.8(d)(3), we published a proposed notice on June 26, 2009 (74 FR 30587) and a final notice on November 27, 2009 (74 FR 62330). This final notice provides CMS' final determination in response to the conditional approval with a 180-day probationary period granted to the American Association for Accreditation of Ambulatory Surgery Facilities on November 27, 2009.

II. Deeming Applications Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of deeming applications is conducted in a timely manner. The Act provides us with 210 calendar days after the date of receipt of an application to complete our survey activities and application review process. Within 60 days of receiving a completed application, we must publish a notice in the **Federal Register** that identifies the national accreditation body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish an approval or denial of the application. In accordance with § 488.8(f)(2), if CMS determines following the deeming authority review that the organization has failed to adopt requirements comparable to CMS requirements, the accreditation organization may be given a conditional approval of its deeming authority for a probationary period of up to 180 days to adopt comparable requirements. Within 60 days after the end of this period, we must make a final determination as to whether or not the AAAASF's accreditation program for ASCs is comparable to CMS requirements and issue an appropriate notice that includes our reasons for our determination.

III. Provisions of the November 27, 2009 Final Notice

Our review of AAAASF's renewal application for ASC deeming authority revealed that AAAASF had on-going, serious, widespread areas of non-compliance. Specifically, AAAASF's inability to provide accurate and timely data on deemed providers; lack of complete and accurate deemed facility survey files; and, inadequate surveyor training and evaluation program. Due to the significant number of areas of noncompliance identified during the review of AAAASF's renewal application for deeming authority, we conditionally approved AAAASF's ASC accreditation program for 3 years with a 180 day probationary period. Under section 1865(a)(2) of the Act and our regulations at § 488.4 and § 488.8, we conducted a comparability review of

AAAASF's ASC accreditation program to determine compliance with the Medicare requirements for ASCs at 42 CFR part 416.

IV. Provisions of the Final Notice

A. Differences Between AAAASF's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

During the 180 day probationary period, we conducted a comparison of AAAASF's accreditation requirements for ASCs to our current Medicare conditions for coverage (CfCs) as outlined in the State Operations Manual (SOM). We also conducted a corporate onsite visit and survey observation to validate proper application of the requirements. Our review and evaluations of AAAASF's deeming application yielded the following:

- AAAASF's survey files were complete, accurate, and consistent with the requirements at § 488.6(a).
- AAAASF's data submissions are accurate, complete and timely in accordance with the requirements at § 488.4(b).
- AAAASF revised it accreditation decision letters to ensure they are accurate and contain all of the elements necessary for the Regional Office to render a decision regarding the deemed status of an accredited ASC.
- AAAASF revised its policies to require its surveyors to use the surveyor tools thus ensuring accurate and complete survey files.
- AAAASF developed surveyors tools to include a medical record review sheet, personnel review sheet, and policy review to assist surveyors with accurate, and complete documentation.
- To meet the Medicare requirements related to unannounced surveys at 2700A of the SOM, AAAASF modified its policies related to the survey window in which organizations could receive an accreditation survey for deemed status.
- To meet the survey process requirements in Appendix L of the SOM, AAAASF developed a policy outlining the minimum number of medical records that must be reviewed during a certification survey.
- To meet the requirements at SOM 2200F, AAAASF revised its policies and procedures to ensure documentation of deficiencies contains a regulatory reference, a clear and detailed description of the deficient practice, and relevant finding.
- To meet the requirements at 2728 of the SOM, AAAASF modified its policies regarding timeframes for sending and receiving a plan of correction (PoC) for life safety code surveys.
- To ensure its surveyors were adequately trained, AAAASF developed a website where surveyors could access a resource library of training webinars, interpretative guidelines, principles of documentation, standards, surveyor handbook, survey forms and other materials to assist surveyors in the field.

B. Term of Approval

Based on the review and observations, we have determined that AAAASF's accreditation program for ASCs meets or exceeds our requirements. Therefore, we approve, without condition, AAAASF as a national accreditation organization for ASCs that request participation in the Medicare program, effective November 27, 2009 through November 27, 2012. Under § 488.4(f)(4), notice was given to AAAASF on November 27, 2009 (74 FR 62330) and this final notice, although not required by our regulations, is being published as a public service for informational purposes.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program).

Dated: August 5, 2010.

Donald M. Berwick,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2010–19888 Filed 8–19–10; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1572–N]

Medicare Program; Announcement of Five New Members to the Advisory Panel on Ambulatory Payment Classification Groups

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces five new members selected to serve on the Advisory Panel on Ambulatory Payment Classification (APC) Groups (the Panel). The purpose of the Panel is to review the APC groups and their associated weights and to advise the Secretary of Department of Health and Human Services (the Secretary) and the Administrator of Centers for Medicare & Medicaid Services concerning the clinical integrity of the APC groups and their associated weights. We will consider the Panel's advice as we prepare the annual updates of the hospital outpatient prospective payment system (OPPS).

FOR FURTHER INFORMATION CONTACT: For inquiries about the Panel, contact the Designated Federal Official (DFO): Shirl Ackerman-Ross, (410) 786–4474.

APC Panel E–Mail Address: The E-mail address for the Panel is as follows: *CMS APCPanel@cms.hhs.gov* (*Note:* There is no underscore in this e-mail address; there is a space between CMS and APCPanel.)

News Media Contact: News media representatives must contact our Public Affairs Office at (202) 690–6145.

CMS Advisory Committees Hotlines: The CMS Federal Advisory Committee Hotline is 1–877–449–5659 (toll free) and (410) 786–9379 (local) for additional Panel information.

Web Sites: For additional information regarding the APC Panel membership, meetings, agendas, and updates to the Panel's activities, search our Web site at the following Uniform Resource Locator (URL): *http://www.cms.hhs.gov/FACA/05_AdvisoryPanelonAmbulatoryPaymentClassificationGroups.asp#TopOfPage*. (*Note:* There is an underscore after FACA/05 (like this_); there is no space.)

The public may also access the following URL for the Federal Advisory Committee Act Web site to obtain APC Panel information: *https://www.fido.gov/facadatabase/public.asp.* A copy of the Panel's Charter and other pertinent information are on both Web sites mentioned above. You may also e-mail the Panel DFO at the above e-mail address for a copy of the Charter.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Department of Health and Human Services (the Secretary) is required by section 1833(t)(9)(A) of the Social Security Act (the Act) to consult with an expert outside advisory Panel regarding the clinical integrity of the Ambulatory Payment Classification (APC) groups and relative payment weights that are

components of the Medicare hospital outpatient prospective payment system (OPPS).

The APC Panel meets up to three times annually. The Charter requires that the Panel must be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. The Panel consists of up to 15 members, who are representatives of providers, and a Chair. Each Panel member must be employed full-time by a hospital, hospital system, or other Medicare provider subject to payment under the OPPS. The Secretary or the Administrator of the Centers for Medicare & Medicaid Services (the Administrator) selects the Panel membership based upon either self-nominations or nominations submitted by Medicare providers and other interested organizations. All members must have technical expertise to enable them to participate fully in the work of the Panel. This expertise encompasses hospital payment systems; hospital medical-care delivery systems; provider billing systems; APC groups, Current Procedural Terminology codes, and alpha-numeric Healthcare Common Procedure Coding System codes; and the use of, and payment for, drugs and medical devices in the outpatient setting, as well as other forms of relevant expertise.

The Charter requires that all members have a minimum of 5 years experience in their area(s) of expertise, but it is not necessary that any member be an expert in all of the areas listed above. For purposes of this Panel, consultants and independent contractors are not considered as representatives of providers. A Panel member may serve up to a 4-year term. A member may serve after the expiration of his or her term until a successor has been sworn in. All terms are contingent upon the renewal of the Panel by appropriate action before its termination. The Secretary re-chartered the APC Panel effective November 21, 2008.

II. Announcement of New Members

The Panel may consist of a Chair and up to 15 Panel members who serve without compensation, according to an advance written agreement. Travel, meals, lodging, and related expenses for the meeting are reimbursed in accordance with standard Government travel regulations. We have a special interest in ensuring that women, minorities, representatives from various geographical locations, and the physically challenged are adequately represented on the Panel.

The Secretary, or her designee, appoints new members to the Panel from among those candidates determined to have the required expertise. New appointments are made in a manner that ensures a balanced membership.

The Panel presently consists of the following 15 members and a Chair: (The asterisk [*] indicates a Panel member whose term expires on September 30, 2010.)

- Edith Hambrick, M.D., J.D., Chair
- Ruth L. Bush, M.D., M.P.H.
- Dawn L. Francis, M.D., M.H.S.
- Kathleen M. Graham, R.N., M.S.H.A., C.P.H.Q.
- Patrick Grusenmeyer, Sc.D., M.P.A., F.A.C.H.
- David Halsey, M.D.
- Judith T. Kelly, B.S.H.A., R.H.I.T., R.H.I.A., C.C.S.
- Michael D. Mills, Ph.D., M.S.P.H.*
- Agatha L. Nolen, D.Ph., M.S., F.A.S.H.P.
- Randall A. Oyer, M.S.
- Beverly Khnie Philip, M.D.*
- Daniel Pothen, M.S., R.H.I.A., CPHIMS, CCS, CCS–P, CHC
- Gregory J. Przybylski, M.D.
- Russ Ranallo, M.S.*
- Michael A. Ross, M.D., F.A.C.E.P.*
- Patricia Spencer-Cisek, M.S., A.P.R.N.-BC, A.O.C.N.®*

On March 26, 2010, we published a notice in the **Federal Register** entitled "Medicare Program; Request for Nominations to the Advisory Panel on Ambulatory Payment Classification Groups" (CMS–1570–N) requesting nominations to the Panel replacing Panel members whose terms would expire on September 30, 2010. As a result of that **Federal Register** notice, we are announcing five new members to the Panel. All five appointments are for 4-year terms commencing on October 1, 2010, as indicated below:

New panel members	Terms
• Kari S. Cornicelli, C.P.A., FHFMA	10/1/2010 through 9/30/2014.
• Brian D. Kavanagh, M.D., M.P.H	10/1/2010 through 9/30/2014.
• Scott Manaker, M.D., PhD	10/1/2010 through 9/30/2014.
• John Marshall, C.R.A., R.C.C., RT®	10/1/2010 through 9/30/2014.
• Neville B. Sarkari, M.D., FACP	10/1/2010 through 9/30/2014.

(*Note:* Dr. Kavanagh replaces Dr. Mills; Dr. Manaker replaces Dr. Philip; Dr. Sarkari replaces Dr. Ross; Ms. Cornicelli replaces Mr. Ranallo; and Mr. Marshall replaces Ms. Spencer-Cisek. They will all take the Oaths of Office at the winter 2011 APC Panel meeting. Therefore, the current APC Panel members are all invited to attend the 2010 late summer meeting since the new members' terms do not begin until October 1, 2010.)

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 11, 2010.

Donald M. Berwick,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2010–20306 Filed 8–19–10; 8:45 am]

BILLING CODE 4120–01–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 Scientific Management Review Board.

The NIH Reform Act of 2006 (Pub. L. 109–482) provides organizational authorities to HHS and NIH officials to: (1) Establish or abolish national research institutes; (2) reorganize the offices within the Office of the Director, NIH including adding, removing, or transferring the functions of such offices

or establishing or terminating such offices; and (3) reorganize, divisions, centers, or other administrative units within an NIH national research institute or national center including adding, removing, or transferring the functions of such units, or establishing or terminating such units. The purpose of the Scientific Management Review Board (also referred to as SMRB or Board) is to advise appropriate HHS and NIH officials on the use of these organizational authorities and identify the reasons underlying the recommendations.

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: Scientific Management Review Board.

Date: September 14–15, 2010.

Time: September 14, 2010, 8:30 a.m. to 5:30 p.m.

Agenda: The focus of this meeting will be on the deliberations of the Translational Medicine and Therapeutics working group and its respective stakeholder consultation. Presentation and discussion will include, but is not limited to, representatives from academia, government, industry, venture capital firms, and patient advocacy groups. Additional presentation and discussion will include recommendations from the Substance Use, Abuse and Addiction working group and the Intramural Research Program working group. Time will be allotted both days for presentation and discussion of each Working Group's recommendations. Any supporting documentation for this meeting, including the agenda, will be available at *http://smrb.od.nih.gov.* Sign up for public comment will begin at approximately 7:30 a.m. on both September 14 and 15 and will be restricted to one sign in per person. In the event that time does not allow for all those interested to present oral comments, anyone may file written comments using the contact person's address below.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Time: September 15, 2010, 8 a.m. to 5 p.m.

Agenda: Continuation of September 14th meeting.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Lyric Jorgenson, Health Sciences Policy Analyst Office of Science Policy, Office of the Director, NIH, National Institutes of Health, Building 1, Room 218, MSC 0166, 9000 Rockville Pike, Bethesda, MD 20892, *smrb@mail.nih.gov*, (301) 496–6837.

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.

The meeting will also be webcast. The draft meeting agenda and other information about the SMRB, including information about access to the webcast, will be available at *http://smrb.od.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxis, 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.

(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: August 16, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–20675 Filed 8–19–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0423]

ASK (Assess Specific Kinds of CHILDREN Challenges for Neurologic Devices) Study Children Workshop; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop entitled ASK (Assess Specific Kinds of CHILDREN Challenges for Neurologic Devices) Study Children Workshop. The purpose of the public workshop is to solicit comments from academic investigators and clinicians associated with the use, research and/or development of pediatric neuroprostheses regarding approaches for enhancing the protection and promotion of public health in children and adolescents with neuroprostheses. The public workshop will provide an overview of pediatric initiatives across the Agency, neurological and neurosurgical perspectives on medical devices, a review of pediatric assessments and outcome measures, and scientific research issues associated with the use of neuroprotheses in pediatric populations, including cochlear implants, deep brain stimulators, hydrocephalus shunts, spinal cord stimulators, and vagus nerve stimulators. Information from this public workshop will help establish a science-based framework of recommendations to aid in the development of more efficient strategies in evaluating pediatric neuroprostheses regulated by the Agency.

Dates and Time: The public workshop will be held on September 13, 2010, from 9 a.m. to 5 p.m.

Location: The public workshop will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Conference Center, rm. 1503, Silver Spring, MD 20993. For lodging and directions, please refer to the meeting on the Internet at: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.*

Contact Person: Carlos Peña, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 4264, Silver Spring, MD 20993–0002, 301–796–8521, FAX: 301–847–8617, email: *carlos.pena@fda.hhs.gov.*

Registration: Registration requests must be received by 5 p.m. on September 6, 2010. If you wish to attend the public meeting, you must register online at: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* There is no registration fee for the public workshop. Early registration is recommended because seating is limited. There will be no onsite registration.

If you wish to make an oral presentation at the workshop, you must indicate this at the time of registration. FDA will do its best to accommodate requests to speak. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and to request time for a joint presentation. FDA will determine the amount of time allotted to each presenter and the approximate time that each oral presentation is scheduled to begin.

If you wish to make an oral presentation during the open comment period at the workshop, you must indicate this at the time of registration. FDA requests that presentations focus on the areas described in this notice. You should also identify which discussion topic you wish to address in

your presentation and you must submit a brief statement that describes your experience and/or expertise relevant to your proposed presentation. In order to keep each open session focused on the discussion topic at hand, each oral presentation should address only one discussion topic. FDA will do its best to accommodate requests to speak.

If you need special accommodations due to a disability (such as wheelchair access or a sign language interpreter), please notify Carlos Peña, at least 7 days in advance of the meeting.

Comments: FDA is holding this public workshop to obtain information about children and adolescents with neuroprostheses. The deadline for submitting comments regarding this public workshop is September 6, 2010.

Regardless of attendance at the public workshop, interested persons may submit either electronic or written comments regarding this document. Submit electronic comments 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. 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.

SUPPLEMENTARY INFORMATION:

I. Why Are We Holding This Public Workshop?

The purpose of the public workshop is to solicit information from academic investigators and clinicians associated with the use, research and/or development of pediatric neuroprostheses regarding approaches for enhancing the protection and promotion of public health in children and adolescents with neuroprostheses. Information from this public workshop will help establish a science-based framework of recommendations to aid in the development of more efficient strategies in evaluating pediatric neuroprostheses regulated by the Agency.

The agency seeks discussion with interested parties regarding the use of neuroprostheses in pediatric populations. The public workshop will provide an overview of pediatric initiatives across the Agency, neurological and neurosurgical perspectives on medical devices, a review of pediatric assessments and outcome measures, and scientific research issues associated with the use of neuroprotheses in pediatric populations, including cochlear implants, deep brain stimulators, hydrocephalus shunts, spinal cord stimulators, and vagus nerve stimulators.

Since the Food and Drug Administration Amendments Act of 2007 was signed into law, there has been increased interest in stimulating scientifically sound clinical research related to pediatric populations. However, to date, none of the initiatives has focused specifically on neuroprosthetic devices for pediatric patients. It is hoped that this meeting will provide a forum for open discussion and information exchange among interested parties, FDA, and other stakeholders to lay a framework for establishing a science-based framework of recommendations to aid in the development of more efficient strategies in evaluating pediatric neuroprostheses regulated by the Agency and stimulating further research into the use of devices to treat disorders and diseases that affect pediatric patients.

II. What Will Be the Format for the Meeting?

The format for the meeting will include general sessions in the morning and the afternoon. Invited expert speakers will present information to stimulate thought regarding current needs and concerns regarding neuroprosthetic devices that involve pediatric patients. Presentations will be followed by a focused, moderated comment session.

III. What Are the General Topic Areas We Intend To Address at the Public Workshop?

We hope to discuss the following topics:

- Pediatric initiatives across the Agency
- The ASK Children Study
- Clinical perspectives
- Patient and advocacy group perspectives
- Science and research perspectives

The workshop will conclude with an overall open discussion that will cover the workshop purposes and questions, areas of cooperation, next steps, and future directions.

IV. What Are the Issues That Will Be Discussed and Considered?

Issues regarding the research and/or development of pediatric neuroprostheses, current clinical use, and approaches for enhancing the protection and promotion of public health in children and adolescents with neuroprostheses will be discussed and considered.

V. Where Can I Find Out More About This Public Workshop?

Background information on the public workshop, registration information, the agenda, information about lodging, and other relevant information will be posted, as it becomes available, on the Internet at: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*.

Transcripts: Transcripts of the public workshop may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857, approximately 15 working days after the public workshop at a cost of 10 cents per page. A transcript of the public workshop will be available on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*.

Dated: August 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–20659 Filed 8–19–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Published Privacy Impact Assessments on the Web

AGENCY: Privacy Office, DHS.

ACTION: Notice of publication of Privacy Impact Assessments.

SUMMARY: The Privacy Office of the Department of Homeland Security (DHS) is making available thirty-five Privacy Impact Assessments on various programs and systems in the Department. These assessments were approved and published on the Privacy Office's Web site between October 1, 2009 and May 31, 2010.

DATES: The Privacy Impact Assessments will be available on the DHS Web site until October 19, 2010, after which they may be obtained by contacting the DHS Privacy Office (contact information below).

FOR FURTHER INFORMATION CONTACT: Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, or e-mail: *pia@dhs.gov.*

SUPPLEMENTARY INFORMATION: Between October 1, 2009, and May 31, 2010, the

Chief Privacy Officer of the Department of Homeland Security (DHS) approved and published thirty-five Privacy Impact Assessments (PIAs) on the DHS Privacy Office Web site, *http://www.dhs.gov/privacy,* under the link for "Privacy Impact Assessments." These PIAs cover thirty-five separate DHS programs. Below is a short summary of the programs, indicating the DHS component responsible for the system, and the date on which the PIA was approved. Additional information can be found on the Web site or by contacting the Privacy Office.

System: IDOCX System.

Component: Immigration and Customs Enforcement.

Date of approval: October 14, 2009.

IDOCX is an information system owned by Immigration and Customs Enforcement (ICE). The system supports the collection, organization, and analysis of paper and electronic documents for law enforcement and other programmatic or administrative purposes. ICE conducted this PIA because IDOCX collects, analyzes, and stores personally identifiable information (PII).

System: Five Country Joint Enrollment and Information-Sharing Project.

Component: United States Visitor and Immigrant Status Indicator Technology.

Date of approval: November 2, 2009.

The United States Visitor and Immigration Status Indicator Technology (US–VISIT) Program of DHS published this PIA to cover a new, systematic and long-term information-sharing project with trusted partner nations for immigration purposes. The Five Country Conference (FCC) is a forum for co-operation on migration and border security, between the countries of Australia, Canada, New Zealand, United Kingdom, and the United States. The FCC Information-Sharing Project is a partnership among all the members of the FCC that is aligned with the DHS mission as well as the US–VISIT Strategic Plan because it will help identify individuals whose identities were previously unknown and by doing so, improve national security in support of DHS-wide initiatives and other mission goals.

System: Travel and Employment Authorization Listings.

Component: United States Citizenship and Immigration Services.

Date of approval: November 3, 2009.

The United States Citizenship and Immigration Services (USCIS) developed the Travel and Employment Authorization Listings (TEAL) system to streamline access to relevant information during the adjudication of certain benefits. TEAL consolidates immigration information about applicants from selected USCIS and DHS systems to provide greater accessibility to immigration information necessary to determine benefit eligibility. USCIS is conducting this PIA because TEAL retrieves PII from USCIS and DHS systems.

System: Bond Management Information System Web Version Interface and Collection Update.

Component: Immigration and Customs Enforcment.

Date of approval: November 20, 2009.

The Bond Management Information System/Web Version (BMIS Web) is an immigration bond management database used primarily by the Office of Financial Management (OFM) at ICE. The basic function of BMIS Web is to record and maintain for financial management purposes the immigration bonds that are posted for aliens involved in removal proceedings. The PIA for BMIS Web was originally published in August 2008. Since then, the system interfaces and the scope of the information collected have changed, thus necessitating an update to the PIA.

System: Boating Accident Report Database.

Component: United States Coast Guard.

Date of approval: November 12, 2009.

The United States Coast Guard (USCG) developed the Boating Accident Report Database (BARD) to serve as a receptacle for boating accident report data, submitted by each of the 56 State and territorial reporting authorities as required by 46 USC 6102. USCG conducted this PIA because the boating accident report data contains PII.

System: Refugees, Asylum, and Parole System and the Asylum Pre-Screening System.

Component: United States Citizenship and Immigration Services.

Date of approval: November 24, 2009.

USCIS maintains the Refugees, Asylum, and Parole System and the Asylum Pre-Screening System (RAPS APSS). Both systems, originally developed by the former Immigration and Naturalization Service (INS), comprise the USCIS' Asylum program and are used to capture information pertaining to asylum applications, credible fear and reasonable fear screening processes, and applications for benefits provided by Section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA § 203). USCIS conducted PIA because both RAPS and APSS contain PII.

System: Password Issuance and Control System.

Component: Immigration and Customs Enforcement.

Date of approval: November 24, 2009.

The Password Issuance and Control System is used by ICE and USCIS for password management and to manage user access to ICE and USCIS information systems. ICE conducted this PIA because the system collects PII.

System: Financial Disclosure Management.

Component: Office of General Counsel.

Date of approval: November 24, 2009.

The Ethics Division of the Office of General Counsel of DHS published an update to the PIA for the Financial Disclosure Management System (FDMS) dated September 30, 2008. FDMS is a Web-based initiative developed to provide a mechanism for individuals to complete, sign, review, and file financial disclosure reports, first required by Title I of the Ethics in Government Act of 1978. This update extends coverage to the PII collected by Executive Branch Confidential Financial Disclosure Reports (OGE Form 450).

System: Recruit Analysis and Tracking System.

Component: United States Coast Guard.

Date of approval: November 30, 2009.

The DHS United States Coast Guard Recruiting Command operates the Recruit Analysis and Tracking System (RATS) to support the USCG recruiting mission. The system gathers and distributes recruiting leads, tracks recruit progression, prepares accession forms, processes reservations for enlisted and officer candidates, manages the mission plan, provides point-in-time projections, and reports on quality, quantity, and diversity statistics for the recruiting effort. USCG conducted this PIA because RATS collects and retains PII.

System: H1N1 Medical Care for DHS Employees.

Component: Office of Health Affairs.

Date of approval: December 1, 2009.

The DHS Office of Health Affairs (OHA) issued Standard Operating Procedures (SOP) to set forth requirements for DHS Components to provide medical care to DHS Mission Critical and Emergency Essential employees located in remote or medically austere environments who either present with influenza-like symptoms, or have been exposed to a probable case of H1N1 influenza. The SOP will remain in effect for the duration of the Department of Health and Human Services (HHS)—declared public health emergency with respect to H1N1. OHA is conducted this PIA

because the SOP involves the collection of PII.

System: Student & Exchange Visitor Information.

Component: Immigration and Customs Enforcement.

Date of approval: December 4, 2009.

ICE is developing the Student & Exchange Visitor Information (SEVIS II) as a modernization effort to address limitations in the original SEVIS immigration benefits tracking tool. SEVIS II is an information system that tracks and monitors students, exchange visitors, and their dependents that are in the U.S. on F, M, or J classes of admission throughout the duration of approved participation within the U.S. education system or designated exchange visitor program. SEVIS also maintains information on the schools, exchange visitor program sponsors, and their representatives. ICE conducted this PIA to document publicly the privacy protections that are in place within the system because SEVIS II collects, maintains, and provides PII in the execution of its mission.

System: Alien Flight Student Program.

Component: Transportation Security Administration.

Date of approval: December 4, 2009.

The Transportation Security Administration (TSA) updated the PIA used by the Alien Flight Student Program (AFSP) to conduct security threat assessments (STAs). TSA issued this update to expand the covered population required to undergo STAs to include candidates seeking recurrent flight training. The AFSP PIA was published initially on June 18, 2004, and subsequently amended on December 22, 2006. The December 22, 2006 PIA remains in effect to the extent that it is consistent with this update, and should be read together with this update.

System: Stakeholder Engagement Initiative: Customer Relationship Management.

Component: DHS Wide.

Date of approval: December 10, 2009.

The Office of the White House Liaison and the Office of Policy, in coordination with the Office of Intergovernmental Affairs, are developing the Customer Relationship Management (CRM), a data management tool being employed by the Stakeholder Engagement Initiative (SEI). The system will be an online database which manages information on external stakeholders and tracks the interactions between these individuals and DHS. This PIA is being conducted because PII will be collected and maintained on a variety of stakeholders.

System: 287(g) Program Database.

Component: Immigration and Customs Enforcement.

Date of approval: December 28, 2009.

The ICE Office of State and Local Coordination maintains a database for the 287(g) Program, under which ICE delegates Federal immigration enforcement authorities to State and local law enforcement agencies. The database is used to track the progress of delegation agreements between ICE and State and local law enforcement agencies and the vetting and training of individual State and local law enforcement officers who are candidates for 287(g) authority. ICE conducted this PIA because the 287(g) Program database collects, uses, and maintains PII.

System: Enforcement Integrated Database.

Component: Immigration and Customs Enforcement.

Date of approval: January 14, 2010.

The Enforcement Integrated Database (EID) is a DHS shared common database repository for several DHS law enforcement and homeland security applications. EID captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by ICE and Customs and Border Protection (CBP). The majority of records in EID are predicated on ongoing DHS law enforcement activity. ICE conducted this PIA to provide additional notice of the existence of the EID and the applications that access EID, and to publicly document the privacy protections that are in place for the system.

System: ICEGangs Database.

Component: Immigration and Customs Enforcement.

Date of approval: January 15, 2010.

ICE uses a gang-tracking software application used for investigative, analytical, and statistical recording and tracking of gang members and associates, gangs, and their activities called ICEGangs. The ICEGangs database supports information sharing on gang members and activities among participating law enforcement agencies. ICE conducted this PIA because the system collects and maintains PII.

System: Immigration and Customs Enforcement Child Exploitation Tracking System.

Component: Immigration and Customs Enforcement.

Date of approval: January 19, 2010.

The Immigration and Customs Enforcement Child Exploitation Tracking System (ICE–CETS) is a centralized information repository that assists law enforcement in conducting child exploitation investigations. The ICE–CETS database allows information about related investigations to be shared and tied together to reduce redundant investigative work. ICE conducted this PIA because PII is maintained in ICE–CETS.

System: Sensor Web.

Component: Science and Technology Directorate.

Date of approval: January 20, 2010.

The Sensor Web project is a research and development effort funded by DHS Science and Technology (S&T) Office of Small Business Innovation Research (SBIR) that seeks to develop and test the effectiveness of a smart sensor system for potential law enforcement and first responder applications. The technologies being tested—video recording technology and analytic tools to interpret and process that video—are technologies that potentially impact the privacy of individuals, both during the tests and in future live settings. S&T conducted this PIA to assess the immediate privacy impacts of conducting the tests as well as the more general privacy impacts of the technology itself.

System: Haiti Social Media Disaster Monitoring Initiative.

Component: Office of Operations Coordination and Planning.

Date of approval: January 21, 2010.

The Office of Operations Coordination and Planning (OPS), National Operations Center (NOC), launched a Haiti Social Media Disaster Monitoring Initiative (Initiative) to assist the DHS, and its components involved in the response, recovery, and rebuilding effort resulting from the recent earthquake and after-effects in Haiti. The NOC used this vehicle to fulfill its statutory responsibility to provide situational awareness and establish a common operating picture for the Federal Government, and for those State, local, and Tribal governments, as appropriate, assisting with the response, recovery, and rebuilding effort in Haiti. While this Initiative was not designed to collect PII, OPS conducted this PIA because the Initiative could potentially involve information received in an identifiable form. This PIA was effective for 90 days and expired in May 2010.

System: IdeaFactory.

Component: DHS Wide.

Date of approval: January 21, 2010.

DHS deployed IdeaFactory, an Intranet Web-based tool that uses social media concepts to enable innovation and organizational collaboration within the DHS. IdeaFactory empowers employees to develop, rate, and improve

innovative ideas for programs, processes, and technologies. This privacy impact assessment was conducted because the site collects limited PII on users submitting ideas.

System: Enterprise Security System.

Component: Federal Law Enforcement Training Center.

Date of approval: January 25, 2010.

The Federal Law Enforcement Training Center (FLETC) launched the Enterprise Security System (ESS) to standardize the process for students, contractors, visitors, and personnel to obtain access to FLETC facilities. FLETC conducted this PIA because ESS collects and maintains PII on students, visitors, and personnel.

System: Academy Information System.

Component: United States Coast Guard.

Date of approval: January 26, 2010.

The United States Coast Guard Academy (CGA) developed the Academy information System (ACADIS) transactional database system. ACADIS provides an information resource for the management of the CGA educational environment including the training and development of all future Coast Guard officers. To support this function, ACADIS processes transactional data for cadet military program records and various facility applications, manages applicant data to facilitate the admissions process, and warehouses data on cadets, prior cadets, faculty, and staff. USCG conducted this PIA because ACADIS collects and maintains PII.

System: 2010 Winter Olympics Social Media Event Monitoring Initiative.

Component: Office of Operations Coordination and Planning.

Date of approval: February 10, 2010.

The OPS, National Operations Center (NOC), launched a 2010 Winter Olympics Social Media Event Monitoring Initiative (Initiative) to assist the DHS and its components involved in the security, safety, and border control associated with the 2010 Winter Olympics in Vancouver, British Columbia (BC). The NOC used this vehicle to fulfill its statutory responsibility to provide situational awareness and establish a common operating picture for the Federal government, and for those State, local, and Tribal governments, as appropriate, assisting with the security, safety, and border control associated with the Olympics. While this Initiative was not designed to collect PII, OPS conducted this PIA because the Initiative could potentially involve information received in an identifiable form. This PIA was effective for 30 days and expired March 10, 2010.

System: EINSTEIN 1: Michigan Proof of Concept.

Component: National Protection and Programs Directorate.

Date of approval: February 19, 2010.

The DHS and the State of Michigan (Michigan) plan to engage in a 12-month proof of concept to determine the benefits and issues presented by deploying the EINSTEIN 1 capability to Michigan government networks managed by the Michigan Department of Information Technology (MDIT). This PIA updates the previous EINSTEIN PIAs (EINSTEIN 1 PIA from 2004 and EINSTEIN 2 PIA from 2008, both available on *http://www.dhs.gov/privacy*) in one narrow aspect: the use of EINSTEIN 1 technology in a proof of concept with Michigan. This PIA update addresses the privacy impacts of extending the current EINSTEIN 1 functionality to Michigan in this specific proof of concept.

System: Suspension and Debarment Case Management System.

Component: Immigration and Customs Enforcement.

Date of approval: February 19, 2010.

The Suspension and Debarment Case Management System (SDCMS) is a secure, Web-based workflow management system maintained by the Office of Acquisition Management (OAQ) of the ICE that manages ICE's suspension and debarment process. The purpose of SDCMS is to provide an automated mechanism for managing and reporting on all suspension and debarment activities from receipt of referral through the expiration date of the suspension or debarment period. The information maintained in SDCMS may contain PII on Federal contractors being referred for suspension or debarment. ICE conducted this PIA because SDCMS collects and maintains PII.

System: US–CERT: Initiative Three Exercise.

Component: National Protection and Programs Directorate.

Date of approval: March 18, 2010.

Pursuant to Initiative Three of the Comprehensive National Cybersecurity Initiative, DHS is engaging in an exercise to demonstrate a suite of technologies that could be included in the next generation of the Department's EINSTEIN network security program. This demonstration, (commonly referred to as the "Initiative Three Exercise" or, more simply, as "the Exercise") will use a modified complement of system components currently providing the EINSTEIN 1 and EINSTEIN 2 capabilities, as well as a DHS test deployment of technology developed by the National Security Agency (NSA) that includes an intrusion prevention capability (collectively referred to as "the Exercise technology"). The purpose of the Exercise is to demonstrate the ability of an existing Internet Service Provider that is a designated as a Trusted Internet Connection Access Provider (TICAP) to select and redirect Internet traffic from a single participating government agency through the Exercise technology, for US–CERT to apply intrusion detection and prevention measures to that traffic and for US–CERT to generate automated alerts about selected cyber threats. This PIA is being conducted because the Exercise will analyze Internet traffic which may contain PII.

System: Background Vetting Service.

Component: United States Citizenship and Immigration Services.

Date of approval: March 22, 2010.

The USCIS developed the Background Vetting Service (BVS) to comply with the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109–248 which restricts the ability of any U.S. citizen (USC) or lawful permanent resident alien (LPR) who has been convicted of any "specified offense against a minor" from filing certain family-based immigration petitions. Under the BVS, the USCIS will facilitate fingerprint checks of USCs whose principal residence is overseas filing family-based immigration petitions at Department of State (DOS) Overseas Posts against the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) and the US–VISIT Automated Biometric Identification System (IDENT). The information is collected and assembled by DOS. The USCIS BVS does not collect or originate any information but only serves as a conduit to route the information between DOS, US–VISIT, FBI IAFIS, and the USCIS BVS Users. USCIS Conducted this PIA because BVS checks PII collected by DOS against US–VISIT's IDENT and FBI's IAFIS and returns a status flag back to DOS for their use in the adjudication of the applicable petition.

System: Integrated Common Analytical Viewer Sensitive But Unclassified.

Component: National Protection and Programs Directorate.

Date of approval: March 29, 2010.

The DHS National Protection and Programs Directorate (NPPD) implemented the Integrated Common Analytical Viewer Sensitive But Unclassified (iCAV SBU), a sensitive but unclassified, secure, Web-based, geospatial visualization tool that integrates commercial and government-

owned data and imagery from multiple sources enabling homeland security partners to establish comprehensive situational and strategic awareness across the nation and around the globe to better prepare for, prevent, respond to and recover from natural and man-made disasters. This PIA was performed to analyze and evaluate any privacy impact resulting from the use of visualization technology.

System: Workplace Violence Prevention Program.

Component: Transportation Security Administration.

Date of approval: March 30, 2010.

The TSA is committed to providing a safe work environment for its personnel. Toward that goal, TSA has established a Workplace Violence Protection Program (WVPP) that provides: national guidance to TSA program coordinators regarding the prevention of, and response to, incidents of actual or alleged workplace violence; reviews reports of credible threats or actual incidents of workplace violence; provides advice and guidance to program coordinators and management regarding agency action; and coordinates training for program coordinators and TSA employees and contractors. Workplace violence incident data, including PII, is maintained and secured by TSA program personnel.

System: Online Detainee Locator System.

Component: Immigration and Customs Enforcement.

Date of approval: April 9, 2010.

The Online Detainee Locator System (ODLS) is a publicly accessible, Web-based system owned by ICE. ODLS allows the public to conduct online Internet-based queries to locate persons detained by ICE for civil violations of the Immigration and Nationality Act. ODLS is intended to allow members of the public, especially family members and legal representatives, to determine whether an individual is currently in ICE detention and, if so, at which facility the person is detained. ICE conducted this PIA because this system makes available to the public PII about individuals detained by ICE.

System: Eligibility Risk and Fraud Assessment Testing Environment.

Component: United States Citizenship and Immigration Services.

Date of approval: April 9, 2010.

The Office of Transformation Coordination of the USCIS is planning to prototype the Eligibility Risk and Fraud Assessment Testing Environment. This environment will be used to develop, test, and refine the risk and fraud business rules against historical data extracts before deploying to a full production environment. This new testing involves the use of personally indefinable information.

System: Alien Criminal Response Information Management System.

Component: Immigration and Customs Enforcement.

Date of approval: April 22, 2010.

The Alien Criminal Response Information Management System (ACRIMe) is an information system used by ICE to support various law enforcement activities at the ICE Law Enforcement Support Center and other ICE locations. ACRIMe supports ICE's handling of and response to immigration status inquiries made by other agencies regarding individuals arrested, subject to background checks, or otherwise encountered by those agencies. ACRIMe also supports the ICE Secure Communities Program, which provides a biometric-based means to identify criminal aliens for possible removal from the United States.

System: Data Analysis and Research for Trade Transparency System.

Component: Immigration and Customs Enforcement.

Date of approval: April 26, 2010.

The DHS, ICE operates the Data Analysis and Research for Trade Transparency System (DARTTS), which supports ICE investigations of trade-based money laundering, contraband smuggling, and trade fraud. DARTTS analyzes trade and financial data to identify statistically anomalous transactions that may warrant investigation for money laundering or other import-export crimes. These anomalies are then independently confirmed and further investigated by experienced ICE investigators. The original PIA for DARTTS was published in October 2008. ICE is migrating DARTTS to the ICE Enterprise Network, and has added two new sets of financial data and a new set of trade data. ICE also implemented new audit features and capabilities to enhance integrity and accountability. ICE is updating and republishing the DARTTS PIA to reflect these changes.

System: Customer Identity Verification System Update.

Component: United States Citizenship and Immigration Services.

Date of approval: April 26, 2010.

The USCIS is updating its PIA for the Customer Identity Verification (CIV) system to remove the "Pilot" designation of the system and to address the further deployment of the system to all field offices. The CIV system collects and uses biometrics (fingerprints and pictures) when an applicant appears before USCIS in person at the time of an interview so that USCIS can verify that the individual being interviewed is the same person for whom it conducted a background check and collected other information at the Application Support Center. USCIS will use US–VISIT Secondary Inspections Tool, a Web-based tool, that processes, displays, and retrieves biometric and biographic data from the Automated Biometric Identification System.

System: April 2010 BP Oil Spill Response Social Media Event Monitoring Initiative.

Component: Office of Operations Coordination and Planning.

Date of approval: April 29, 2010.

The OPS, National Operations Center (NOC), has launched an April 2010 BP Oil Spill Response Social Media Event Monitoring Initiative (Initiative) to assist the DHS and its components involved in the security, safety, and emergency response associated with the BP oil spill response off the Gulf Coast. The NOC is using this vehicle to fulfill its statutory responsibility to provide situational awareness and establish a common operating picture for the Federal government, and for those State, local, and Tribal governments, as appropriate, assisting with the security, safety, and emergency response associated with the oil spill. While this Initiative is not designed to collect PII, OPS is conducting this PIA because the Initiative could potentially involve PII or other information received in an identifiable form. This PIA was effective for 60 days and expired at that time.

System: Malware Lab Network.

Component: National Protection and Programs Directorate.

Date of approval: May 4, 2010.

The goal of the DHS, NPPD is to advance the risk-reduction segment of the Department's overall mission. To meet this goal, the NPPD/U.S. Computer Emergency Readiness Team (US–CERT) provides key capabilities in four cyber mission areas: (1) Alert, Warning, and Analysis; (2) Coordination and Collaboration; (3) Response and Assistance; and (4) Protection and Detection. The Malware Lab Network (MLN) contributes critical support to existing tools used by US–CERT to better meet these cyber mission areas. The MLN collects, uses, and maintains analytically relevant information in order to support the Department's cyber security mission, including the prevention and mitigation of cyber attacks, protection of information infrastructure, the assessment of cyber vulnerabilities, and response to cyber incidents. DHS conducted this PIA to

publicly analyze and evaluate the PII within the MLN.

Mary Ellen Callahan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2010–20629 Filed 8–19–10; 8:45 am]

BILLING CODE 9110–9L–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0656]

Houston/Galveston Navigation Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meetings.

SUMMARY: The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) and its working groups will meet in Houston, Texas, to discuss waterway improvements, aids to navigation, area projects impacting safety on the Houston Ship Channel, and various other navigation safety matters in the Galveston Bay area. All meetings will be open to the public.

DATES: The Committee will meet on September 23, 2010, from 9 a.m. to noon. The Committee's working groups will meet on September 9, 2010, from 9 a.m. to noon. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before September 8, 2010. Requests to have a copy of your materials distributed to each member of the Committee or working group should reach the Coast Guard on or before September 8, 2010.

ADDRESSES: The Committee and working groups will meet at the West Gulf Maritime Association (WGMA) offices, 1717 East Loop, Suite 200, Houston, TX 77029, telephone (713) 678–7655.

Send written material and requests to make oral presentations to Commander Michael Zidik, Alternate Designated Federal Officer (ADFO) of HOGANSAC, CG SEC Houston-Galveston, 9640 Clinton Drive, Houston, TX 77029. This notice and documents identified in the **SUPPLEMENTARY INFORMATION** section as being available in the docket may be viewed in our online docket, USCG–2010–0656, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the meeting, please call or e-mail Lieutenant Junior Grade Margaret Brown, Waterways Management Branch, Coast Guard; telephone 713–678–9001, e-mail *Margaret.A.Brown@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 these meetings is given pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–463). This Committee is established in accordance with and operates under the provisions of the FACA. It was established under the Coast Guard Authorization Act of 1991 (Pub. L. 102–241), as amended. Pursuant to that authority, the Committee provides advice and recommendations on matters relating to safe transit of vessels and products through Galveston Bay, and to and from the Ports of Galveston, Houston, Texas City, and Galveston Bay.

Agenda of the Committee Meeting

The agenda is as follows:

(1) Opening Remarks by the Designated Federal Officer (CAPT Woodring) and Committee Chair (Mrs. Tava Foret).

(2) Approval of May 25, 2010 minutes.

(3) Old Business (receipt and discussion of the following reports).

(a) Navigation Operations (NAVOPS) subcommittee report;

(b) Dredging subcommittee report;

(c) Technology subcommittee report;

(d) Waterways Safety and Utilization subcommittee report;

(e) Commercial Recovery Contingency (CRC) subcommittee report;

(f) HOGANSAC Outreach subcommittee report;

(g) Freeport working group report;

(h) Area Maritime Security Committee (AMSC) Liaison's report.

(4) New Business.

(a) Discussion on 2011 AMSC/HSC Conference in Houston.

(5) Announcements.

(a) Schedule Next Meetings.

Agenda of the Working Groups Meeting

The agenda for the working groups meeting is as follows:

(1) Presentation by each working group of its work product and progress;

(2) Review and discuss the work completed by each working group, including any potential conflicts or commonalities in action items to be included in reports to the Committee.

The minutes, which will be discussed by the Committee, may be viewed in our online docket. Go to *http://www.regulations.gov,* enter the docket number for this notice (USCG–2010–0656) in the "Keyword" box and then click "Search."

Procedural

All meetings are open to the public. Please note that meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at the Committee meeting, please notify the ADFO no later than September 8, 2010. Written material for distribution at a meeting should reach the Coast Guard no later than September 8, 2010. If you would like a copy of your material distributed to each member of the Committee in advance of the meetings, please submit 19 copies to the Coast Guard no later than September 8, 2010.

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant Junior Grade Margaret Brown at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Dated: July 26, 2010.

M.E. Woodring,

Captain, U.S. Coast Guard, Commander, Sector Houston-Galveston.

[FR Doc. 2010–20631 Filed 8–19–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0212]

Interagency Coordinating Committee on Oil Pollution Research (ICCOPR); Public Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The Interagency Coordinating Committee on Oil Pollution Research (ICCOPR) will hold a public meeting in Washington, DC to hear comments on the priorities of oil pollution research, including projects related to the Deepwater Horizon incident and the Arctic environment. This meeting is designed to give the public an opportunity to provide statements as to where the ICCOPR, a Federally mandated committee, should focus their efforts concerning oil pollution research. Public comment will then be used to augment the revision of the 1997 Oil Pollution Research and Technology

Plan. This meeting will be open to the public.

DATES: The Committee will meet on Thursday, September 16, 2010, from 9 a.m. to 2 p.m. This meeting may close early if all business is finished. Written material (no more than 2 full pages) and requests to make brief oral presentations should reach the Coast Guard on or before September 9, 2010. Requests to have a copy of your material (no more than 2 full pages) distributed to each member of the committee should reach the Coast Guard on or before September 9, 2010.

ADDRESSES: The Committee will meet in the Elihu Root Auditorium at the Carnegie Institution for Science, 1530 P Street, NW., Washington, DC 20005–1910. Send written material (no more than 2 full pages) and requests to make brief oral presentations to Lieutenant Tracy Wirth, Assistant to the Chairman of the ICCOPR at Commandant (CG–533), Office of Incident Management and Preparedness, U.S. Coast Guard, 2100 2nd St., SW., STOP 7363, Washington, DC 20593–7363. The ICCOPR staff can also be contacted via e-mail at *ICCOPR_staff@uscg.mil.* This notice and documents identified in the **SUPPLEMENTARY INFORMATION** section as being available in the docket, may be viewed in our online docket, USCG–2010–0212, at *http://www.regulations.gov.*

If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–40 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or the meeting, contact Lieutenant Tracy Wirth, Assistant to the Chairman of the ICCOPR, telephone 202–372–2236 or via e-mail at *ICCOPR_staff@uscg.mil.*

If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Section 7001(a) of the Oil Pollution Act of 1990 (OPA 90) established the Interagency Coordinating Committee on Oil Pollution Research. The purpose of the Interagency Committee is twofold: (1) To prepare a comprehensive, coordinated Federal oil pollution research and development (R&D) plan; and (2) to promote cooperation with industry, universities, research institutions, state governments, and other nations through information sharing, coordinated planning, and joint funding of projects. The Interagency Committee was commissioned with 13 members and is chaired by the Coast Guard. Membership includes:

—National Oceanic and Atmospheric Administration (NOAA)
—National Institute of Standards and Technology (NIST)
—Department of Energy (DOE)
—Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE)—formally known as Minerals Management Service (MMS)
—United States Fish and Wildlife Service (USFWS)
—Maritime Administration (MARAD)
—Pipeline and Hazardous Materials Safety Administration (PHMSA)
—United States Army Corps of Engineers (USACE) —United States Navy (USN)
—Environmental Protection Agency (EPA)
—National Aeronautics and Space Administration (NASA)
—United States Coast Guard (USCG)
—Federal Emergency Management Agency (FEMA), and
—United States Fire Administration (USFA)

Section 7001(b) of the Oil Pollution Act of 1990 required the Interagency Committee to prepare an Oil Pollution Research and Technology Plan. The Interagency Committee prepared the original Oil Pollution Research and Development (R&D) Technology Plan to define the roles of each Federal agency involved in oil spill research and development. The plan was submitted to Congress in April 1992 and later reviewed by the National Research Council's Committee on Oil Spill Research and Development under the auspices of the Marine Board. Using input from the Marine Board, the Committee revised the plan in May 1993 to address spill prevention, human factors, and the field testing/demonstration of developed response technologies. The current version of the plan, still based on Marine Board recommendations, is dated April 1997. The Interagency Committee is coordinating an update of the Technology Plan during the next two fiscal years.

The Committee previously met on May 19, 2010.

Tentative Meeting Agenda

The agenda for the September 16, 2010, Committee meeting is as follows:

(1) 9 a.m.: Convene: Welcome and Opening Comments by the ICCOPR Chairman; Captain Anthony S. Lloyd, U.S. Coast Guard
(2) 9:15 a.m.: ICCOPR Background and Overview Brief
(3) 9:45 a.m.: Public Comment Period
(4) 1:45 p.m.: Closing Remarks: Captain Anthony S. Lloyd, U.S. Coast Guard, Chairman
(5) 2 p.m.: Adjourn

ICCOPR Biennial Report

The Interagency Coordinating Committee on Oil Pollution Research Biennial Report for Fiscal Years 2008 and 2009 and the 1997 Oil Pollution Research and Technology Plan documents, which will be discussed by the Committee, may be viewed in our online docket. Go to *http://www.regulations.gov,* enter the docket number for this notice (USCG–2010–0212) in the "Keyword" box, and then click "Search."

Procedural

This meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make brief oral presentations during the meeting. If you would like to make an oral presentation at a meeting, please notify the Assistant to the Chairman no later than September 9, 2010. Written material (no more than 2 full pages) for distribution at a meeting should reach the Coast Guard no later than September 9, 2010. If you would like a copy of your material (no more than 2 full pages) distributed to each member of the committee in advance of a meeting, please submit 25 copies to the Assistant to the Chairman no later than September 9, 2010.

The transcript of the meeting, including all comments received during the meeting, will be posted to *http://www.regulations.gov* and will include any personal information you have 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).

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Chairman as soon as possible.

Authority

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: August 15, 2010.

A.S. Lloyd,

Captain, U.S. Coast Guard, Chief, Office of Incident Management & Preparedness.

[FR Doc. 2010–20735 Filed 8–19–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–82]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Application for Healthy Homes and Lead Hazard Control Grant Programs and Quality Assurance Plans

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This information collection is required in conjunction with the issuance of Notice of Funding Availability of approximately $132,000,000 for Healthy Homes and Lead Hazard Control Programs that are authorized under Title X of the Housing and Community Development Act of 1992, Public Law 102–550, Section 1011, and other legislation. The quality Assurance Plan is obtained after the award of grants.

DATES: *Comments Due Date:* August 27, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *OIRA_Submission @omb.eop.gov;* fax: (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail: *Leroy.MckinneyJr@hud.gov;* telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Application for Healthy Homes and Lead Hazard Control Grant Programs and Quality Assurance Plans.

OMB Control Number: 2539–0015.

Agency Form Numbers: HUD 96008, HUD 96012, HUD 27300, HUD 96015, HUD 96009, HUD 27061, SF 424, HUD 2994–A, SF LLL, HUD 96010, HUD 96011, HUD 96014, HUD 424 cbw, HUD 2880, HUD 960139, HUD 2990, HUD 2991, HUD 2993, HUD 96013.

Description of Information Collection: This information collection is required in conjunction with the issuance of Notice of Funding Availability of approximately $132,000,000 for Healthy Homes and Lead Hazard Control Programs that are authorized under Title X of the Housing and Community Development Act of 1992, Public Law 102–550, Section 1011, and other legislation. The Quality Assurance Plan is obtained after the award of grants.

Members of Affected Public: Potential applicants include State, Tribal, local governments, not-for-profit institutions and for-profit firms located in the U.S. State and units of general local government and Federally recognized Native American Tribes.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of responses: The estimated number of respondents is 250; the frequency of responses is once; and the total reporting burden will be approximately 21,760 hours.

Total Estimated Burden Hours: 21,760.

Status of the proposed information collection: Revision of currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: August 12, 2010.

Leroy McKinney, Jr.,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–20753 Filed 8–19–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–30]

Notice of Proposed Information Collection: Comment Request Application for FHA Insured Mortgages

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 19, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, Room 9120 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Arlene Nunes, Deputy Director, Home Mortgage Insurance Division, Office of Single Family Program Development Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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; (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 the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Application for FHA Insured Mortgages.

OMB Control Number, if applicable: 2502–0059.

Description of the need for the information and proposed use: Specific forms and related documents are needed to determine the eligibility of the borrower and proposed mortgage transaction for FHA's insurance endorsement. Lenders seeking FHA's insurance prepare certain forms to collect data.

Agency form numbers, if applicable: HUD–92900–A, HUD–92900–B, HUD–92900–LT, HUD–92561, Addendum to HUD–1, Model Notice for Informed Consumer Choice Disclosure, Model Pre-Insurance Review/Checklist.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The total number of burden hours is estimated at 478,758 which represent the time required to enter the required data into FHA Connection. The total number of respondents is 12,240 which represent the total for FHA-approved lenders. The number of responses is 5,749,160 which represent the total number of pages of forms required for completion. The frequency of response is one document per loan and the total number of burden hours for entry is 1 hour, 32 minutes per endorsed case.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: August 17, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–20754 Filed 8–19–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–29]

Notice of Submission for Extension of a Currently Approved Information Collection: Comment Request; Owner Certification With HUD's Tenant Eligibility and Rent Procedures

AGENCY: Office of Program Systems Management, HUD.

ACTION: Notice extension of a currently approved information collection.

SUMMARY: The information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 19, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, Room 9120 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Gail Williamson, Director, Office of Multifamily Housing Assistance Policy Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–3000 x2473 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting a revision of the currently approved information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the extension of the approved collection of information to: (1) Evaluate whether the collection remains necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) Evaluate accuracy of the agency's estimate of the burden of the collection of information; (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 the use of appropriate automated collection techniques or other forms of information technology *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Owner Certification with HUD's Tenant Eligibility and Rent Procedures

OMB Control Number: 2502–0204

Description of the need for the information and proposed use: The Department needs to collect this information in order to establish an applicant's eligibility for admittance to subsidized housing, specify which eligible applicants may be given priority over others, and prohibit racial discrimination in conjunction with selection of tenants and unit assignments. The Department must specify tenant eligibility requirements as well as how tenants' incomes, rents and assistance must be verified and computed so as to prevent the Department from making improper payments to owners on behalf of assisted tenants. The Department also must provide annual reports to Congress and the public on the race/ethnicity and gender composition of subsidy program beneficiaries. This information is essential to maintain a standard of fair practices in assigning tenants to HUD Multifamily properties.

Agency form numbers, if applicable: HUD–50059, HUD–50059–A, HUD–9887/9887–A, HUD–27061–H, HUD–90100, HUD–90101, HUD–90102, HUD–90103, HUD–90104, HUD–90105–a, HUD–90105–b, HUD–90105–c, HUD–90105–d, HUD–90106, HUD–91066, HUD–91067, HUD–90011 and HUD–90012.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the annual total number of hours needed to prepare the information collection is 1,354,679 number of respondents is 2,184,726, frequency response is 1 per annum, and the total hours per respondent is 1.96.

Status of the proposed information collection: This is a revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: August 17, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–20755 Filed 8–19–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUT030000–10–L16100000–PH–241A]

Grand Staircase-Escalante National Monument, Monument Advisory Committee: Call for Nominations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Call for Nominations

SUMMARY: The purpose of this notice is to request public nominations for 15 members of the Grand Staircase-Escalante National Monument, Monument Advisory Committee (GSENM–MAC). The GSENM–MAC provides advice and recommendations to the GSENM on science issues and the achievement of the GSENM Management Plan objectives. GSENM will accept public nominations for 30 days from the date this notice is posted.

DATES: A completed nomination form and accompanying nomination letters must be received at the address listed below no later than September 20, 2010.

ADDRESSES: Grand Staircase-Escalante National Monument Headquarters Office, 190 East Center, Kanab, Utah 84741.

FOR FURTHER INFORMATION CONTACT: Larry Crutchfield, Public Affairs Officer, GSENM Headquarters Office, 190 East Center, Kanab, Utah 84741; phone (435) 644–4310, or e-mail *larry_crutchfield@blm.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of the Interior established the GSENM–MAC pursuant to section 309 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1739) and in conformity with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. Appendix 2). The 15 appointed members of the GSENM–MAC perform several primary tasks: (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives; (2) Review appropriate research proposals and make recommendations on project necessity and validity; (3) Make recommendations regarding allocation of research funds through review of research and project proposals as well as needs identified through the evaluation process above; and (4) Make recommendations on issues such as protocols for specific projects.

The Secretary appoints persons to the GSENM–MAC who are representatives of the various major citizen interests pertaining to land use planning and management of the lands under the Bureau of Land Management (BLM) in the GSENM.

Each GSENM–MAC member will be a person who, as a result of training and experience, has knowledge or special expertise which qualifies him or her to provide advice from among the categories of interest listed below. The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on all FACA and non-FACA boards, committees, or councils. As appropriate, certain committee members may be appointed as Special Government Employees. Special Government Employees serve on the committee without compensation, but will be reimbursed for travel and per diem expenses at current rates for government employees, and are subject to financial disclosure requirements in the Ethics in Government Act and 5 CFR 2634. Travel reimbursement is available to all committee members.

This notice, published pursuant to 43 CFR 1784.4–1 and in accordance with the approved management plan for GSENM (February 2000), requests the public to submit nominations to fill 15 vacant positions on the committee. Any individual or organization may nominate one or more persons to serve on the GSENM–MAC. Individuals may nominate themselves for GSENM–MAC membership.

Nomination forms may be obtained from the GSENM Headquarters Office, (*see* **ADDRESSES** section above). To make a nomination, submit to the GSENM Headquarters Office a letter of nomination, a completed nomination form, letters of reference from the represented interests or organizations associated with the interest represented by the candidate, and any other information that speaks to the candidate's qualifications.

Eight members will be appointed as follows, one from each of the categories listed below:

- An elected official from Garfield County to represent the interests of county residents;
- An elected official from Kane County to represent the interests of county residents;
- A representative of state government;
- A representative of tribal government;
- An educator to represent the educational community;
- A representative of the environmental community;
- An outfitter and guide operating within the Monument to represent commercial users; and
- A livestock grazing permittee operating within the Monument representing grazing permittees.

Seven members will be appointed as Special Government Employees, one for each of the following areas of expertise:

- Archaeology;
- Botany;
- Geology;
- Paleontology;
- Social science;
- Systems ecology; and
- Wildlife biology.

The specific category the nominee would be representing should be identified in the letter of nomination and in the nomination form. The BLM Utah State Director and Monument Manager will review the nomination forms and letters of reference. The BLM consults with Utah's governor before forwarding its recommendations to the Secretary of the Interior for final decision.

Members will serve without monetary compensation, but will be reimbursed for travel and per diem expenses at current rates for Government employees. The Committee will meet at least twice a year. Additional meetings may be called by the Designated Federal Officer.

Juan Palma,

State Director.

[FR Doc. 2010–20672 Filed 8–19–10; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML03100 L51010000.ER0000 LVRWG0460000; NMNM–115773]

Notice of Availability of the Draft Environmental Impact Statement for the Alamogordo Regional Water Supply Project, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 as amended (NEPA), the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Alamogordo Regional Water Supply Project and by this notice is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Alamogordo Regional Water Supply Project Draft EIS within 60 days following the date the Environmental Protection Agency

publishes this Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Alamogordo Regional Water Supply Project by any of the following methods:

- *E-mail: nmlcdo_comments@blm.gov.*
- *Fax:* 575–525–4412.
- *Mail:* Bureau of Land Management, Alamogordo Regional Water Supply Project, Attention: Lorraine Salas, Project Manager, 1800 Marquess Street, Las Cruces, NM 88005.

Copies of the Alamogordo Regional Water Supply Project Draft EIS are available in the BLM Las Cruces District Office at the above address; the BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM; the City of Alamogordo Public Library, 920 Oregon Avenue, Alamogordo, NM; the Village of Tularosa Public Library, 515 Fresno Street, Tularosa, NM.

FOR FURTHER INFORMATION CONTACT: Lorraine Salas, Project Manager; telephone 575–525–4388; address 1800 Marquess Street, Las Cruces, NM 88005; e-mail: *nmlcdo_comments@blm.gov.*

SUPPLEMENTARY INFORMATION: The City of Alamogordo (the City) has submitted to the BLM an application for a right-of-way (ROW) for the construction and use of up to 10 groundwater wells in order to produce approximately 4,000 acre-feet per year of water with supporting infrastructure on BLM-managed public land. Under the Federal Land Policy and Management Act of 1976, as amended, and supported by NEPA analysis, the BLM will decide whether to grant the ROW or grant the ROW with modifications, and, if so, under what terms and conditions. The BLM is the lead Federal agency for this EIS. Cooperating agencies include the Bureau of Reclamation (BOR) and Otero County.

In 1983, a study concluded that the City's long-term water supply is inadequate and that critical water shortages could occur should the region experience a prolonged drought. The study concluded that the City's projected water demand is 10,842 acre-feet per year (afy) through the year 2045. In response to the study, the City obtained water rights through the New Mexico Office of the State Engineer (State Engineer) and has approached the BLM for a ROW to withdraw water on BLM-managed public land with supporting infrastructure.

The City seeks to address the water demand through the desalination of brackish groundwater located in the Tularosa Underground Water Basin. The proposed wells would be drilled on BLM-managed public land located 26 miles north of the City. The BOR will decide whether to seek and approve funding for a portion of the project costs through BOR's budget under Title XVI, Public Law 102–575, as amended—the Reclamation Wastewater and Groundwater Facilities Act; 43 U.S.C. § 39h, provides authority for the BOR water recyling and reuse program.

The Draft EIS addresses the direct, indirect, and cumulative environmental impacts of two alternatives. The proposed action (Alternative B) by the City includes obtaining unappropriated brackish groundwater from the Snake Tank Well Field, constructing and operating 10 groundwater wells at Snake Tank Well Field, installing water transmission lines to Alamogordo, and constructing a desalination facility and a booster pump station in Alamogordo to treat the brackish groundwater to drinking water standards. This alternative has been developed to incorporate the State Engineer ruling, which was affirmed by the New Mexico State District Court to allow 4,000 afy of brackish groundwater (approximately 3,200 afy of potable water) from the Snake Tank Well Field and up to 5,000 acre-feet in any one year so long as withdrawals do not exceed 20,000 acre-feet in any 5-year period. The remaining future water supply (198 afy) would have to come from other sources, all of which are undetermined, and are not part of the Draft EIS.

Alternative A is the "No Action" Alternative, as required by NEPA. The No Action Alternative describes conditions expected to occur if there would be no new well field development or additional water supply beyond the City's current water supply. The No Action Alternative assumes the City would continue to enforce water conservation measures and use existing infrastructure. Since the publication of the Notice of Intent to prepare an EIS in the **Federal Register** on August 26, 2004, scoping meetings and mailings have been conducted to solicit public comment and identify key issues. Tribal governments with interest in this project were also contacted.

Approximately 216 scoping comments were received during the development of the Draft EIS. Key issues identified by individuals, groups, and governmental entities include: Balancing growth with water use in the Alamogordo/Tularosa region; groundwater draw-down in existing residential wells and mitigation measures for any impacts to those wells; potential social and economic impacts on ranching and agriculture in the region; and potential impacts on Indian trust land, community acequias, and surface water.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Bill Childress,

District Manager, Las Cruces.

[FR Doc. 2010–20564 Filed 8–19–10; 8:45 am]

BILLING CODE 4310–VC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVB00000 L71220000.EX0000 LVTFF0986020 241A.00; MO #4500014477; 10–08807; TAS: 14X8069]

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Cortez Hills Expansion Project, Lander County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM), Battle Mountain District, Mount Lewis Field Office, Battle Mountain, Nevada, has prepared a Draft Supplemental Environmental Impact Statement (EIS) for the Cortez Hills Expansion Project in Lander County, Nevada. The project was authorized in a Record of Decision and Plan of Operations Amendment Approval in November 2008 and by this notice the BLM is announcing the opening of the comment period for the Draft Supplemental EIS.

DATES: The Cortez Hills Expansion Project Draft Supplemental EIS is available for public comment for 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. To provide the

public with an opportunity to review and comment on the Draft Supplemental EIS, the BLM will host public meetings in Crescent Valley and Battle Mountain, Nevada. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Cortez Hills Expansion Project Draft Supplemental EIS by the following methods:

- *Fax:* (775) 635–4034
- *E-mail: CortezHills_DSEIS@blm.gov*
- *Mail:* Bureau of Land Management, 50 Bastian Road, Battle Mountain, Nevada 89020, ATTN: Christopher Worthington.
- *Web site: http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html*

FOR FURTHER INFORMATION CONTACT: Christopher Worthington, telephone (775) 635–4000; or e-mail: *Christopher_Worthington@blm.gov.*

SUPPLEMENTARY INFORMATION: The BLM signed a Record of Decision and Plan of Operations Approval on November 12, 2008, for the Cortez Gold Mines (CGM) Cortez Hills Expansion Project, which is an expansion of an existing open-pit gold mining and processing operations in northeastern Nevada. The project entails new surface disturbance of approximately 6,633 acres, including 6,412 acres of public land administered by the BLM Battle Mountain District and 221 acres of private land owned by CGM. The Notice of Availability of the Final Cortez Hills Expansion Project EIS, Nevada, was published in the **Federal Register** on October 3, 2008 (73 FR 57647).

On December 3, 2009, the U.S. Court of Appeals for the Ninth Circuit partially reversed the U.S. District Court of Nevada's denial of preliminary injunctive relief with respect to the BLM's environmental analysis of air quality and water resource issues. The BLM subsequently elected to prepare a Supplemental EIS to refine the analysis of potential air quality effects and the dewatering mitigation effectiveness for the Cortez Hills Expansion Project. The Supplemental EIS includes these analyses.

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays, and will be published as part of the Final Supplemental EIS. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6.

Gerald M. Smith,

District Manager, Battle Mountain.

[FR Doc. 2010–20557 Filed 8–19–10; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048811, LLCAD06000, L51010000.FX0000, LVRWB09B2600]

Notice of Availability of the Final Environmental Impact Statement for the Chevron Energy Solutions/Solar Millennium Blythe Solar Power Plant and Proposed California Desert Conservation Area Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Proposed California Desert Conservation Area (CDCA) Plan Amendment/Final Environmental Impact Statement (EIS) for the Chevron Energy Solutions/Solar Millennium (CESSM), LLC's Blythe Solar Power Plant (BSPP) project and by this notice is announcing its availability.

DATES: The publication of the Environmental Protection Agency's (EPA) Notice of Availability (NOA) of this Final EIS in the **Federal Register** initiates a 30-day public comment period. In addition, the BLM's planning regulations state that any person who meets the conditions described in the regulations may protest the BLM's Proposed CDCA Plan Amendment/Final EIS. A person who meets the conditions and files a protest must file the protest within 30 days of the date that EPA publishes its NOA in the **Federal Register**. The protest procedures are described in the "Dear Reader" letter accompanying the Proposed Plan Amendment/Final EIS.

ADDRESSES: Copies of the Proposed CDCA Plan Amendment/Final EIS for the BSPP Project have been sent to affected Federal, state, and local government agencies and to other stakeholders. Copies are available for public inspection at the Palm Springs South Coast Field Office, 1201 Bird Center Drive, Palm Springs, California 92262. Interested persons may also review the Proposed CDCA Plan Amendment/Final EIS at the following Web site: *http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Blythe_Solar_Power_Project.html.*

Submit comments on the Final EIS to Allison Shaffer, BLM Project Manager, Palm Springs South Coast Field Office, 1201 Bird Center Drive, Palm Springs, California 92262; or e-mail: *CAPSSolarBlythe@blm.gov.*

All protests must be in writing and mailed to one of the following addresses:

Regular Mail: BLM Director (210), Attention: Brenda Williams, P.O. Box 66538, Washington, DC 20035.

Overnight Mail: BLM Director (210), Attention: Brenda Williams, 1620 L Street, NW., Suite 1075, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Allison Shaffer, BLM Project Manager, telephone (760) 833–7100; address (*see* **ADDRESSES** above).

SUPPLEMENTARY INFORMATION: CESSM has submitted a right of way (ROW) application to the BLM for development of the proposed BSPP project, consisting of 4 parabolic trough solar thermal power plants. The project would be built in 4 phases which are designed to generate approximately 968 megawatts (MW) of electricity at full development. The project footprint is approximately 5,950 acres of BLM-managed lands, with a proposed ROW encompassing 9,400 acres. The project site is in Riverside County, California, approximately 8 miles west of Blythe, California, 3 miles north of Highway I-10, and 1 mile north of the Blythe Regional Airport.

The project includes the power generation facility, an electrical transmission line, natural gas pipeline, and an access road. A double circuit 230-kilovolt (kV) transmission line would be constructed to interconnect to the Devers-Palo Verde #2 500 kV line at the Colorado River substation. Approximately 6.5 miles of this new line would be outside the project area but is included in the analysis. The new line proposes to use a 175-foot wide ROW.

The BLM's purpose and need for the NEPA analysis of the BSPP project is to respond to CESSM's application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and

decommission a solar thermal electric generation facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws. The BLM will decide whether to approve, approve with modification, or deny a ROW grant to CESSM for the proposed BSPP project. The BLM will also consider amending the CDCA Plan in this analysis. The CDCA Plan (1980, as amended), while recognizing the potential compatibility of solar electric generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in the CDCA Plan be considered through the plan amendment process. If the BLM decides to grant a ROW, the BLM would also amend the CDCA Plan as required.

In the Final EIS, the BLM's proposed action is to authorize the BSPP project and approve a CDCA Plan amendment in response to the application received from CESSM. The BLM's preferred alternative is the proposed action. In addition to the proposed action, the BLM is analyzing the following action alternatives: (1) authorize a reconfigured 1,000–MW alternative and amend the CDCA Plan; and (2) authorize a smaller 750–MW alternative and amend the CDCA Plan.

As required under NEPA, the Final EIS analyzes a no action alternative that would not require a CDCA Plan Amendment. Additionally, the Final EIS analyzes two additional no action alternatives: (1) A no action alternative which would deny the project but amend the CDCA Plan to allow other solar energy power generation projects on the project site and (2) a no action alternative which would deny the project and amend the CDCA Plan to prohibit solar energy projects on the project site. The BLM will take into consideration the provisions of the Energy Policy Act of 2005 and Secretarial Orders 3283 *Enhancing Renewable Energy Development on the Public Lands* and 3285A1 *Renewable Energy Development by the Department of the Interior* in responding to the BSPP application.

The Final EIS evaluates the potential impacts of the project on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources.

The Applicant has applied to the Department of Energy (DOE) for a loan guarantee under Title XVII of the Energy Policy Act of 2005 (EPAct 05), as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5 (the "Recovery Act"). The DOE has entered into negotiations of a loan guarantee with the applicant, and is a cooperating agency in developing the Final EIS.

An NOA for the BSPP Draft EIS/Draft CDCA Plan Amendment and California Energy Commission Staff Assessment (SA) was published by EPA in the **Federal Register** on March 19, 2010 (75 FR 13301). The formal 90-day comment period ended on June 16, 2010. Comments on the Draft EIS/plan amendment received from the public and internal BLM review were considered and incorporated as appropriate into the proposed plan amendment. Public comments resulted in the addition of clarifying text, but did not significantly change proposed decisions.

Instructions for filing a protest with the Director of the BLM regarding the BSPP Project may be found in the BSPP Proposed CDCA Plan Amendment/Final EIS "Dear Reader" letter and at 43 CFR 1610.5–2. E-mailed or faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the e-mailed or faxed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of the BLM protest coordinator at (202) 912–7212, and e-mails to *Brenda_Hudgens-Williams@blm.gov.* All protests, including the follow-up letter to e-mails or faxes, must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above.

Before including your phone number, e-mail address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, and 1506.10, 43 CFR 1610.2 and 1610.5.

Thomas Pogacnik,

Deputy State Director, California.

[FR Doc. 2010–20559 Filed 8–19–10; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000 L14300000.FR0000; WYW165139]

Notice of Realty Action, Recreation and Public Purposes Act Classification of Public Lands in Washakie County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: Under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, notice is hereby given that the Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance to Washakie County approximately 15 acres of public land in Washakie County, Wyoming. Washakie County proposes to use the land for a septic waste disposal site.

DATES: Interested parties may submit comments regarding the proposed conveyance or classification of the lands until October 4, 2010.

ADDRESSES: Comments should be sent to the Field Manager, Bureau of Land Management, Worland Field Office, 101 South 23rd Street, Worland, Wyoming 82401; or e-mailed to *vic_trickey@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Victor Trickey, Realty Specialist, BLM, Worland Field Office, 101 South 23rd Street, Worland, Wyoming 82401; (307) 347–5106; or e-mail *vic_trickey@blm.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Section 7 of the Taylor Grazing Act, (43 U.S.C. 315f), and Executive Order No. 6910, the following described public land in Washakie County, Wyoming, has been examined and found suitable for classification for conveyance under the provisions of the R&PP Act, as amended, (43 U.S.C. 869 *et seq.*):

Sixth Principal Meridian, Wyoming

T. 47 N., R. 92 W.,
Sec. 22, S½SE¼SE¼NE¼, and SW¼SE¼NE¼.

The land described contains 15 acres, more or less.

In accordance with the R&PP Act, Washakie County filed an application to purchase the above-described 15 acres of public land to be developed for a septic waste disposal site. The lands will accommodate the increased demand in the Worland area for sewage disposal facilities. Additional detailed information pertaining to this

application, plan of development, and site plan is in case file WYW165139, located in the BLM Worland Field Office at the above address.

The land is not needed for any Federal purpose. The conveyance is consistent with the Washakie Resource Management Plan, dated September 1988, and would be in the public interest. The patent, if and when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, including, but not limited to 43 CFR subpart 2743, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.

The patent will be subject to all valid existing rights documented on the official public land records at the time of patent issuance.

On the date this notice is published in the **Federal Register**, the lands described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Classification Comments: Interested parties may submit comments involving the suitability of the lands for a septic waste disposal site. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the conveyance and specific uses proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision to convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the State Director, who may sustain, vacate or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective October 19, 2010. The lands will not be available for conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5(h))

Donald A. Simpson,

State Director.

[FR Doc. 2010–20668 Filed 8–19–10; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–602]

In the Matter of Certain GPS Devices and Products Containing Same; Modification Proceeding

Notice of Institution of Modification Proceedings

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a modification proceeding relating to the limited exclusion order and cease and desist orders issued at the conclusion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–1999. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov/*. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 7, 2007, based on a complaint filed by Global Locate, Inc. of San Jose, California ("Global Locate"). 72 FR 25777 (May 7, 2007). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. **1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain GPS (Global Positioning System) devices and products containing the same by reason of infringement of asserted claims of various United States patents. The complaint named SiRF Technology, Inc. ("SiRF"), E–TEN Corp. ("E–TEN"), Pharos Science & Applications, Inc. ("Pharos"), MiTAC International Corporation ("MiTAC"), and Mio Technology Limited ("Mio") as respondents. The notice of investigation was subsequently amended to add Broadcom Corporation ("Broadcom") of Irvine, California as a complainant when Broadcom acquired Global Locate.

On January 15, 2009, the Commission found a violation of section 337 by SiRF, E–TEN, Pharos, MiTAC, and Mio (collectively, "Respondents") in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain GPS devices and products containing the same. The Commission issued a limited exclusion order directed to the products of Respondents that were found to infringe the asserted patents. The Commission also issued cease-and-desist orders against SiRF, Pharos, and Mio.

On April 12, 2010, the United States Court of Appeals for the Federal Circuit affirmed the Commission's determination in all respects in *SiRF Tech., Inc.* v. *U.S. Int'l Trade Comm'n,* 601 F.3d 1319 (Fed. Cir. 2010).

On April 22, 2010, Respondents filed a petition seeking modification of the Commission's limited exclusion and cease-and-desist orders pursuant to Commission rule 210.76 (19 CFR 210.76). On May 10, 2010, Complainants and the Commission investigative attorney ("IA") responded to Respondents' petition. On May 17, 2010, Respondents filed a motion for leave to reply to the IA's response with a reply attached. On May 24, 2010, Respondents filed a motion for leave to reply to the Complainants' response with a reply attached. On June 3, 2010, Complainants opposed Respondents' May 24, 2010, motion for leave. The

Commission has determined to grant Respondents' motions for leave.

On May 10, 2010, Complainants filed their own petition seeking modification of the Commission's remedial orders. On May 27, 2010, the IA and Respondents filed responses to Complainants' petition for modification of the Commission's remedial orders.

Having examined the petitions seeking modification of the limited exclusion order and the cease-and-desist orders, and the responses thereto, the Commission determined that Respondents' petition complies with 19 U.S.C. 1337(k)(2) and 19 CFR 210.76(a), but that Complainants' petition does not. Accordingly, the Commission has determined to institute a modification proceeding to consider Respondents' petition, and has delegated the proceeding to the Chief Administrative Law Judge for assignment to a presiding administrative law judge.

While Broadcom's allegations of changed circumstances do not warrant the institution of a modification proceeding under Commission rule 210.76, the party might find a formal enforcement proceeding under rule 210.75(b) a more suitable avenue to address its concerns. In fact, the Commission indicated as much in 2009 when it declined Broadcom's request to initiate an informal enforcement proceeding under 210.75(a), in light of "the factual nature of the allegations" in the request. Separate from the particular dispute at issue in this investigation, the Commission is preparing to commence the third in a series of five-year surveys on the effectiveness of section 337 exclusion orders. As indicated when the Commission gave notice of its survey preparations, it will seek feedback on the experience of complainants "in policing the exclusion order, particularly with respect to any investigatory efforts and any interactions with U.S. Customs and Border Protection." 75 FR 8398 (Feb. 24, 2010). After evaluating the survey responses, the Commission may consider whether there are any appropriate actions for the Commission to undertake to enhance the effectiveness of the orders.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.76 of the Commission's Rules of Practice and Procedure (19 CFR 210.76).

By order of the Commission.

Issued: August 16, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–20674 Filed 8–19–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1163 (Final)]

Woven Electric Blankets From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China of woven electric blankets, provided for in subheading 6301.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective June 30, 2009, following receipt of a petition filed with the Commission and Commerce by Sunbeam Products, Inc., doing business as Jarden Consumer Solutions, Boca Raton, FL. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of woven electric blankets from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 11, 2010 (75 FR 11557). The hearing was held in Washington, DC, on June 29, 2010, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 10, 2010. The views of the Commission are contained in USITC Publication 4177 (August 2010), entitled *Woven Electric Blankets From China: Investigation No. 731–TA–1163 (Final)*.

By order of the Commission.

Issued: August 10, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–20671 Filed 8–19–10; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on August 11, 2010, a proposed Consent Decree ("Decree") in *United States and the State of South Dakota v. Jeraldine Borsch Fahrni, the Chester A. Borsch, Jr. Trust, and Chester A. Borsch, Jr. as Trustee of the Chester A. Borsch, Jr. Trust,* Case No. 5:10–CV–05068–JLV, was lodged with the United States District Court for the District of South Dakota, Western Division. The case was brought under Sections 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9607(a) and 9613(g)(2), for the recovery of response costs related to the cleanup at the Gilt Edge Mine Superfund Site ("Site") in Lawrence County, South Dakota.

The Consent Decree requires the Defendants to confess to (1) entry of judgment in the amount of $890,000; (2) agree to transfer the Site properties they own to the State of South Dakota; and (3) assign any insurance coverage related to the Site to the United States.

The United States and the State of South Dakota filed a Complaint simultaneous with the Consent Decree alleging that the Defendants are jointly and severally liable for response costs related to the cleanup at the Gilt Edge Mine Superfund Site in Lawrence County, South Dakota. 42 U.S.C. 9607(a), 9613(g)(2). The Consent Decree would resolve the claims against the Defendants as described in the Complaint.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to the *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United*

States and the State of South Dakota v. Jeraldine Borsch Fahrni, the Chester A. Borsch, Jr. Trust, and Chester A. Borsch, Jr. as Trustee of the Chester A. Borsch, Jr. Trust, Case No. 5:10–CV–05068–JLV, D.J. Ref. No. 90–11–3–08278/2.

The Decree may be examined at the Office of the United States Attorney, District of South Dakota, 515 Ninth Street, Suite 201, Rapid City, South Dakota 57701. It also may be examined at the offices of U.S. EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202. During the public comment period, the Decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.*

A copy of the Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting copies from the Consent Decree Library, please enclose a check in the amount of $8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–20656 Filed 8–19–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on August 4, 2010, two proposed Consent Decrees ("Decrees") in *United States and the State of South Dakota* v. *Patricia F. Repke and the Ruth E. Hankins Revocable Trust,* Case No. 5:10–CV–05062–JLV, were lodged with the United States District Court for the District of South Dakota, Western Division. The case was brought under Sections 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a) and 9613(g)(2), for the recovery of response costs related to the cleanup at the Gilt Edge Mine Superfund Site ("Site") in Lawrence County, South Dakota.

The Consent Decrees require Patricia F. Repke and the Ruth E. Hankins Revocable Trust to: (1) Confess to $235,000 and $450,000 judgments, respectively; (2) agree to transfer the Site properties they own to the State of South Dakota; and (3) assign any insurance coverage related to the Site to the United States.

The United States and the State of South Dakota filed a Complaint simultaneous with the Consent Decrees alleging that the Defendants are jointly and severally liable for response costs related to the cleanup at the Gilt Edge Mine Superfund Site in Lawrence County, South Dakota. 42 U.S.C. 9607(a), 9613(g)(2). The Consent Decrees would resolve the claims against the Defendants as described in the Complaint.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to the *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and the State of South Dakota* v. *Patricia F. Repke and the Ruth E. Hankins Revocable Trust,* Case No. 5:10–CV–05062–JLV, D.J. Ref. No. 90–11–3–08278/3.

The Decrees may be examined at the Office of the United States Attorney, District of South Dakota, 515 Ninth Street, Suite 201, Rapid City, South Dakota 57701. They also may be examined at the offices of U.S. EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202. During the public comment period, the Decrees may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.*

A copy of the Decrees may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting copies from the Consent Decree Library, please enclose a check in the amount of $17.25 (25 cents per page reproduction cost)($8.50 for a copy of the Consent Decree related to Patricia F. Repke)($8.75 for a copy of the Consent Decree related to the Ruth E. Hankins Revocable Trust) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–20654 Filed 8–19–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on August 9, 2010, a proposed Consent Decree in *United States* v. *Middlesex County Utilities Authority, et al.,* Civil Action No. 3:10–cv–04058–MLC–LHG, was filed with the United States District Court for the District of New Jersey. In this action, the United States sought penalties and injunctive relief for the Defendants' violations of the Clean Air Act, 42 U.S.C. 7411 *et seq.,* and the New Jersey Air Pollution Control Act, N.J.S.A. 26:2C–1 *et seq.,* at the Middlesex County landfill in East Brunswick, New Jersey.

To resolve the United States' claims, the Defendants will pay a penalty of $1,330,150 to the United States and New Jersey, and shall upgrade the Middlesex County Landfill Gas Collection and Control System, and operate that system in compliance with regulations promulgated pursuant to the Clean Air Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to either: *United States* v. *Middlesex County Utilities Authority, et al.,* Civil Action No. 3:10–cv–04058–MLC–LHG, or D.J. Ref. 90–5–2–1–09328. The Consent Decree may be examined at the Office of the United States Attorney, District of New Jersey, 970 Broad Street, Room 502, Newark, New Jersey 07102, and at the United States Environmental Protection Agency, 290 Broadway New York, New York 10007–1866. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library,

P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov),* fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of $14.00 (25 cents per page reproduction cost), or, if by e-mail or fax, forward a check in the applicable amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–20655 Filed 8–19–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities: Extension of a Currently Approved Information Collection With Non-Substantive Changes; Comment Request

AGENCY: Employment and Training Administration.

ACTION: 60-day notice of information collection under review: Form ETA–750, Application for Alien Employment Certification; OMB Control No. 1205–0015.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning Form ETA 750 *Application for Alien Employment Certification.* A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 19, 2010.

ADDRESSES: William L. Carlson, Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C4312, 200 Constitution Ave., NW., Washington, DC 20210; by phone at (202) 693–3010 (this is not a toll-free number); by fax at (202) 693–2768; or by e-mail at *ETA.OFLC.Forms@dol.gov* subject line: Form ETA 750.

SUPPLEMENTARY INFORMATION:

A. *Background:* The information collection is required by section 212(a)(5)(A)(iii) and section 214(c) of the Immigration and Nationality Act (INA). 8 U.S.C. 1182(a)(5)(A)(iii) and 1184(c) and 8 CFR 204.5(k)(4)(ii). The INA mandates the Secretary of Labor to certify that any alien seeking to enter the United States (U.S.) for the purpose of performing skilled or unskilled labor is not adversely affecting wages and working conditions of U.S. workers similarly employed and that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Many foreign professional athletes must qualify as skilled labor to gain temporary or permanent admission into the U.S. The Form ETA–750 is used to certify their admissibility. Part B of Form ETA–750 is also required by the Department of Homeland Security for aliens applying for the National Interest Waiver of the job offer requirement.

B. *Review Focus:* The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

C. *Current Actions:* In order to meet its statutory responsibilities under the INA, the Department needs to extend an existing collection of information pertaining to employers seeking to import foreign labor. The form used to collect the information is utilized not only by the Department, but also by other federal agencies to meet the requirements of the INA. The Department uses the information collected in its temporary and permanent certification programs for the employment of alien professional athletes. The Department of Homeland Security, U.S. Citizenship and Immigration Services, utilizes the form for its National Interest Waiver program for employment-based immigration.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Application for Alien Employment Certification.

OMB Number: 1205–0015.

Agency Number(s): Form ETA 750.

Recordkeeping: On occasion.

Affected Public: Individuals, Businesses or other for-profits and not-for-profit institutions.

Total Respondents: 13,035.

Estimated Total Burden Hours: 23,496 hours annually to the respondents and 46,725 hours annually to the Federal government.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0 annually to respondents and $1,442,323 annually to the Federal government.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 12, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–20648 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Comment Request for Information Collection for OMB Control No. 1205–0035, Job Corps Placement and Assistance Record, Extension With Revisions

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies an opportunity to

comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the collection of data about Job Corps Placement and Assistance Record [OMB Control No. 1205–0035, expires 09/30/2010]: ETA 678 form, Job Corps Placement and Assistance Record. ETA form 678 currently captures information about a student's training and subsequent placement in a job, higher education or the military, as well as the name of the placement provider agency. It is used to evaluate overall program effectiveness. This form is critical to the program's evaluation process. It is the only form which documents a student's post-center status. This form is completed by either a Job Corps center records staff or a career transition specialist for each student.

Proposed change:

1. Change the form title from Job Corps Placement and Assistance Record to Job Corps Placement Record.
2. The form will now capture e-mail, fax number, and Web site addresses.
3. Change Student's Vocational Training to Student's Career Technical Training (the acronym CTT will appear on the actual form); change apprenticeship to Registered Apprenticeship; add GED; Change Center ID to Center Code; change Placers ID to Career Transition Service ID (the acronym CTS will appear on the actual form); change Occupational Information Net (ONET) code to TAR (training achievement record) code; add TPA (training program area) to align with the CTT program changes; and add a Job Training Match (JTM) verification entry for (ONET) Standard Occupational Classification (SOC) codes 41–2022.00 and 43–5081.01 to add greater clarification.
4. Add information on employer benefits: 1. Does the job offer benefits? Add verification of employment or education; a drop down selection menu will be added to the form to capture pay stub, 1099, or transcript.
5. Delete section heading: Non-Placer A. Was Student Self Placed?
6. Add section heading: Placement Upgrade? Y or N to capture improvements to initial placements and to avoid the appearance of double placements.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before October 19, 2010.

ADDRESSEE: Submit written comments to Rachel Floyd-Nelson, Room N4456, Office of Job Corps, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3120 (this is not a toll-free number). Fax: 202–693–2767. E-mail: *floyd-nelson.rachel@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background: Job Corps is an intensive, residential training program for at-risk youth age 16 through 24 to address multiple barriers to employment faced by youth throughout the United States. Job Corps is authorized by Title I, Subtitle C, of the Workforce Investment Act (WIA) of 1998. The program is principally carried out through a nationwide network of 123 Job Corps centers. The centers are located at facilities either owned or leased by the Federal Government. The Department has a direct role in the operation of Job Corps, and does not serve as a pass-through agency for this program. It is the Department's responsibility to establish Job Corps centers and to select operators for them. Of the 123 current centers, 28 are operated by the Department of Agriculture through an interagency agreement. These centers are located on Federal lands. The remaining 95 centers are managed and operated by large and small corporations and nonprofit organizations selected by the Department in accordance with the Federal Acquisition Regulations, and in most cases through a competitive procurement process. Many of the current contractors manage and operate more than one center.

II. Review Focus:

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
* Enhance the quality, utility, and clarity of the information to be collected; and
* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions:

Type of Review: Extension with revisions.

Title: Job Corps Placement and Assistance Record.

OMB Number: Control No. 1205–0035.

Affected Public: Job Corps records staff and career transition specialists.

Form(s): ETA 678.

Total Annual Respondents: 42,700.

Annual Frequency: When placements occur.

Total Annual Responses: 42,700.

Average Time per Response: 7.43 minutes.

Estimated Total Annual Burden Hours: 5,288.

Total Annual Burden Cost for Respondents: $43,361.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 17, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–20715 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

[OMB Control No. 1205–0033]

Comment Request for Information Collection for OMB Control No. 1205–0033; Job Corps Health Questionnaire, Extension Without Revisions

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork

Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the collection of data about Job Corps Health Questionnaire, Form ETA 6–53 which expires on 10/31/2010. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before October 19, 2010.

ADDRESSES: Submit written comments to Carol Abnathy, National Health and Wellness Manager, Employment and Training Administration, Office of Job Corps, Room N–4507, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: (202) 693–3283 (this is not a toll-free number). Fax: (202) 693–3113. *E-mail: abnathy.carol@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Job Corps is an intensive, residential training program for at-risk youth age 16 through 24 to address multiple barriers to employment faced by youth throughout the United States. Job Corps is authorized by Title I, Subtitle C, of the Workforce Investment Act (WIA) of 1998. The program is principally carried out through a nationwide network of 123 Job Corps centers. The centers are located at facilities either owned or leased by the Federal Government. The Department has a direct role in the operation of Job Corps, and does not serve as a pass-through agency for this program. It is the Department's responsibility to establish Job Corps centers and to select operators for them. Of the 123 current centers, 28 are operated by the Department of Agriculture through an interagency agreement. These centers are located on Federal lands. The remaining 95 centers are managed and operated by large and small corporations and nonprofit organizations selected by the Department in accordance with the Federal Acquisition Regulations, and in most cases through a competitive procurement process. Many of the current contractors manage and operate more than one center.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension without changes.

Title: Job Corps Health Questionnaire.

OMB Number: 1205–0033.

Affected Public: Individuals or households.

Form(s): ETA 6–53.

Total Annual Respondents: 92,591.

Annual Frequency: Annually.

Total Annual Responses: 92,591.

Average Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 7,716.

Total Annual Burden Cost for Respondents: $13,542.

The purpose of this collection is to determine the health and accommodation/modification needs of the applicant who has been offered enrollment in Job Corps, and to determine whether an otherwise eligible applicant offered enrollment may pose a direct threat to self or others.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 17, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–20716 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

[OMB 1205–0030]

Comment Request for Information Collection for OMB 1205–0030, Job Corps Enrollee Allotment Determination, Extension Without Revisions

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the collection of data about OMB 1205–0030 (October 31, 2010).

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before October 19, 2010.

ADDRESSES: Submit written comments to Linda Estep, Office of Job Corps, Room N4507 Employment and Training Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: 888–886–1303 ext. 7212 (this is a toll-free number). Fax: 202–693–2764. E-mail: *estep.linda@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Job Corps is an intensive, residential training program for at-risk youth age 16 through 24 to address multiple barriers to employment faced by youth throughout the United States. Job Corps is authorized by Title I, Subtitle C, of the Workforce Investment Act (WIA) of 1998. The program is principally carried out through a nationwide network of 123 Job Corps centers. The centers are located at facilities either owned or leased by the Federal Government. The

Department has a direct role in the operation of Job Corps, and does not serve as a pass-through agency for this program. It is the Department's responsibility to establish Job Corps centers and to select operators for them. Of the 123 current centers, 28 are operated by the Department of Agriculture through an interagency agreement. These centers are located on Federal lands. The remaining 95 centers are managed and operated by large and small corporations and nonprofit organizations selected by the Department in accordance with the Federal Acquisition Regulations, and in most cases through a competitive procurement process. Many of the current contractors manage and operate more than one center.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

Type of Review: Extension without changes.

Title: Job Corps Enrollee Allotment Determination.

OMB Number: Existing number, OMB 1205–0030.

Affected Public: Individuals or households, Federal Government.

Form(s): ETA–658.

Total Annual Respondents: 1,100.

Annual Frequency: Annually.

Total Annual Responses: 1,100.

Average Time per Response: 3.

Estimated Total Annual Burden Hours: 55 hours.

Total Annual Burden Cost for Respondents: $283.25.

The purpose of this collection is to provide a vehicle to make allotments available to students who both desire an allotment and have a qualifying dependent. This is completed by the Job Corps admissions counselors or center staff and signed by the student during a personal interview.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 17, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–20717 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Administration and Management; Notice of Online Posting of Department of Labor's Revised Draft Strategic Plan for Fiscal Years 2011–2016

Pursuant to section 306 of the Government Performance and Accountability Act of 1993 (GPRA), the Department of Labor is required to submit its Strategic Plan for Fiscal Years 2011–2016 to the Director of the Office of Management and Budget (OMB) and to the Congress by September 30, 2010. GPRA also requires agencies to "solicit and consider the views and suggestions of those entities potentially affected by or interested in" the Strategic Plan.

To solicit input from a diverse array of stakeholders, the Department of Labor (DOL) has directly engaged Congress, external stakeholders, and its own employees through agency outreach and by posting the Draft Strategic Plan on the DOL Web site. Thirteen DOL agencies (those contributing directly to the 14 outcome goals) have provided highlights of their measures and strategies in user-friendly slideshow format on the DOL strategic planning Web page. These agencies have also held listening sessions with employees working in the DOL national and regional offices, the general public, stakeholders, and Congress. Employee and public outreach included Web chats; public versions are archived on the strategic planning Web site. DOL supplemented agency outreach with an e-mail address for public comments.

DOL has been collecting and considering the suggestions and concerns of the various stakeholders to refine goals, measures, and strategies consistent with Secretary of Labor Hilda L. Solis' vision of "Good Jobs for Everyone." Comments were distributed to the relevant agencies for consideration and changes were made to the plan as appropriate. The Office of Management and Budget has also reviewed and provided detailed comments on the Draft Strategic Plan, and additional changes were made as a result.

Now that the Draft Strategic Plan has undergone rigorous review and that a number of changes have been made in response to that review, DOL is now soliciting feedback on the *revised* Draft Strategic Plan. The revised Draft Strategic Plan will be posted on *http://www.dol.gov/_sec/stratplan/* from August 23 through August 30, and during that time members of the public are invited to review it and offer comments to *strategic-plan@dol.gov.* If comments are related to a specific Agency (such as the Wage and Hour Division or the Mine Safety and Health Administration), the Agency's name should be included in the subject line of the e-mail to help DOL share that input with the appropriate parties. **Note:** The revised Draft Strategic Plan will be available in PDF and HTML formats.

Dated: August 17, 2010.

T. Michael Kerr,

Assistant Secretary for Administration and Management, U.S. Department of Labor.

[FR Doc. 2010–20724 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation; Proposed Extension of Information Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office

of Workers' Compensation Programs is soliciting comments concerning the proposed collection: **Application for Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor (CM–972)**. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before October 19, 2010.

ADDRESSES: Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0372, fax (202) 693–1378, E-mail *Alvarez.Vincent@dol.gov*. Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background: Individuals filing for benefits under the Black Lung Benefits Act (BLBA) may elect to be represented or assisted by an attorney or other representative. For those cases that are approved, 30 U.S.C. 901 of the Black Lung Benefits Act and 20 CFR 725.365–6 established standards for the information and documentation that must be submitted to the Program for review to approve a fee for services. The CM–972 is used to collect the pertinent data to determine if the representative's services and amounts charged can be paid under the Black Lung Act. This information collection is currently approved for use through December 31, 2010.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to gather information to determine the amounts of Black Lung benefits paid to beneficiaries. Black Lung amounts are reduced dollar for dollar, for other Black Lung related workers' compensation awards the beneficiary may be receiving from State or Federal programs.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Application for Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor

OMB Number: 1240–0011.

Agency Number: CM–972.

Affected Public: Business or other for-profit.

Total Respondents: 285.

Total Annual Responses: 285.

Average Time per Response: 42 minutes.

Estimated Total Burden Hours: 200.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 17, 2010.

Vincent Alvarez,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2010–20718 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation; Proposed Extension of Information Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Operator Response to Schedule for Submission of Additional Evidence (CM–2970) and Operator Response to Notice of Claim (CM–2970A). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before October 19, 2010.

ADDRESSES: Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0372, fax (202) 693–1378, E-mail *Alvarez.Vincent@dol.gov.* Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background: The Division of Coal Mine Workers' Compensation administers the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*), which provides benefits to coal miners totally disabled due to pneumoconiosis, and their surviving dependents. When the Division of Coal Mine Workers' Compensation (DCMWC) makes a preliminary analysis of a claimant's eligibility for benefits, and if a coal mine operator has been identified as potentially liable for payment of those benefits, the responsible operator is notified of the preliminary analysis. Regulations require that a coal mine operator be identified and notified of potential liability as early in the adjudication process as possible. Regulatory authority is found in 20 CFR 725.410 for the CM–2970 and 20 CFR 725.408 for the CM–2970A. This information collection is currently approved for use through December 31, 2010.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to administer the Black Lung Benefits Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Operator Response to Schedule for Submission of Additional Evidence (CM–2970) and Operator Response to Notice of Claim (CM–2970A).

OMB Number: 1240–0033.

Agency Number: CM–2970 and CM–2970A.

Affected Public: Business or other for profit.

Form	Time to complete	Frequency of response	Number of respondents	Number of responses	Hours burden
CM–2970	10 min	occasion	4,800	4,800	800
CM–2970A	15 min	occasion	4,800	4,800	1,200
Totals			9,600	9,600	2,000

Total Respondents: 9,600.

Total Annual Responses: 9,600.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 2,000.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $4,512.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 17, 2010.

Vincent Alvarez,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2010–20719 Filed 8–19–10; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before September 20, 2010 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on June 2, 2010 (75 FR 30863). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions 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 NARA; (b) the accuracy of NARA'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; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

Title: National Archives and Records Administration Training and Event Evaluation.

OMB number: 3095–0023.

Agency form number: NA Form 2019.

Type of review: Regular.

Affected public: Individuals or households, Business or other for-profit, Nonprofit organizations and institutions, Federal, state, local, or tribal government agencies.

Estimated number of respondents: 6,830.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent takes NARA sponsored training classes).

Estimated total annual burden hours: 569 hours.

Abstract: The information collection allows uniform measurement of customer satisfaction with NARA training courses and workshops. NARA distributes the approved form to the course coordinators on the intranet for customization of selected elements, shown as shaded areas on the form submitted for clearance.

Dated: August 12, 2010.

Charles K. Piercy,

Acting Assistant Archivist for Information Services.

[FR Doc. 2010–20827 Filed 8–19–10; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0279]

Notice; Applications and Amendments to Facility Operating Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing sensitive unclassified non-safeguards information (SUNSI).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules, Announcements and Directives Branch (RADB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be faxed to the RADB at 301–492–3446. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, or at *http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-0309.html.* Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one

contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such

information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: July 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the cyber security plan and implementation schedule, and revise the license condition regarding physical protection to require the licensee to fully implement and maintain in effect all provisions of the NRC-approved cyber security plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates a new requirement in the FOL [facility operating license] to implement and maintain a Cyber Security Plan as part of Energy Northwest's overall program for physical protection of CGS [Columbia Generating Station]. Inclusion of the CGS Cyber Security Plan in the FOL itself does not involve any modifications to any safety-related structures, systems or components (SSCs). Rather, the CGS Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that CGS's digital computer and communications systems and networks are protected from cyber attacks. The CGS Cyber Security Plan will not alter previously evaluated Final Safety Analysis Report (FSAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously analyzed?

Response: No.

The proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a plan in the FOL do not result in the need for any new or different FSAR design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related SSC functions and would not alter the way the plant is operated. The amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street, NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant (JAFNPP), Oswego County, New York

Date of amendment request: July 15, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment to the Renewed Facility Operating License (FOL) includes: (1) The proposed JAF Cyber Security Plan, (2) an implementation schedule, and (3) a proposed sentence to be added to the existing renewed FOL Physical Protection license condition for JAFNPP requiring Entergy to fully implement and maintain in effect all provisions of the Commission-approved JAFNPP Cyber Security Plan as required by 10 CFR 73.54. **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR part 73. The regulations in 10 CFR 73.54, "Protection of digital computer and communication systems and networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR Part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy is submitting a cyber security plan for NRC review and approval for JAF. The JAF Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The JAF Cyber Security Plan does not require any plant modifications which affect the performance capability of the, structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The JAF Cyber Security Plan is designed to achieve high assurance that the systems within the scope of 10 CFR 73.54 are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy is submitting a cyber security plan for NRC review and approval for JAF. The JAF Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The JAF Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The JAF Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54 Entergy is submitting a cyber security plan for NRC review and approval for JAF. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as [a] result of the implementation of the JAF Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Nancy L. Salgado.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: July 15, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment to the Facility Operating License (FOL) includes: (1) The proposed Pilgrim Nuclear Power Station (PNPS) Cyber Security Plan, (2) an implementation schedule, and (3) a proposed sentence to be added to the existing FOL Physical Protection license condition for PNPS requiring Entergy to fully implement and maintain in effect all provisions of the Commission-approved PNPS Cyber Security Plan as required by 10 CFR 73.54. **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR part 73. The regulations in 10 CFR 73.54, "Protection of digital computer and communication systems and networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Pilgrim Nuclear Power Station (PNPS). The PNPS Cyber Security Plan does not require any plant modifications which affect the performance capability of the, structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The PNPS Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The PNPS Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for PNPS. The PNPS Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The PNPS Cyber Security Plan

does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The PNPS Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for PNPS. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as [a] result of the implementation of the PNPS Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Nancy L. Salgado.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: July 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the cyber security plan and implementation schedule, and revise the license condition regarding physical protection to require the licensee to fully implement and maintain in effect all provisions of the NRC-approved cyber security plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1: The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change is required by 10 CFR 73.54 and includes three parts. The first part is the submittal of the Grand Gulf Nuclear Station, Unit 1 (GGNS) Cyber Security Plan (Plan) for NRC review and approval. The Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing Facility Operating License (FOL) license condition for Physical Protection. Both of these changes are administrative and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, it is concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed change is required by 10 CFR 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing FOL license condition for Physical Protection. Both of these changes are administrative and do not create the possibility of a new or different kind of accident from any previously evaluated.

Therefore, it is concluded that the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change is required by 10 CFR 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. Plant safety margins are established through Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits specified in the Technical Specifications. Because there is no change to these established safety margins as a result of the implementation of the Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing FOL license condition for Physical Protection. Both of these changes are administrative and do not involve a significant reduction in a margin of safety.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Terence A. Burke, Associate General Counsel—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Michael T. Markley.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: July 16, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment to the Facility Operating License (FOL) includes: (1) The proposed Vermont Yankee Nuclear

Power Station (VY) Cyber Security Plan, (2) an implementation schedule, and (3) a proposed sentence to be added to the existing FOL Physical Protection license condition for VY requiring Entergy to fully implement and maintain in effect all provisions of the Commission-approved VY Cyber Security Plan as required by 10 CFR 73.54. **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR part 73. The regulations in 10 CFR 73.54, "Protection of digital computer and communication systems and networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Vermont Yankee Nuclear Power Station (VY). The VY Cyber Security Plan does not require any plant modifications which affect the performance capability of the, structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The VY Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The VY Cyber Security Plan is designed to achieve high assurance that the systems within the scope of 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for VY. The VY Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The VY Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The VY Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for VY. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as [a] result of the implementation of the VY Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Nancy L. Salgado.

Tennessee Valley Authority, Docket Nos. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of amendment request: November 23, 2009, as supplemented December 18, 2009, and July 23, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would establish a Cyber Security Plan in conformance with the model Cyber Security Plan contained in Appendix A of Nuclear Energy Institute (NEI) document NEI–08–09, "Cyber Security Plan for Nuclear Power Reactors," Revision 6, dated April 2010, with one deviation regarding the definition of a Cyber Attack as described in the licensee's letter. The proposed amendment requests NRC approval of the Watts Bar Nuclear Plant Cyber Security Plan, provides an Implementation Schedule, and adds a sentence to the existing Unit 1 Operating License's Physical Protection license condition to require WBN Unit 1 to fully implement and maintain in effect all provisions of the Commission approved Cyber Security Plan, as required by 10 CFR 73.54, "Protection of digital computer and communication systems and networks."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1: The Proposed Amendment Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

Neither the proposed additional license condition nor the Cyber Security Plan directly impacts the physical configuration or function of plant structures, systems, or components (SSCs). Likewise, they do not change the manner in which SSCs are operated, maintained, modified, tested, or inspected. Neither the proposed additional license condition nor the Cyber Security Plan introduces any initiator of any accident previously evaluated. Any modifications to the physical configuration or function of SSCs or the manner in which SSCs are operated, maintained, modified, tested, or inspected that might result from the implementation of the Cyber Security Plan will be fully evaluated by existing regulatory processes (e.g., 10 CFR 50.59) prior to their implementation to ensure that they do not

result in any increase in the probability or consequence of an accident previously evaluated.

Therefore, it is concluded that this proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The Proposed Amendment Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

This proposed amendment is intended to provide high assurance that safety-related SSCs are protected from cyber attacks. Inclusion of the additional condition in the Facility Operating License to implement the Cyber Security Plan does not directly alter the plant configuration, require new plant equipment to be installed, alter or create new accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The Proposed Amendment Does Not Involve a Significant Reduction in a Margin of Safety

The proposed amendment does not involve any physical changes to plant or alter the manner in which plant systems are operated, maintained, modified, tested, or inspected. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside the design basis. The proposed change does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition. Adding a license condition to require implementation of Cyber Security Plan will not reduce a margin of safety because the requirements of the Plan are designed to provide high assurance that safety-related SSCs are protected from cyber attacks.

Based on the above, the TVA concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of no significant hazards consideration is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: Stephen J. Campbell.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant (JAFNPP), Oswego County, New York

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Tennessee Valley Authority, Docket Nos. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered. Dated at Rockville, Maryland, this 16th day of August 2010.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding

Day	Event/Activity
0	Publication of Federal Register notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
> A + 60	Decision on contention admission.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

[FR Doc. 2010–20692 Filed 8–19–10; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–528, 50–529, 50–530; NRC–2009–0012]

Notice of Availability of the Draft Supplement 43 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, and Public Meetings for the License Renewal of Palo Verde Nuclear Generating Stations, Units 1, 2, and 3

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or Commission) has published a draft plant-specific supplement to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS), NUREG–1437, regarding the renewal of operating licenses NPF–41, NPF–51 and NPF–74 for an additional 20 years of operation for Palo Verde Nuclear Generating Station Units 1, 2, and 3. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be considered, comments on the draft supplement to the GEIS and the proposed action must be received by 10/29/10; the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2009–0012 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site Regulations.gov. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2009–0012. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Faxes are to be sent to RADB at 301–492–3446.

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* The Accession Number for the draft Supplement 43 to the GEIS is ML102180167.

Federal Rulemaking Web site: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2009–0012.

In addition, a copy of the draft supplement to the GEIS is available to local residents near the site at the Litchfield Park Branch Library, 101 West Wigwam Boulevard, Litchfield Park, AZ 85340 and the Sam Garcia Western Avenue Library, 495 East Western Avenue, Avondale, AZ 85323. Comments received after the due date will be considered only if it is practical to do so.

Also, electronic comments may be submitted to the NRC by e-mail at *PaloVerdeEIS@nrc.gov.* All comments received by the Commission, including those made by Federal, State, local agencies, Native American Tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland, and through ADAMS.

The NRC staff will hold public meetings prior to the close of the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. Two meetings will be held at Tonopah Valley High School, Tonopah, Arizona and Estrella Mountain Community College in Avondale, AZ, on Wednesday, September 15, 2010. The first session will convene at 2 p.m. and will continue until 3:45 p.m., as necessary. The second session will convene at 7 p.m. and will continue until 9:30 p.m., as necessary. The meetings will be transcribed and will include: (1) a presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. David Drucker, the NRC Environmental Project Manager, at 1–800–368–5642, extension 6223, or by e-mail at *David.Drucker@nrc.gov*, no later than 9/2/10. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual, oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Drucker's attention no later than 9/2/10, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Mr. David Drucker, Program Operations Branch, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O–11F1, Washington, DC 20555–0001. Mr. Drucker may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 12th day of August 2010.

For the Nuclear Regulatory Commission.

Jay Robinson,

Chief, Program Operations Branch, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–20695 Filed 8–19–10; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Thermal Hydraulics Phenomena

The ACRS Subcommittee on Thermal Hydraulics Phenomena will hold a meeting on September 7, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed.

The agenda for the subject meeting shall be as follows:

Tuesday, September 7, 2010—1 p.m. until 5:30 p.m.

The Subcommittee will review the staff's policy paper on potential approaches to resolve Generic Safety Issue (GSI)–191, "Assessment of Debris Accumulation on PWR Sump Performance." In a Staff Requirements Memorandum (SRM) dated May 17, 2010, the Commission directed the staff to "submit to the Commission a Notation Vote policy paper on potential approaches to bring GSI–191 to closure." The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Nuclear Energy Institute, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone 301–415–6279 or E-mail *Weidong.Wang@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: August,12, 2010.

Duncan White,

Acting Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–20687 Filed 8–19–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Digital I&C Systems

The ACRS Subcommittee on Digital Instrumentation and Controls (I&C) Systems will hold a meeting on September 8, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 8, 2010—8:30 a.m. until 12 p.m.

The Subcommittee will review Digital I&C Interim Staff Guidance on Licensing Process (ISG–6). The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mrs. Christina Antonescu (Telephone 301–415–6792 or E-mail *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: August 12, 2010.

Duncan White,

Acting Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–20689 Filed 8–19–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Plant License Renewal

The ACRS Subcommittee on Plant License Renewal will hold a meeting on September 8, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 8, 2010—1:30 p.m. until 5 p.m.

The Subcommittee will review the license renewal application for the Palo Verde Nuclear Station and the associated Safety Evaluation Report with open items. The Subcommittee will hear presentations by and hold discussions with representatives of the

NRC staff, Arizona Public Service, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Cayetano Santos (Telephone 301–415–7270 or E-mail *Cayetano.Santos@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be e-mailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: August 12, 2010.

Cayetano Santos,

Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–20691 Filed 8–19–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on September 9–11, 2010, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, October 14, 2009 (74 FR 52829–52830).

Thursday, September 9, 2010, Conference Room T2–B1, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Potential Approaches to Resolve Generic Safety Issue (GSI)–191, Assessment of Debris Accumulation on Pressurized Water Reactor Sump Performance (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding potential approaches to resolve GSI–191.

10:45 a.m.–12:15 p.m.: Amendment to the Design Control Document (DCD) for the Certified Advanced Boiling Water Reactor (ABWR) Design (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and South Texas Project Nuclear Operating Company regarding the amendment to the DCD for the certified ABWR design. [**Note:** A portion of this session may be closed in order to discuss and protect unclassified safeguards information pursuant to 5 U.S.C. 552b(c)(3).]

1:15 p.m.–2:45 p.m.: Long-Term Core Cooling Approach for the Economic Simplified Boiling Water Reactor (ESBWR) Design (Open/Closed)—The Committee will hold discussions with representatives of the NRC staff and General Electric–Hitachi Nuclear Energy (GEH) regarding the long-term core cooling approach for the ESBWR design. [**Note:** A portion of this session may be closed in order to discuss and protect information designed as proprietary pursuant to 5 U.S.C. 552b(c)(4).]

3 p.m.–5 p.m.: License Application for the Mixed Oxide (MOX) Fuel Fabrication Facility and the Associated Safety Evaluation Report (Open/Closed)—The Committee will hold discussions with representatives of the NRC staff and Shaw-Areva, LLC regarding the license application for the MOX Fuel Fabrication Facility and the associated Safety Evaluation Report. [**Note:** A portion of this session may be closed in order to discuss and protect information designed as proprietary pursuant to 5 U.S.C. 552b(c)(4).]

5:15 p.m.–7 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting as well as a response to the NRC Executive Director for Operations (EDO) regarding Draft Final Regulatory Guide 1.217, "Guidance for the Assessment of Beyond-Design Basis Aircraft Impacts." [**Note:** A portion of this session may be closed in order to discuss and protect unclassified safeguards and proprietary information pursuant to 5 U.S.C. 552b(c)(3) and (4).]

Friday, September 10, 2010, Conference Room T2–B1, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9:30 a.m.: Proposed Interim Staff Guidance (ISG) DC/COL–ISG–13, "*Assessing the Consequences of an Accidental Release of Radioactive Materials from Liquid Waste Tanks,*" *and Proposed DC/COL–ISG–14,* "*Assessing Groundwater Flow and Transport of Accidental Radionuclide Releases*" (Open)—The Committee will hold discussions with representatives of the NRC staff regarding proposed ISG–13, "Assessing the Consequences of an Accidental Release of Radioactive Materials from Liquid Waste Tanks," and ISG–14, "Assessing Groundwater Flow and Transport of Accidental Radionuclide Releases."

9:45 a.m.–11:15 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

11:15 a.m.–11:30 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

12:30 p.m.–1:30 p.m.: Assessment of the Quality of Selected NRC Research

Projects (Open)—The Committee will hold discussions with members of the ACRS Panels regarding the quality assessment of the NRC research projects on: NUREG/CR–6947, "Human Factors Consideration with Respect to Emerging Technology in Nuclear Power Plants," and NUREG/CR–6997, "Modeling a Digital Feedwater Control System Using Traditional Probabilistic Risk Assessment Methods."

1:45 p.m.—7 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting as well as a response to the NRC Executive Director for Operations (EDO) regarding Draft Final Regulatory Guide 1.217, "Guidance for the Assessment of Beyond-Design Basis Aircraft Impacts." [**Note:** A portion of this session may be closed in order to discuss and protect unclassified safeguards and proprietary information pursuant to 5 U.S.C.552b(c)(3) and (4).]

Saturday, September 11, 2010, Conference Room T2–B1, Two White Flint North, Rockville, Maryland

8:30 a.m.–4:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

4:30 p.m.–5 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 52829–52830). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Mr. Cayetano Santos, Cognizant ACRS Staff (Telephone: 301–415–7270, E-mail: *Cayetano.Santos@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be e-mailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service.

Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: August 16, 2010.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2010–20690 Filed 8–19–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures

The ACRS Subcommittee on Planning and Procedures will hold a meeting on

September 8, 2010, at 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b (c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, September 8, 2010, 12 p.m.–1 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Cayetano Santos (Telephone 301–415–7270 or E-mail *Cayetano.Santos@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: August 12, 2010.

Cayetano Santos,

Chief, Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–20688 Filed 8–19–10; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Proposed Collection Renewal

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for extension, without change, of a currently approved information collection. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Peace Corps invites the general public to comment on the renewal of Confidential Reference Form (OMB Control No. 0420–0006). This process is conducted in accordance with 5 CFR 1320.10.

DATES: Comments must be submitted on or before October 19, 2010.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *pcfr@peacecorps.gov. mailto:ddunevant@peacecorps.gov.* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

OMB Control Number: 0420–0006.

Title: Confidential Reference Form.

Type of Review: Extension, without change, currently approved collection.

Respondents: Volunteer applicants.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

a. Estimated annual number of respondents: 33,000.

b. Estimated average time to respond: 30 minutes.

c. Estimated total annual burden hours: 16,500 hours.

d. Frequency of response: One time.

e. Estimated cost to respondents: $0.00.

General description of collection: The form is an integral part of the screening and selection process conducted by the Office of Volunteer Recruitment and Selection. The purpose of this information collection is to assist in processing applicants for volunteer service in determining suitability of applicants.

Dated: August 13, 2010.

Garry W. Stanberry,

Deputy Associate Director for Management.

[FR Doc. 2010–20637 Filed 8–19–10; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Proposed Collection Renewal

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for extension, without change, of a currently approved information collection. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Peace Corps invites the general public to comment on the renewal of Correspondence Match Enrollment Form and Teacher Survey (OMB Control No. 0420–0513). This process is conducted in accordance with 5 CFR 1320.10.

DATES: Comments must be submitted on or before October 19, 2010.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *dmiller4@peacecorps.gov;* mail to: *ddunevant@peacecorps.gov.* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller, at Peace Corps address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

OMB Control Number: 0420–0513.

Title: Correspondence Match Enrollment Form and Teacher Survey.

Type of Review: Extension, without change, of a currently approved collection.

Respondents: Educators interested in promoting global education in the classroom.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

	Educator form	Teacher survey
a. Annual reporting burden	1667 hours	250 hours.
b. Estimated average burden response	10 minutes	15 minutes.
c. Frequency of response	Annually	Once.
d. Estimated number of likely respondents	10,000	1,000.

General description of collection: The Peace Corps and Paul D. Coverdell World Wise Schools need this information officially to enroll educators in the Correspondence Match program and to provide relevant services to its constituency. The information is used to make suitable matches between the educators and currently serving Peace Corps Volunteers as well as assess programmatic functions.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps and the Paul D. Coverdell World Wise Schools, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Dated: August 13, 2010.

Garry W. Stanberry,

Deputy Associate Director for Management.

[FR Doc. 2010–20639 Filed 8–19–10; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Agency Information Collection Activities: Proposed Collection Renewal; Comments Request

ACTION: 60–Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for extension, without change, of a currently approved information collection. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Peace Corps invites the general public to comment on the renewal, without change to Peace Corps Week Brochure (OMB Control No. 0420–0529). This process is conducted in accordance with 5 CFR 1320.10.

DATES: Comments must be submitted on or before October 19, 2010.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *pcfr@peacecorps.gov;* mail to: *ddunevant@peacecorps.gov.* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller, at Peace Corps address above.

SUPPLEMENTARY INFORMATION: Proposal to renew a currently approved collection of information:

OMB Control Number: 0420–0529.

Title: Peace Corps Week Brochure.

Type of Review: Extension, without change, of a currently approved information collection.

Respondents: Returned Peace Corps Volunteers and parents of currently serving Peace Corps Volunteers.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

a. Estimated total annual reporting burden: 500 hours.

c. Estimated average burden response: 3 minutes.

d. Frequency of response: Once.

e. Estimated number of likely respondents: 10,000.

General description of collection: Returned Peace Corps Volunteers and parents of currently serving Peace Corps Volunteers are sent a Peace Corps Week brochure which encourages them to officially speak to the American public about the Peace Corps and their service or that of their loved one serving to fulfill the agency's third goal (helping to promote a better understanding of other peoples on the part of Americans). This collection allows the Returned Volunteer Services Office to identify and provide support for interested people, promote these activities in local communities, and maintain address databases for future contact.

Request for Comments: Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Dated: August 13, 2010.

Garry W. Stanberry,

Deputy Associate Director for Management.

[FR Doc. 2010–20640 Filed 8–19–10; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Existing Collection in Use Without an OMB Control Number

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for approval of an existing collection in use without an OMB Control Number. In compliance with the Paperwork Reduction Act of 1995 (44 USC Chapter 35), the Peace Corps invites the general public to comment on this request for approval of an existing collection in use without an OMB Control Number, Returned Peace Corps Volunteer Update Form. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Comments must be submitted on or before October 19, 2010.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *pcfr@peacecorps.gov, mailto:ddunevant@peacecorps.gov.* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION: Request for approval of an existing collection in use without an OMB Control Number.

OMB Control Number: N/A.

Title: Returned Peace Corps Volunteer Update Form.

Type of Review: Existing collection in use without an OMB Control Number.

Respondents: Returned Peace Corps Volunteers.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

a. *Annual reporting burden:* 100 hours.

b. *Estimated average burden response:* 3 minutes.

c. *Frequency of response:* Once.

d. *Estimated number of likely respondents:* 2,000

General description of collection: As part of their service as Volunteers to Peace Corps, former Volunteers (alumni) are encouraged to continue serving the "third goal" of Peace Corps' mission, *i.e.,* helping promote a better understanding of other peoples on the part of Americans. This intake form is the only efficient means whereby alumni can express their interest in learning more about specific third goal opportunities while sharing their contact information to receive updates about the various third goal programs.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Dated: August 13, 2010.

Garry W. Stanberry,

Deputy Associate Director for Management.

[FR Doc. 2010–20643 Filed 8–19–10; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Proposed Collection Renewal

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information

collection request to the Office of Management and Budget (OMB) for extension, with change, of a currently approved information collection. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Peace Corps invites the general public to comment on the renewal, with change to Crisis Corps Volunteer Application Form (OMB Control No. 0420–0533). This process is conducted in accordance with 5 CFR 1320.10.

DATES: Comments must be submitted on or before October 19, 2010.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *pcfr@peacecorps.gov; mailto:ddunevant@peacecorps.gov.* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller, at Peace Corps address above.

SUPPLEMENTARY INFORMATION: Proposal to renew a currently approved collection of information:

OMB Control Number: 0420–0533.

Old Title: Peace Corps Crisis Corps Application Form.

New Title: Peace Corps Response Application Form.

Type of Review: Extension, with change, of a currently approved information collection. A section was added to address specific qualifications for which the applicant is applying: "Please explain how your skills and experience will lead to the overall success of this project."

Respondents: Returned Peace Corps Volunteers.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

a. *Annual reporting burden:* 42 hours.

b. *Estimated average burden response:* 7 minutes.

c. *Frequency of response:* Once.

d. *Estimated number of likely respondents:* 1,000.

General description of collection: The purpose of this information collection is necessary in order to identify prospective, interested, and available Returned Peace Corps Volunteers who are interested in Peace Corps Response. The information is used to determine availability, suitability and potential Peace Corps Response placement applicants.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Dated: August 13, 2010.

Garry W. Stanberry,

Deputy Associate Director for Management.

[FR Doc. 2010–20642 Filed 8–19–10; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2010–90; Order No. 515]

Changes in Postal Rates

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service filing to change rates for Inbound International Expedited Services 2. This notice addresses procedural steps associated with the filing.

DATES: Comments are due: August 19, 2010.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Background
III. Supplemental Information
IV. Notice of Filing
V. Ordering Paragraphs

I. Introduction

On August 6, 2010, the Postal Service filed a notice announcing changes in rates not of general applicability for Inbound International Expedited Services 2 effective January 1, 2011.[1] The Postal Service incorporates by reference a listing of countries in each pricing tier and the description of Inbound International Expedited Services 2 contained in the supporting documentation filed in Docket Nos. MC2009–10, CP2009–12 and CP2009–57. *Id.* at 2 and n.4. In addition to its Notice, it included the following four attachments: (1) An application for non-public treatment of specific materials; (2) redacted Governors' Decision No. 08–20 establishing the Inbound Express Mail International (EMS) classification along with a certified statement establishing compliance with 39 U.S.C. 3633; (3) a redacted copy of the 2011 rates; and (4) a certified statement required by 39 CFR 3015.5(c)(2).

II. Background

The Notice states that in Docket No. MC2009–10, the Governors established prices and classifications not of general applicability for Inbound Express Mail International. *Id.* at 1. In Order No. 162, the Commission added Inbound International Expedited Service 2 to the competitive product list as a new product under Express Mail, Inbound International Expedited Services.[2] The rates took effect on January 1, 2009. In Order No. 281, the Commission accepted the change in rates not of general applicability for Inbound International Expedited Services 2 effective January 1, 2010.[3] The Commission also directed the Postal Service to provide the 2010 EMS Pay-for-Performance Plan as approved by the EMS Cooperative of the Universal Postal Union (UPU). On February 17, 2010, the Postal Service provided the requested information.[4]

In accordance with the provisions of the EMS Cooperative of the UPU, rates for the delivery of inbound Express Mail International must be communicated to the UPU by August 31 of the year before which they are to take effect. As a member of the EMS Cooperative, the Postal Service may not change its rates for the coming year after August 31. Accordingly, the Commission expressed concern that a review of the rates should

[1] Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability and Application for Non-Public Treatment of Material Filed Under Seal, August 6, 2010 (Notice).

[2] *See* Docket Nos. MC2009–10 and CP2009–12, Order Adding Inbound International Expedited Services 2 to Competitive Product List, December 31, 2008 (Order No.162).

[3] *See* Docket No. CP2009–57, Order Concerning Filing of Changes in Rates for Inbound International Expedited Services 2, August 19, 2009 (Order No. 281).

[4] *See* Docket No. CP2009–57, Response of the United States Postal Service to Order No. 281, Notice of Filing Requested Materials, and Application for Non-Public Treatment of Materials Filed Under Seal, February 17, 2010.

occur prior to communication of the rates to the UPU rather than filing rates with the Commission after August 31.[5]

The Postal Service indicates that it proposes no changes to the classification of Inbound International Expedited Services 2 included with its notice. Notice at 2. It acknowledges that it incorporates by reference the explanations of the Inbound International Expedited Services 2 contained in its Request in Docket Nos. MC2009–10 and CP2009–12 and other materials filed in Docket No. CP2009–57. In Docket No. CP2009–57, the Postal Service explained that "the two-tiered rate structure for Inbound Expedited Services exists as a result of the EMS Cooperative's expectation that all of its members will participate in the Pay-for-performance Plan." *Id.*

The Postal Service asserts that its filing demonstrates compliance with 39 U.S.C. 3633. *Id.* at 3.

III. Supplemental Information

Pursuant to 39 CFR 3015.6, the Commission requests the Postal Service to provide the following supplemental information by August 19, 2010:

Please provide the Postal Service's EMS Cooperative Report Cards, including performance measurements, for calendar year 2009.

IV. Notice of Filing

The Commission establishes Docket No. CP2010–90 for consideration of matters related to the issues identified in the Postal Service's Notice.

Interested persons may submit comments on whether the Postal Service's contract is consistent with the policies of 39 U.S.C. 3632, 3633 or 3642. Comments are due no later than August 19, 2010. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Paul L. Harrington as Public Representative in this proceeding.

V. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2010–90 for consideration of the issues raised in this docket.

2. Comments by interested persons in these proceedings are due no later than August 19, 2010.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interest of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Pamela Swegman,

Alternate Federal Register Liaison.

[FR Doc. 2010–20666 Filed 8–19–10; 8:45 am]

BILLING CODE 7710–FW–S

[5] Generally, 39 CFR 3015 requires that rates not of general applicability be filed at least 15 days prior to their effective date.

POSTAL REGULATORY COMMISSION

Sunshine Act Meetings

DATE AND TIME: Friday, September 10, 2010, at 2:30 p.m.

PLACE: Commission conference room, 901 New York Avenue, NW., Suite 200, Washington, DC 20268–0001.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration and adoption of FY 2012 budget.

CONTACT PERSON FOR MORE INFORMATION: Stephen L. Sharfman, General Counsel, Postal Regulatory Commission, 901 New York Avenue, NW., Suite 200, Washington, DC 20268–0001, *stephen.sharfman@prc.gov* or 202–789–6820.

Dated: August 18, 2010.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–20836 Filed 8–18–10; 4:15 pm]

BILLING CODE 7710–FW–S

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010–31 and CP2010–76; Order No. 498]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service filing to add Priority Mail Contract 26 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with the filing.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 26 to the competitive product list.[1] The Postal Service asserts that Priority Mail Contract 26 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). *Id.* at 1. The Postal Service states that prices and classification underlying this contract are supported by Governors' Decision No. 09–6 in Docket No. MC2009–25. *Id.* The Request has been assigned Docket No. MC2010–31.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010–76.

Request. In support of its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of the Governor's Decision No. 09–6, originally filed in Docket No. MC2009–25, authorizing certain Priority Mail contracts;
- Attachment B—a redacted copy of the contract;
- Attachment C—a proposed change in the Mail Classification Schedule competitive product list;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting document under seal.

In the Statement of Supporting Justification, Brian G. Denneny, Acting Manager, Sales and Communications, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.*, Attachment D. Thus, Mr. Denneny

[1] Request of the United States Postal Service to Add Priority Mail Contract 26 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, July 21, 2010 (Request).

contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Priority Mail Contract 26 is included with the Request. The contract will become effective on the day that the Commission provides all necessary regulatory approvals. It is terminable upon 30 days notice by a party, but could continue for 3 years. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *See id.*, Attachment D. The Postal Service will provide the shipper with Priority Mail packaging for eligible Priority Mail items mailed by the shipper.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 26, under seal. It maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *See* Attachment F. It also requests that the Commission order that the duration of such treatment of all customers identifying information be extended indefinitely, instead of ending after 10 years. *Id.* at 7.

II. Notice of Filings

The Commission establishes Docket Nos. MC2010–31 and CP2010–76 for consideration of the Request pertaining to the proposed Priority Mail Contract 26 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020, subpart B. Comments are due no later than July 30, 2010. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2010–31 and CP2010–76 for consideration of the matter raised in each docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than July 30, 2010.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Pamela Swegman,

Alternate Federal Register Liaison.

[FR Doc. 2010–20645 Filed 8–19–10; 8:45 am]

BILLING CODE 7710–FW–S

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12277 and #12278]

New York Disaster #NY–00091

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of NEW YORK dated 08/16/2010.

Incident: Severe Storms and Tornadoes.

Incident Period: 07/24/2010.

Effective Date: 08/16/2010.

Physical Loan Application Deadline Date: 10/15/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 05/16/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cattaraugus.

Contiguous Counties:

New York: Allegany, Chautauqua, Erie, Wyoming.

Pennsylvania: Mckean, Warren.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.000
Homeowners Without Credit Available Elsewhere	2.500
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12277 C and for economic injury is 12278 0.

The States which received an EIDL Declaration # are New York, Pennsylvania.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: August 16, 2010.

Karen G. Mills,

Administrator.

FR Doc. 2010–20794 Filed 8–19–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12258 and #12259]

Iowa Disaster Number IA–00026

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Iowa (FEMA–1930–DR), dated 07/29/2010.

Incident: Severe Storms, Flooding, and Tornadoes.

Incident Period: 06/01/2010 and continuing.

DATES: *Effective Date:* 08/13/2010.

Physical Loan Application Deadline Date: 09/27/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 04/29/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of IOWA, dated 07/29/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Black Hawk, Boone, Buchanan, Clayton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Guthrie, Jackson, Jasper, Jones, Lucas, Mahaska, Polk, Sioux, Story.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–20796 Filed 8–19–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12279 and #12280]

Iowa Disaster #IA–00024

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Iowa (FEMA–1930–DR), dated 08/14/2010.

Incident: Severe Storms, Flooding, and Tornadoes.

Incident Period: 06/01/2010 and continuing.

Effective Date: 08/14/2010.

Physical Loan Application Deadline Date: 10/13/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 05/16/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/14/2010, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Black Hawk, Cherokee, Clayton, Decatur, Delaware, Dubuque, Fayette, Franklin, Hamilton, Howard, Humboldt, Ida, Jackson, Jones, Kossuth, Lee, Lucas, Lyon, Marion, Obrien, Osceola, Ringgold, Sioux, Story, Taylor, Union, Warren, Webster, Wright.

Contiguous Counties (Economic Injury Loans Only):

Iowa: Adair, Adams, Allamakee, Appanoose, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cedar, Cerro Gordo, Chickasaw, Clarke, Clay, Clinton, Crawford, Dallas, Des Moines, Dickinson, Emmet, Floyd, Greene, Grundy, Hancock, Hardin, Henry, Jasper, Linn, Madison, Mahaska, Marshall, Mitchell, Monona, Monroe, Montgomery, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Tama, Van Buren, Wayne, Winnebago, Winneshiek, Woodbury.

Illinois: Carroll, Hancock, Henderson, Jo Daviess.

Minnesota: Faribault, Fillmore, Jackson, Martin, Mower, Nobles, Rock.

Missouri: Clark, Harrison, Mercer, Nodaway, Worth.

South Dakota: Lincoln, Minnehaha, Union.

Wisconsin: Crawford, Grant.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12279B and for economic injury is 122800.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–20797 Filed 8–19–10; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29380; File No. 812–13733]

WisdomTree Asset Management, Inc., and WisdomTree Trust; Notice of Application

August 13, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

SUMMARY OF THE APPLICATION: Applicants, including an actively-managed open-end exchange traded fund, request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval.

APPLICANTS: WisdomTree Asset Management, Inc ("WTAM" or "Adviser") and WisdomTree Trust ("Trust").

FILING DATES: The application was filed on December 23, 2009, and amended on May 21, 2010 and August 11, 2010. Applicants have agreed to file an amendment during the notice period the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 7, 2010, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F

Street, NE., Washington, DC 20549–1090. Applicants, 380 Madison Avenue, 21st Floor, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Lewis B. Reich, Senior Counsel, at (202) 551–6919, or Jennifer L. Sawin, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations:

1. The Trust is organized as a Delaware statutory trust, is registered under the Act as an open-end management investment company, and offers multiple series (each, a "Fund"). Currently, 42 Funds are operational, and additional Funds may be offered in the future.[1] Funds of the Trust operate as actively-managed exchange traded open-end funds ("ETFs") in reliance on previously-granted exemptive orders.[2]

2. WTAM, a Delaware corporation with its principal office in New York City, is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and is a wholly-owned subsidiary of WisdomTree Investments, Inc. WTAM serves as the investment adviser to the current Funds pursuant to an investment advisory agreement with each of those Funds (an "Advisory Agreement") approved by the board of trustees of the Trust (the "Board")[3], including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act (the "Independent Trustees"), and by the initial shareholder of each Fund in the manner required by sections 15(a) and (c) of the Act and rule 18f–2 thereunder. With respect to new Funds offered in the future, the Advisory Agreement will be approved by the initial shareholder of the Fund in the manner required by sections 15(a) and (c) of the Act and rule 18f–2 thereunder.

3. Under the Advisory Agreement, the Adviser is responsible for furnishing the overall investment program for each Fund and providing continuous investment management for each Fund's assets. As compensation for its investment management services, the Adviser receives the fee specified in the Advisory Agreement from each Fund based on the Fund's average daily net assets. The Advisory Agreement permits the Adviser to retain one or more unaffiliated subadvisers (each a "Subadviser") pursuant to investment subadvisory agreements (each a "Subadvisory Agreement") at the Adviser's own expense, for the purpose of managing all or a portion of the assets of a Fund. Each Subadviser is, or will be, an investment adviser registered under the Advisers Act. Each Subadviser is and will be responsible, subject to the general supervision of the Adviser and the Board, for the purchase, retention and sale of securities for the applicable Fund. The Adviser will evaluate and recommend Subadvisers to the Board and will monitor and evaluate each Subadviser's investment programs, performance and compliance. The Adviser will recommend to the Board whether Subadvisory Agreements should be renewed, modified or terminated.

4. Applicants request an order to permit the Adviser, subject to Board approval, to enter into and materially amend Subadvisory Agreements without shareholder approval. The requested relief will not apply with respect to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or of the Adviser, other than by reason of serving as subadviser to one or more Funds ("Affiliated Subadviser").

5. Applicants state that the requested relief is unusual insofar as the requested order seeks relief for an ETF. However, applicants believe that operations of the Funds under the requested order address the concerns historically considered by the Commission when granting identical relief to mutual funds. Applicants believe that similar to shareholders of a mutual fund who may "vote with their feet" by redeeming their individual shares at net asset value ("NAV") if they do not approve of a change in subadviser or subadvisory agreement, Fund shareholders will be able to sell shares in the secondary market at negotiated prices that usually closely track the relevant Fund's NAV if they do not approve of a change. Applicants state that the Funds that are ETFs will rely on the same delivery mechanisms currently used by certain mutual funds to ensure that shareholders who purchase shares in the secondary market receive a prospectus and all of the information that would have been provided in a proxy statement in an information statement. Applicants note that the requested relief is not broader in scope than the relief previously granted to mutual funds.

Applicants' Legal Analysis:

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve the matter if the Act requires shareholder approval.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants seek the same relief previously granted to mutual funds, and believe that the requested relief is equally appropriate for ETFs. Applicants state that the requested relief meets the necessary standards for the reasons discussed below.

3. Applicants state that the shareholders expect the Adviser and the Board to select the Subadviser for a Fund that is best suited to achieve the Fund's investment objective. Applicants assert that, from the perspective of the investor, the role of the Subadvisers

[1] Applicants request that any relief granted pursuant to the application also apply to any existing or future open-end management investment companies or series thereof that (a) are advised by WTAM or any entity controlling, controlled by or under common control with WTAM or its successors (each such entity included in the term "Adviser"), (b) are registered under the Act, (c) use the "Manager of Managers Structure" (as described in the application), and (d) comply with the terms and conditions in the application (included in the term "Funds"); and any Adviser. The term "Trust" as used in the application includes any open-end series management investment company that is registered with the Commission and advised by the Adviser. Every entity that currently intends to rely on the requested order is named as an Applicant. Any entity that relies on the order in the future will do so only in accordance with the terms and conditions in the application. If the name of any Fund relying on the requested relief contains the name of a Subadviser (as defined below), the name "WisdomTree" or other name being used by the Adviser will precede the name of the Subadviser.

[2] WisdomTree Investments, Inc., *et al.,* Investment Company Act Release Nos. 27324 (May 18, 2006) (notice) and 27319 (June 12, 2006) (order); WisdomTree Investments, Inc., *et al.,* Investment Company Act Release Nos. 27976 (Sept. 21, 2007) (notice) and 28015 (Oct. 17, 2007) (order); WisdomTree Trust, *et al.,* Investment Company Act Release Nos. 28147 (Feb. 6, 2008) (notice) and 28174 (Feb. 27, 2008) (order); and WisdomTree Trust, *et al.,* Investment Company Act Release Nos. 228419 (Sept. 29, 2008) (notice) and 28471 (Oct. 27, 2008) (order).

[3] "Board," as used herein, is also the board of each individual Fund.

with respect to the Funds utilizing the Manager of Managers Structure is substantially equivalent to the role of the individual portfolio managers employed by traditional investment company advisory firms. In the absence of exemptive relief from Section 15(a) of the Act, when a new Subadviser is proposed for retention by a Fund or the Trust on behalf of one or more Funds, shareholders would be required to approve the Subadvisory Agreement with that Subadviser. Similarly, approval by the shareholders of the affected Fund would be required in order to amend an existing Subadvisory Agreement in any material respect or in order to continue to retain an existing Subadviser whose Subadvisory Agreement is "assigned" as a result of a change of control. Obtaining shareholder approval would be costly and slow, and potentially harmful to the affected Fund and its shareholders. Applicants also note that the Advisory Agreement will remain fully subject to the shareholder approval requirements in section 15(a) of the Act and rule 18f–2 under the Act, including the requirement for shareholder voting.

Applicants' Conditions:

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the order requested in the application, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or, in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering shares of that sub-advised Fund to the public.

2. The prospectus for each Fund relying on the order requested in the application will disclose the existence, substance, and effect of any order granted pursuant to the application. Each Fund relying on the order requested in the application will hold itself out to the public as utilizing the Manager of Managers Structure described in the application. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of a new Subadviser, the affected Fund shareholders will be furnished all information about the new Subadviser that would be included in a proxy statement. To meet this obligation, the Fund will provide shareholders of the affected Fund within 90 days of hiring a new Subadviser with an information statement meeting the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Securities Exchange Act of 1934, as amended.

4. The Adviser will not enter into a subadvisory agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Whenever a subadviser change is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund that is sub-advised, including overall supervisory responsibility for the general management and investment of the Fund's assets and, subject to review and approval of the Board, will: (i) Set each Fund's overall investment strategies; (ii) evaluate, select and recommend Subadvisers to manage all or a part of a Fund's assets; (iii) allocate and, when appropriate, reallocate a Fund's assets among one or more Subadvisers; (iv) monitor and evaluate the performance of Subadvisers; and (v) implement procedures reasonably designed to ensure that the Subadvisers comply with the relevant Fund's investment objective, policies and restrictions.

8. No trustee or officer of the Trust or a Fund, or director, manager or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a Subadviser except for: (a) Ownership of interests in the Adviser, or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

9. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–20673 Filed 8–19–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62724; File No. SR–NASDAQ–2010–099]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the NASDAQ Stock Market LLC To Adopt a Definition of Professional and Require That All Professional Orders Be Appropriately Marked

August 16, 2010.

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 August 6, 2010, The NASDAQ Stock Market LLC ("NASDAQ") 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 NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ is filing with the Securities and Exchange Commission ("SEC" or "Commission") a proposal for the NASDAQ Options Market ("NOM" or "Exchange") to amend Chapter I, Section 1 (Definitions) to adopt a definition of "Professional" on the Exchange and require that all Professional orders be appropriately marked by Exchange Participants.

The text of the proposed rule change is available from NASDAQ's Web site at *http://nasdaq.cchwallstreet.com/Filings/,* at NASDAQ's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ 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. NASDAQ has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposal is to amend Chapter I, Section 1 (Definitions) to adopt a definition of "Professional" on the Exchange and require that all Professional orders be appropriately marked.

This filing is similar to the recent filings of PHLX NASDAQ OMX, Inc. ("Phlx"), the International Securities Exchange, LLC ("ISE"), and Chicago Board Options Exchange, Incorporated, ("CBOE"), which dealt with establishing a new definition of "professional" as a person or entity that places a certain high volume of orders in listed options per day on average during a calendar month in his or her own beneficial account.[3]

Background

A member of NOM is known as a Participant or Options Participant ("Participant").[4] This is a firm or organization that is registered with the Exchange pursuant to Chapter II for purposes of participating in options trading on NOM as a Nasdaq Options Order Entry Firm or Nasdaq Options Market Maker.[5] Options traded by Participants (which may include trades on behalf of Public Customers)[6] on NOM, a wholly electronic exchange, are electronically executable and routable. The NOM System[7] and rules provide for the ranking, display, and execution of all orders in price/time priority without regard to the status of the person or entity entering an order.[8] The Exchange notes that NOM has, in contrast to certain other options markets, a "flat" system that does not differentiate for execution or processing purposes among orders on the basis of who or what entity enters an order on the Exchange.[9]

NASDAQ Options Services LLC ("NOS"), a member of the Exchange,[10] is the Exchange's exclusive order router for all orders that come through the Exchange.[11] NOS performs routing functions with respect to System Securities and Non-System Securities.[12] The Exchange's general routing procedures are set forth in Chapter VI, Section 11 (Order Routing), which states in subsection (c) that, among other things, once routed by the System, an order becomes subject to the rules and procedures of the destination market.[13] NOS also performs order routing services on behalf of Phlx.[14]

The exchanges that do the great majority of all U.S. options trading, namely the Professional Rule Exchanges CBOE, ISE, NYSE AMEX, and Phlx, already have rules that are similar to the Professional designation rule proposed by the Exchange (a professional is a person or entity that places 390 or more orders in listed options per day on average during a calendar month in his or her own beneficial account). These Professional Rule Exchanges make differentiations based on whether an order is marked professional or otherwise. Some Exchange Participants are, as noted, also members of Professional Rule Exchanges such as CBOE, ISE, or Phlx. As members of these exchanges, such Exchange Participants are subject to the professional designation rules of the Professional Rule Exchanges. Similarly, NOS is a member of several Professional Rule Exchanges. Exchange rules indicate that orders routed by NOS become subject to the rules and

[3] *See* Securities Exchange Act Release Nos. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (SR–Phlx–2010–05) (approval order); 61198 (December 17, 2009), 74 FR 68880 (December 29, 2009) (SR–CBOE–2009–078) (approval order); and 59287 (January 23, 2009), 74 FR 5694 (January 30, 2009) (SR–ISE–2006–26) (approval order). A filing by NYSE Amex LLC ("NYSE Amex") proposing a similar professional designation was based on the Phlx, ISE, and CBOE proposals. *See* Securities Exchange Act Release No. 61818 (March 31, 2010), 75 FR 17457 (April 6, 2010) (SR–NYSEAmex–2010–18) (approval order). Phlx, ISE, CBOE, and NYSE Amex are known in this filing as the "Professional Rule Exchanges."

The cited filings discuss, among other things, the need for a professional designation to be applied by members of the respective exchanges because the systems of such exchanges differentiate for execution or processing purposes based on order origin. NOM does not similarly differentiate among orders based on their origin.

[4] *See* Chapter I, Section 1(a)(40). Some NOM Participants are also members of other options exchanges such as, for example, ISE, CBOE, or Phlx.

[5] Nasdaq Options Order Entry Firm or Order Entry Firm or OEF is defined in Chapter I, Section 1(a)(25) as: those Options Participants representing as agent Customer Orders on NOM and those non-Market Maker Participants conducting proprietary trading. Nasdaq Options Market Maker or Options Market Maker is defined in Chapter I, Section 1(a)(26) as: an Options Participant registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VII of these Rules.

[6] Public Customer is defined in Chapter I, Section 1(a)(48) as: a person that is not a broker or dealer in securities.

[7] System is defined in Chapter IV, Section 1(a) as: the automated system for order execution and trade reporting owned and operated by The Nasdaq Options Market LLC.

[8] *See* Securities Exchange Act Release No. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080) (approval order). *See also* Chapter VI, Section 10, which discusses the price/time execution algorithm for System orders and states, in relevant part, that the System will execute trading interest at the best price in the System before executing trading interest at the next best price, and that the System will execute displayed orders before non-displayed orders at the same price.

[9] In contrast to NOM, hybrid options exchanges such as, for example, Phlx and CBOE blend auction and electronic market structures that differentiate certain order priority and execution functions based upon, among other things, the origin of the order (e.g., whether the order was a customer, market maker, broker or dealer, firm, or other type of order); these exchanges also charge different fees based on order origin. NOM does, like other exchanges, differentiate fees based on order origin. For example, fees for removing liquidity in SPY options are different for customers than they are for market makers and firms. This filing does not propose any changes in respect of the NOM fee structure.

[10] NOS is also a member of other options exchanges such as, for example, ISE and Phlx.

[11] *See* Securities Exchange Act Release No. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080) (approval order). *See also* Chapter VI, Section 11(e), which states, in relevant part: NOM shall route orders in options via Nasdaq Options Services LLC, a broker-dealer that is a member of an unaffiliated SRO which is the designated examining authority for the broker-dealer. Nasdaq Options Services LLC serves as the Routing Facility of NOM. The sole function of the Routing Facility will be to route orders in options listed and open for trading on NOM to away markets pursuant to NOM rules solely on behalf of NOM. The Routing Facility is subject to regulation as a facility of Nasdaq, including the requirement to file proposed rule changes under Section 19 of the Act.

[12] Chapter VI, Section 1(b) states: "System Securities" shall mean all options that are currently trading on NOM pursuant to Chapter IV (Securities Traded on NOM) above. All other options shall be "Non-System Securities."

[13] Chapter VI, Section 11(c) states: Priority of Routed Orders. Orders sent by the System to other markets do not retain time priority with respect to other orders in the System and the System shall continue to execute other orders while routed orders are away at another market center. Once routed by the System, an order becomes subject to the rules and procedures of the destination market including, but not limited to, order cancellation. If a routed order is subsequently returned, in whole or in part, that order, or its remainder, shall receive a new time stamp reflecting the time of its return to the System.

[14] NOS routes certain orders in options listed and open for trading on the Phlx electronic order, trading and execution system (known as XL II) to away market centers. *See* Phlx Rule 1080(m)(iii)(A) and Securities Exchange Act Release No. 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR–Phlx–2009–32) (approval order).

procedures of the destination markets (away exchanges).[15]

The Exchange believes that disparate rules in respect of Professional order designation, and lack of uniform application of such rules, do not promote the best regulation and may, in fact, encourage regulatory arbitrage.[16] The Exchange believes that it is therefore prudent and necessary to have a Professional designation rule as is commonplace in the industry, particularly where NOS (like Exchange Participants) is a member of several exchanges that have rules requiring professional order designations.

The Proposal

The Exchange proposes new Chapter I, Section 1(a)(48) to state that the term "Professional" means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A Participant or a Public Customer may, without limitation, be a Professional. Moreover, in order to properly represent orders entered on the Exchange according to the new definition, a Participant will be required to appropriately mark all Professional orders.[17] To comply with this requirement, Participants will be required to review their Public Customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Professional orders.[18] The Exchange will issue a notice to Participants via OTA or ORA outlining the procedures for the implementation of the proposal.

The Professional definition proposed by NOM is similar to the Professional designation that has been adopted by Phlx, ISE, CBOE, and NYSE Amex.[19] As noted, the Professional definition will not impact the Exchange's price/time order entry (priority) system.[20] Instead, the Exchange's proposal will ensure that Exchange Participants mark their Professional orders properly, that is, similarly in terms of professional order identification regardless of whether the order is placed on NOM or some other Professional Order Exchange. Moreover, with the proposed Professional designation in place, the Exchange will be able to accept orders that are marked professional.[21]

The designation of Professional or Professional order would not result in any different treatment of such orders for purposes of NOM rules concerning away market protection. That is, all non broker or dealer orders, including those that meet the definition of Professional orders, would continue to be treated equally for purposes of Exchange away market protection rules.[22]

The Exchange believes that identifying Professional accounts based upon the average number of orders entered in qualified accounts is an appropriately objective approach that will reasonably distinguish such persons and entities from retail investors or market participants. The Exchange proposes the threshold of 390 orders per day on average over a calendar month, because it believes that this number far exceeds the number of orders that are entered by retail investors in a single day.[23] Moreover, the 390 orders per day threshold proposed by NOM directly corresponds to the daily order volume recognized by Phlx and other options exchanges that have, as previously discussed, established professional order designations.[24] In addition, basing the standard on the number of orders that are entered in listed options for a qualified account(s) assures that professional account holders cannot inappropriately avoid the purpose of the rule by spreading their trading activity over multiple exchanges, and using an average number over a calendar month will prevent gaming of the 390 order threshold.[25]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[26] in general, and furthers the objectives of Section 6(b)(5) of the Act[27] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by defining Professional and indicating that all Professional orders shall be appropriately marked by Participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not

[15] Once routed by the System, an order becomes subject to the rules and procedures of the destination market including, but not limited to, order cancellation. *See* Chapter VI, Section 11(c).

[16] The Exchange believes that the risk of regulatory arbitrage is heightened where not all exchanges have Professional designation rules; and there is a lack of uniformity regarding Professional Rule Exchanges marking orders as Professional when routing such orders away.

[17] The Exchange intends to require Participants to indentify Professional orders submitted electronically by identifying them in the customer type field, and will notify Participants via an Options Trader Alert ("OTA") or Options Regulatory Alert ("ORA") regarding this requirement.

[18] Participants will be required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five business days after the end of each calendar quarter. While Participants will only be required to review their accounts on a quarterly basis, if during a quarter the Exchange identifies a customer for which orders are being represented as other than Professional orders but that has averaged more than 390 orders per day during a month, the Exchange will notify the Participant and the Participant will be required to change the manner in which it is representing the customer's orders within five business days. This is similar to the process of other options exchanges that have adopted a professional designation. *See, e.g.,* Securities Exchange Act Release No. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (SR–Phlx–2010–05) (approval order).

[19] *See supra* note 3.

[20] For example, unlike the Phlx proposal (which, among other things, discusses that Professional orders on Phlx will be treated in the same manner as off-floor brokers in terms of certain priority rules), the Exchange's proposal does not address or impact any priority relationship for Professional as opposed to other NOM orders.

[21] Currently, NOM only accepts orders that are marked as customer, firm, market maker, or away market maker orders. Professional orders that may not now be accepted by NOM must be sent to other Exchanges. While the Exchange does not intend to differentiate among Professional and other orders for priority purposes, it may, in the future, feel that it is appropriate to differentiate its routing or other fees in respect of Professional as opposed to other orders; and if so, the Exchange intends to file an appropriate fee-related rule filing(s). The Exchange does not address its fee structure in the present filing.

[22] *See, e.g.,* Chapter VI, Section 11 and Chapter XII.

[23] 390 orders is equal to the total number of orders that a person would place in a day if that person entered one order every minute from market open to market close. Many of the largest retail-oriented electronic brokers offer lower commission rates to customers they define as "active traders." Publicly available information from the websites of Charles Schwab, Fidelity, TD Ameritrade and OptionsXpress all define "active trader" as someone who executes only a few options trades per month. The highest required trading activity to qualify as an active trader among these four firms was 35 trades per quarter. *See* Securities Exchange Act Release No. 57254 at note 11 (which also notes that a study of one of the largest retail-oriented options brokerage firms indicated that on a typical trading day, options orders were entered with respect to 5,922 different customer accounts. There was only one order entered with respect to 3,765 of the 5,922 different customer accounts on this day, and there were only 17 customer accounts with respect to which more than ten orders were entered. The highest number of orders entered with respect to any one account over the course of an entire week was 27).

[24] The similarity of the Exchange's proposed Professional order definition to that of other options exchanges is important from the regulatory perspective, that is from a desire to promote a national market system that minimizes regulatory arbitrage.

[25] The Exchange intends to notify Participants via OTA or ORA that this proposal will be implemented on the first trading day of the month after the approval or effectiveness of this proposal.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange 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–NASDAQ–2010–099 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2010–099. 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.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2010–099 and should be submitted on or before September 10, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–20658 Filed 8–19–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62732; File No. SR–NYSE–2010–56]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending Its Price List To Reflect Fees Charged for Co-Location Services

August 16, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 3, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to reflect fees charged for co-location services, as described more fully herein. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, on the Commission's Web site at *http://www.sec.gov*, and the Exchange's Web site at *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to identify fees pertaining to co-location services, which allow Users[4] of the Exchange to rent space on premises controlled by the Exchange in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution systems. The Exchange plans to begin operating a data center in Mahwah, New Jersey, from which it will offer co-location services. The Exchange will offer space at the data center in cabinets with power usage capability of either four or eight kilowatts (kW).[5] In

[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For the purposes of this filing, the term "Users" includes any "member organization," as that term is defined in NYSE Rule 2(b) and any "Sponsored Participant," as that term is defined in NYSE Rule 123B.30(a)(ii)(B).

[5] The Exchange also allows Users, for a monthly fee (i.e., 40% of the applicable monthly per kW fee), to obtain an option for future use on available, unused cabinet space in proximity to their existing cabinet space. Specifically, Users may reserve cabinet space of up to 30% of the cabinet space under contract, which the Exchange will endeavor to provide as close as reasonably possible to the User's existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. (If the 30% measurement results in a fractional cabinet, the cabinet count is adjusted up to the next increment.) If reserved cabinet space becomes needed for use, the reserving User will

addition, the Exchange will offer Users services related to co-location, including cross connections, equipment and cable installation, and remote "hot-hands" services, which allow Users to use on-site data center personnel to maintain User equipment. The Exchange notes that Users will be able to obtain permanent access badges for their representatives at a cost of $50 per badge, which includes the cost of a background check. User representatives are not required to obtain a permanent access badge to gain access to the data center, but all visitors to the data center will be required to have a visitor security escort at the cost of $75 per hour.

Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from or superior to that of Users that do not receive co-location services. All orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway regardless of whether the sender is co-located in the Exchange's data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users. However, Users that receive co-location services normally would expect reduced latencies in sending orders to the Exchange and receiving market data from the Exchange. In addition, co-located Users have the option of obtaining access to the Exchange's Liquidity Center Network ("LCN"), a local area network available in the data center.[6] Co-located Users have the option of using either the LCN or the Exchange's Secure Financial Transaction Infrastructure ("SFTI") network, to which all Users have access. Because it operates as a local area network within the data center, the LCN provides reduced latencies in comparison with SFTI. Other than the reduced latencies, the Exchange believes that there are no material differences in terms of access to the Exchange between Users that choose to co-locate and those that do not. SFTI and LCN both provide Users with access to the Exchange's trading and execution systems and to the Exchange's proprietary market data products. User access to non-proprietary market data products is available through SFTI and not through LCN.

The Exchange offers co-location space based on availability and the Exchange believes that it has sufficient space in the Mahwah data center to accommodate current demand on an equitable basis for the foreseeable future. In addition, the Exchange believes that any difference among the positions of the cabinets within the data center does not create any material difference to co-location Users in terms of access to the Exchange.

The following charts identify the proposed tiered fees for co-location and the proposed fees for related services.

Initial fee per cabinet	$5,000
Number of kWs	Per kW fee monthly
4–8	$1,200
12–20	1,050
24–40	950
44 +	900

Type of service	Description	Amount of charge
LCN Access	1Gb Circuit	$6,000 per connection initial charge plus $5,000 monthly per connection.
LCN Access	10 Gb Circuit	$10,000 per connection.
Bundled Network Access, Option 1 (2 LCN connections, 2 SFTI connections, and 2 optic connections to outside access center).	1 GB Bundle	$25,000 initial charge plus $13,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $47,000 monthly charge
Bundled Network Access, Option 2 (2 LCN connections, 2 SFTI connections, 1 optic connection to outside access center, and 1 optic connection in data center).	1 GB Bundle	$26,000 initial charge plus $16,000 monthly charge.
	10 Gb Bundle	$50,000 initial charge plus $54,250 monthly charge.
Bundled Network Access, Option 3 (2 LCN Connections, 2 SFTI connections, and 2 optic connections in data center).	1 Gb Bundle	$27,500 initial charge plus $19,000 monthly charge.
	10 Gb Bundle	$50,000 initial charge plus $61,500 monthly charge.
Data Center Fiber Cross Connect	Cross connect between a single User's cabinets within the data center.	$500 per unit initial charge plus $500 monthly per unit.
Initial Install Services (Required per cabinet)	Includes initial racking of equipment in cabinet and provision of up to 10 cables (4 hrs).	$800 per cabinet.
Hot Hands Service: Normal Business Hours, Scheduled.	Applies on non-NYSE holidays, Monday to Friday, 9am to 5pm if scheduled at least 1 day in advance.	$200 per hour.
Hot Hands Service: Extended Business Hours, Scheduled.	Applies Monday to Friday 5pm to 9am, NYSE holidays, and weekends if scheduled at least 1 day in advance.	$275 per hour.
Hot Hands Service: Normal Business Hours, Expedited.	Applies on non-NYSE holidays, Monday to Friday, 9am to 5pm if NOT scheduled at least 1 day in advance.	$250 per hour.
Hot Hands Service: Extended Business Hours, Expedited.	Applies Monday to Friday 5pm to 9am, NYSE holidays, and weekends if NOT scheduled at least 1 day in advance.	$325 per hour.

have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.

[6] As set forth below, pricing for LCN access is provided on a stand-alone basis and on a bundled basis in combination with SFTI connections and optic connections to outside access centers and within the data center. The SFTI and optic connections are not related to the co-location services.

Type of service	Description	Amount of charge
Rack and Stack	Installation of one server in User's cabinet. Service encompasses handling, unpacking, tagging, and installation of the server as well as 1 network connection within the User rack.	$200 per server.
Power Recycling	Reboot of power on one server or switch as well as observing and reporting on the status of the reboot back to the User.	$50 per reset.
Shipping and Receiving	Receipt of one shipment of goods at data center from User/supplier. Includes coordination of shipping and receiving.	$100 per shipment.
Badge Request	Request for provision of a permanent data center site access badge for a User representative.	$50 per badge.
External Cabinet Cable Tray	Engineer, furnish and install Rittal 5″H × 12″W cable tray on cabinet.	$400 per tray.
Custom External Cabinet Cable Tray	Engineer, furnish and install 4″ H × 24″ W custom basket cable tray above client's cabinet rows.	$100 per linear foot.
Install and Document Cable	Labor charges to install and document the fitting of a cable(s) in a User's cabinet(s) in excess of the 10 copper cables include in the cabinet installation fee.	$200 per hour.
Equipment Maintenance Call Escalation	Hardware maintenance-break fix services available through NYSE arrangement with Delta Computer Group.	$100 per call.
Visitor Security Escort	NYSE employee escort, which is required during User visits to the data center.	$75 per hour.
Technician Support Service—Non Emergency	Network technician equipped to support User network troubleshooting activity and to provide all necessary testing instruments to support the User request. Prior day notice is required.	$200 per hour.
Technician Support Service—Emergency	Network technician equipped to support User network troubleshooting activity and to provide all necessary testing instruments to support the User request. Two hour notice is required.	$325 per hour.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the "Act"),[7] in general, and Sections 6(b)(4) and 6(b)(5), of the Act,[8] in particular, in that it is designed to (i) provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities, and (ii) prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange believes that the proposed changes to the Schedule are equitable in that they apply fees for comparable co-location services uniformly to our Users. Moreover, the Exchange believes that, as described herein, access to its market is offered on fair and non-discriminatory terms.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- 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–NYSE–2010–56 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission,

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and 15 U.S.C. 78f(b)(5).

100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2010–56. 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.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 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–NYSE–2010–56 and should be submitted on or before September 10, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–20682 Filed 8–19–10; 8:45 am]

BILLING CODE 8010–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62731; File No. SR–NYSEAmex–2010–80]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing of Proposed Rule Change Amending Its Price List To Reflect Fees Charged for Co-Location Services

August 16, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 4, 2010, NYSE Amex LLC ("NYSE Amex" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to reflect fees charged for co-location services, as described more fully herein. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, on the Commission's Web site at *http://www.sec.gov,* and the Exchange's Web site at *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to identify fees pertaining to co-location services, which allow Users[4] of the Exchange to rent space on premises controlled by the Exchange in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution systems. The Exchange plans to begin operating a data center in Mahwah, New Jersey, from which it will offer co-location services. The Exchange will offer space at the data center in cabinets with power usage capability of either four or eight kilowatts (kW).[5] In addition, the Exchange will offer Users services related to co-location, including cross connections, equipment and cable installation, and remote "hot-hands" services.

Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from or superior to that of Users that do not receive co-location services. All orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway regardless of whether the sender is co-located in the Exchange's data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users. However, Users that receive co-location services normally would expect reduced latencies in sending orders to the Exchange and receiving market data from the Exchange. In addition, co-located Users have the option of obtaining access to the Exchange's Liquidity Center Network ("LCN"), a local area network available in the data center.[6] Co-located Users have the option of using either the LCN or the Exchange's Secure Financial Transaction Infrastructure ("SFTI") network, to which all Users have access. Because it operates as a local area network within the data center, the LCN provides reduced latencies in comparison with SFTI. Other than the reduced latencies, the Exchange believes that there are no material differences in terms of access to the Exchange between Users that choose to co-locate and those that do not. SFTI and LCN both provide Users with access to the Exchange's trading and execution systems and to the Exchange's

[4] For the purposes of this filing, the term "Users" includes any "member organization," as that term is defined in NYSE Amex Equities Rule 2(b) and any "Sponsored Participant," as that term is defined in NYSE Amex Equities Rule 123B.30(a)(ii)(B).

[5] The Exchange also allows Users, for a monthly fee (*i.e.,* 40% of the applicable monthly per kW fee), to obtain an option for future use on available, unused cabinet space in proximity to their existing cabinet space. Specifically, Users may reserve cabinet space of up to 30% of the cabinet space under contract, which the Exchange will endeavor to provide as close as reasonably possible to the User's existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. (If the 30% measurement results in a fractional cabinet, the cabinet count is adjusted up to the next increment.) If reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.

[6] As set forth below, pricing for LCN access is provided on a stand-alone basis and on a bundled basis in combination with SFTI connections and optic connections to outside access centers and within the data center. The SFTI and optic connections are not related to the co-location services.

proprietary market data products. User access to non-proprietary market data products is available through SFTI and not through LCN.

The Exchange offers co-location space based on availability and the Exchange believes that it has sufficient space in the Mahwah data center to accommodate current demand on an equitable basis for the foreseeable future. In addition, the Exchange believes that any difference among the positions of the cabinets within the data center does not create any material difference to co-location Users in terms of access to the Exchange.

The charts set forth in Exhibit 5 identify the proposed tiered fees for co-location and the proposed fees for related services.

Initial Fee per cabinet	$5,000
Number of kWs	Per kW Fee Monthly
4–8	$1,200
12–20	1,050
24–40	950
44 +	900

Type of service	Description	Amount of charge
LCN Access	1 Gb Circuit	$6,000 per connection initial charge plus $5,000 monthly per connection.
LCN Access	10 Gb Circuit	$10,000 per connection.
Bundled Network Access, Option 1 (2 LCN connections, 2 SFTI connections, and 2 optic connections to outside access center).	1 GB Bundle	$25,000 initial charge plus $13,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $47,000 monthly charge.
Bundled Network Access, Option 2 (2 LCN connections, 2 SFTI connections, 1 optic connection to outside access center, and 1 optic connection in data center).	1 GB Bundle	$26,000 initial charge plus $16,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $54,250 monthly charge.
Bundled Network Access, Option 3 (2 LCN Connections, 2 SFTI connections, and 2 optic connections in data center).	1 Gb Bundle	$27,500 initial charge plus $19,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $61,500 monthly charge.
Data Center Fiber Cross Connect	Cross connect between a single User's cabinets within the data center.	$500 per unit initial charge plus $500 monthly per unit.
Initial Install Services (Required per cabinet)	Includes initial racking of equipment in cabinet and provision of up to 10 cables (4 hrs).	$800 per cabinet.
Hot Hands Service: Normal Business Hours, Scheduled (NOTE: Hot Hands Service allows Users to use on-site data center personnel to maintain User equipment.).	Applies on non-NYSE Amex holidays, Monday to Friday, 9am to 5pm if scheduled at least 1 day in advance.	$200 per hour.
Hot Hands Service: Extended Business Hours, Scheduled.	Applies Monday to Friday 5pm to 9am, NYSE Amex holidays, and weekends if scheduled at least 1 day in advance.	$275 per hour.
Hot Hands Service: Normal Business Hours, Expedited.	Applies on non-NYSE Amex holidays, Monday to Friday, 9am to 5pm if NOT scheduled at least 1 day in advance.	$250 per hour.
Hot Hands Service: Extended Business Hours, Expedited.	Applies Monday to Friday 5pm to 9am, NYSE Amex holidays, and weekends if NOT scheduled at least 1 day in advance.	$325 per hour.
Rack and Stack	Installation of one server in User's cabinet. Service encompasses handling, unpacking, tagging, and installation of the server as well as 1 network connection within the User rack.	$200 per server.
Power Recycling	Reboot of power on one server or switch as well as observing and reporting on the status of the reboot back to the User.	$50 per reset.
Shipping and Receiving	Receipt of one shipment of goods at data center from User/supplier. Includes coordination of shipping and receiving.	$100 per shipment.
Badge Request	Request for provision of a permanent data center site access badge for a User representative.	$50 per badge.
External Cabinet Cable Tray	Engineer, furnish and install Rittal 5″ H × 12″ W cable tray on cabinet.	$400 per tray.
Custom External Cabinet Cable Tray	Engineer, furnish and install 4″ H × 24″ W custom basket cable tray above client's cabinet rows.	$100 per linear foot.
Install and Document Cable	Labor charges to install and document the fitting of a cable(s) in a User's cabinet(s) in excess of the 10 copper cables include in the cabinet installation fee.	$200 per hour.
Equipment Maintenance Call Escalation	Hardware maintenance-break fix services available through NYSE arrangement with Delta Computer Group.	$100 per call.

Type of service	Description	Amount of charge
Visitor Security Escort	NYSE employee escort, which is required during User visits to the data center. (NOTE: all User representatives are required to have a visitor security escort during visits to the data center, including User representatives who have a permanent data center site access badge.).	$75 per hour.
Technician Support Service- Non Emergency	Network technician equipped to support User network troubleshooting activity and to provide all necessary testing instruments to support the User request. Prior day notice is required.	$200 per hour.
Technician Support Service- Emergency	Network technician equipped to support User network troubleshooting activity and to provide all necessary testing instruments to support the User request. Two hour notice is required.	$325 per hour.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the "Act"),[7] in general, and Sections 6(b)(4) and 6(b)(5), of the Act,[8] in particular, in that it is designed to (i) provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities, and (ii) prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange believes that the proposed changes to the Schedule are equitable in that they apply fees for comparable co-location services uniformly to our Users. Moreover, the Exchange believes that, as described herein, access to its market is offered on fair and non-discriminatory terms.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- 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–NYSEAmex–2010–80 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–NYSEAmex–2010–80. 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.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 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–NYSEAmex–2010–80 and should be submitted on or before September 10, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–20681 Filed 8–19–10; 8:45 am]

BILLING CODE 8010–01–P

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 7126]

Culturally Significant Objects Imported for Exhibition Determinations: "Ballplayers, Gods, and Rainmaker Kings: Masterpieces From Ancient Mexico"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition "Ballplayers, Gods, and Rainmaker Kings: Masterpieces from Ancient Mexico," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Art Institute of Chicago, Chicago, Illinois, from on or about September 15, 2010, until on or about January 2, 2011, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 16, 2010.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–20711 Filed 8–19–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7127]

Culturally Significant Objects Imported for Exhibition Determinations: "Picasso: Masterpieces from the Musée National Picasso, Paris"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition "Picasso: Masterpieces from the Musée National Picasso," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Seattle Art Museum, Seattle, WA, from on or about October 8, 2010, until on or about January 17, 2011; at the Virginia Museum of Fine Arts, Richmond, VA, from on or about February 19, 2011, until on or about May 15, 2011; at the Fine Arts Museums of San Francisco, San Francisco, CA, from on or about June 11, 2011, until on or about September 18, 2011; and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632–6473). The address is U.S. Department of State, SA–5, L/PD, Fifth Floor, Washington, DC 20522–0505.

Dated: August 10, 2010.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–20697 Filed 8–19–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2010–0203]

Office of the Secretary: Senior Executive Service Performance Review Boards Membership

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice of Performance Review Board (PRB) appointments.

SUMMARY: DOT publishes the names of the persons selected to serve on the various Departmental PRBs as required by 5 U.S.C. 4314(c)(4).

FOR FURTHER INFORMATION CONTACT: Nancy A. Mowry, Director, Departmental Office of Human Resource Management, (202) 366–4088.

SUPPLEMENTARY INFORMATION: The persons named below have been selected to serve on one or more Departmental PRBs.

Issued in Washington, DC, on August 13, 2010.

Brodi L. Fontenot,

Acting Deputy Assistant Secretary for Administration.

Department of Transportation

Federal Highway Administration

Alicandri, Elizabeth
Arnold, Robert E.
Baxter, John R.
Brown, Janice W.
Cellini, Sue Anna
Cheatham, James A.
Conner, Clara H.
Curtis, Joyce A.
Elston, Debra S.
Furst, Anthony T.
Gee, King W.
Gibbs, David C.
Griffith, Michael S.
Holian, Thomas P.
Horne, Dwight A.
Johnson, Christine M.
Knopp, Martin C.
Konove, Elissa K.
Liff, Diane R.
Lindley, Jeffrey A.
Lucero, Amy C.
Lwin, Maung Myint
Marchese, April Lynn
Masuda, Allen
McElroy, Regina S.
Nicol, David A.
Paniati, Jeffrey F.
Peters, Joseph I.
Prosperi, Patricia A.
Ridenour, Melisa Lee
Rothstein, Cliff L.
Row, Shelley J.
Saunders, Ian C.
Shepherd, Gloria Morgan
Smith, Willie H.
Solomon, Gerald L.
St. Denis, Catherine
Stephanos, Peter J.
Suarez, Ricardo
Toole, Joseph S.
Toole, Patricia Ann
Trentacoste, Michael F.
Waidelich, Jr., Walter C.
Winter, David R.
Wlaschin, Julius

Federal Motor Carrier Administration

Amos, Anna J.
Gunnels, Mary D.
Horan III, Charles
Leone, Geraldine K.
McMurray, Rose A.
Minor, Larry W.
O'Sullivan, Kathleen B.

Pelcovits, Pamela
Quade III, William A.
Shelton, Terry
Tochen, David
Van Steenburg, John W.

Federal Railroad Administration

Coronel, Kim
Haley, Michael T.
Leeds, Jr., John G.
Logue, Michael
Nissenbaum, Paul
Pritchard, Edward W.
Rae, Karen J.
Reid, Margaret Bridge
Strang, Jo E.
Tessler, Mark
Yachmetz, Mark E.

Federal Transit Administration

Biehl, Scott A.
Borinsky, Susan C.
Hynes-Cherin, Brigid
Lindsey, Seth M.
Linnertz, Ann M.
Patrick, Robert C.
Rogers, Leslie T.
Schruth, Susan E.
Simon, Marisol
Taylor, Yvette
Thompson, Letitia
Tuccillo, Robert
Valdes, Vincent
Welbes, Matthew

Maritime Administration

Bohnert, Roger
Brohl, Helen
Byrne, Joseph Andrew
Caponiti, James
Ewen, Paula D.
Kumar, Sashi
Lesnick, H. Keith
McMahon, Christopher J.
Pixa, Rand
Rivait, David
Tokarski, Kevin
Weaver, Janice G.

National Highway Traffic Safety Administration

Abraham, Julie
Amoni, Marilena
Beuse, Nathaniel
Carra, Joseph
Coggins, Colleen P.
Donaldson, K. John
Geraci, Michael
Guerci, Lloyd S.
Harris, Claude
Kratzke, Stephen R.
Maddox, John M.
Markison, Marlene
McLaughlin, Brian M.
McLaughlin, Susan
Medford, Ronald L.
Michael, Jeffrey P.
Pennington, Rebecca
Saul, Roger
Simons, James F.
Smith, Daniel C.
Walter, Gregory A.
Wood, Stephen

Office of Inspector General

Barry, Timothy M.
Calvaresi Barr, Ann
Come, Joseph W.
Dailey, Susan
Dettelbach, Brian A.
Dixon, Lou
Hampton, Matthew E.
Leng, Rebecca C.
Millman, Rosalyn

Office of Inspector General (Not Department of Transportation Employees)

Allesandrino, Matthew (Department of Energy)
Delgado, Michael (Department of the Treasury)
Ellis, Karen (Department of Agriculture)
Hardsgrove, Steve (Department of the Interior)
Hartman, John (Department of Energy)
Heist, Melissa (Environmental Protection Agency)
O'Brien, Regina (General Services Administration)
Rish, Adrienne (U.S. Agency for International Development)
Taylor, Robert (Department of the Treasury)
Young, Robert (Department of Agriculture)
Wagner, Ben (Tennessee Valley Authority)

Office of the Secretary

DeBoer, Joan
DeCarme, David G.
Eisner, Neil
Fields, George
Fornarotto, Christa
Forsgren, Janet
Geier, Paul
Gretch, Paul L.
Herlihy, Thomas W.
Homan, Todd
Horn, Donald
Hurdle, Lana
Jackson, Ronald
Jones, Mary N.
Jones, Maureen A.
Kaleta, Judith
Knapp, Rosalind
Lawson, Linda
Leusch Carnaroli, Herbert
Lowder, Michael W.
McDermott, Susan
Mowry, Nancy A.
Neal, Brandon
Osborne, Elizabeth
Park, Laurie
Petrosino-Woolverton, Marie
Podberesky, Samuel
Schmidt, Robert T.
Streitmatter, Marlise
Szabat, Joel M.
Thomson, Kathryn B.
Washington, Keith
Washington, Linda J.
Wells, John
Ziff, Laura
Zuckman, Jill

Pipeline and Hazardous Materials Safety Administration

Douglass, Madonna C.
El-Sibaie, Magdy A.
Richard, Robert A.
Summitt, Monica J.
Wiese, Jeffrey D.

Research and Innovative Technology Administration

Brecht-Clark, Jan
Chang, William
Dillingham, Steven
Smith, Steven K.
Tompkins, Curtis

Saint Lawrence Seaway Development Corporation

Middlebrook, Craig H.
Pisani, Salvatore L.

Safety Transportation Board

Campbell, Rachel D.
Dettmar, Joseph
Gardner, Leland
Keats, Craig
Wallen, Matthew

[FR Doc. 2010–20670 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35394]

Regional Transportation District—Acquisition Exemption—Union Pacific Railroad Company in Adams, Denver, and Jefferson Counties, CO

Regional Transportation District (RTD) [1] has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Union Pacific Railroad Company (UP) the physical assets and associated rights of way comprising an approximately 40-foot wide segment of each of 2 rail lines totalling approximately 11.18 miles: (1) A portion of the Limon Subdivision extending approximately 8.96 miles, from milepost 628.50, in Adams County, CO., to milepost 637.46 in the City and County of Denver, Colo. (the East Corridor Segment); and (2) a portion of the Moffat Tunnel Subdivision

[1] RTD is a political subdivision of the State of Colorado.

extending approximately 2.22 miles, from milepost 4.28, in the City and County of Denver, to milepost 6.50 in Jefferson County, Colo. (the Gold Line Segment).[2] RTD states that, on both segments, UP will retain the remaining rights-of-way not acquired by RTD. According to RTD, on the East Corridor Segment, RTD will relocate UP's existing track both to enable UP to provide uninterrupted freight service and to accommodate the construction and operation of RTD's facilities. RTD states that, on the Gold Line Segment, UP will retain the tracks on which it currently operates. RTD also states that UP will retain the exclusive right to operate freight service on both the East Corridor Segment and the Gold Line Segment.

On June 25, 2009, RTD and UP executed the FasTracks Project Property Transfer and Railroad Relocation Agreement (Transfer Agreement), which provides a framework for a series of transactions through which RTD is acquiring rail corridors, yard track, and other property from UP. Prior to consummating the acquisition, RTD states that RTD and UP intend to execute 4 additional agreements in conjunction with this transaction. These agreements include: (1) Addenda C and D to the Transfer Agreement;[3] (2) Relocation and Construction Agreement; (3) Operations Agreement for the East Corridor Segment; and (4) Operations Agreement for the Gold Line Segment. RTD states that the parties plan to execute the purchase and sale agreements for the transfer of the Gold Line Segment and the East Corridor Segment on or about August 4, 2010. RTD also states that RTD and UP anticipate that they will consummate the acquisition of the Gold Line Segment on or about September 30, 2010, and the acquisition of the East Corridor Segment during or after late 2013. Thus, according to RTD, the parties will consummate both acquisitions after the September 3, 2010, effective date of the exemption (30 days after the exemption was filed). According to RTD, it will acquire no right or obligation to provide freight rail service on the East Corridor Segment or the Gold Line Segment, and it is acquiring the property for the purpose of providing intrastate passenger commuter rail operations.[4] RTD certifies that, because it will conduct no freight operations on the line segments being acquired, its annual revenues from freight operations as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

If the 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 does not automatically stay the transaction. Petitions for stay must be filed no later than August 27, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35394, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Avenue, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: August 17, 2010.

By the Board,

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010–20701 Filed 8–19–10; 8:45 am]

BILLING CODE 4915–01–P

[2] RTD states that it will also acquire UP's interest in discrete parcels not integral to UP's existing freight operations at 5 locations along UP's Limon, Greeley, and Moffat Tunnel Subdivisions for access, private roadway crossings, and similar purposes ancillary to RTD's use of the lines. In addition, UP will grant RTD 4 aerial easements over UP's lines for rail or pedestrian flyovers. RTD and UP are also concluding the negotiation of an exchange of property to accommodate the relocation of UP's lead accessing its Burnham Shop in the City and County of Denver.

[3] Addendum C addresses RTD's acquisition of the East Corridor segment. Addendum D addresses RTD's acquisition of the Gold Line Segment.

[4] RTD has filed a motion to dismiss in this proceeding. It avers that it will not become a rail carrier providing transportation subject to Board jurisdiction. The motion will be addressed in a subsequent decision.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2010–0178 (Notice No. 10–3)]

Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on certain information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget (OMB).

DATES: Interested persons are invited to submit comments on or before October 19, 2010.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–2009–0409) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulation Identification Number (RIN) for this notice. Internet users may access comments received by DOT at: *http://www.regulations.gov.* Note that comments received will be posted without change to: *http://www.regulations.gov* including any personal information provided.

Requests for a copy of an information collection should be directed to Deborah Boothe or Steven Andrews, Office of Hazardous Materials Standards (PHH–10), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

FOR FURTHER INFORMATION CONTACT: Deborah Boothe or Steven Andrews, Office of Hazardous Materials Standards (PHH–10), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to OMB for renewal and extension.

These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a three-year term of approval for each information collection activity and, when approved by OMB, publish notice of the approval in the **Federal Register**.

PHMSA requests comments on the following information collections:

Title: Inspection and Testing of Portable Tanks and Intermediate Bulk Containers.

OMB Control Number: 2137–0018.

Summary: This information collection consolidates provisions for documenting qualifications, inspections, tests and approvals pertaining to the manufacture and use of portable tanks and intermediate bulk containers under various provisions of the HMR. It is necessary to ascertain whether portable tanks and intermediate bulk containers have been qualified, inspected, and retested in accordance with the HMR. The information is used to verify that certain portable tanks and intermediate bulk containers meet required performance standards prior to their being authorized for use, and to document periodic requalification and testing to ensure the packagings have not deteriorated due to age or physical abuse to a degree that would render them unsafe for the transportation of hazardous materials.

Affected Public: Manufacturers and owners of portable tanks and intermediate bulk containers.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 8,770.

Total Annual Responses: 86,100.

Total Annual Burden Hours: 66,390.

Frequency of collection: On occasion.

Title: Hazardous Materials Incident Reports.

OMB Control Number: 2137–0039.

Summary: This collection is applicable upon occurrence of incidents as prescribed in §§ 171.15 and 171.16 of the HMR. A Hazardous Materials Incident Report, DOT Form F 5800.1, must be completed by a person in physical possession of a hazardous material at the time a hazardous material incident occurs in transportation, such as a release of materials, serious accident, evacuation or closure of a main artery. Incidents meeting criteria in § 171.15 also require a telephonic report. This information collection enhances the Department's ability to evaluate the effectiveness of its regulatory program, determine the need for regulatory changes, and address emerging hazardous materials transportation safety issues. The requirements apply to all interstate and intrastate carriers engaged in the transportation of hazardous materials by rail, air, water, and highway.

Affected Public: Shippers and carriers of hazardous materials.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 1,678.

Total Annual Responses: 16,768.

Total Annual Burden Hours: 23,037.

Frequency of collection: On occasion.

Title: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.

OMB Control Number: 2137–0595.

Summary: These information collection and recordkeeping requirements pertain to the manufacture, certification, inspection, repair, maintenance, and operation of certain DOT specification and non-specification cargo tank motor vehicles used to transport liquefied compressed gases. These requirements are intended to ensure cargo tank motor vehicles used to transport liquefied compressed gases are operated safely, and to minimize the potential for catastrophic releases during unloading and loading operations. They include: (1) Requirements for operators of cargo tank motor vehicles in liquefied compressed gas service to develop operating procedures applicable to unloading operations and carry the operating procedures on each vehicle; (2) inspection, maintenance, marking, and testing requirements for the cargo tank discharge system, including delivery hose assemblies; and (3) requirements for emergency discharge control equipment on certain cargo tank motor vehicles transporting liquefied compressed gases that must be installed and certified by a Registered Inspector. (See sections 173.315(n); 177.840(l); 180.405; 180.407(h); and 180.416(b), (d) and (f))

Affected Public: Carriers in liquefied compressed gas service, manufacturers and repairers.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 6,958.

Total Annual Responses: 920,538.

Total Annual Burden Hours: 200,914.

Frequency of collection: On occasion.

Issued in Washington, DC on August 16, 2010.

Charles E. Betts,

Acting Director, Office of Hazardous Materials Standards.

[FR Doc. 2010–20638 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0116]

Federal Motor Vehicle Safety Standards; Air Brake Systems; Technical Report on the Effectiveness of Antilock Braking Systems in Heavy Truck Tractors and Trailers

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

ACTION: Request for comments on technical report.

SUMMARY: This notice announces NHTSA's publication of a Technical Report its existing Safety Standard 121, *Air Brake Systems.* The report's title is: *The Effectiveness of ABS* [Antilock Braking Systems] *in Heavy Truck Tractors and Trailers.*

DATES: Comments must be received no later than December 20, 2010.

ADDRESSES: *Report:* The technical report is available on the Internet for viewing in PDF format at *http://www-nrd.nhtsa.dot.gov/Pubs/811339.pdf.* You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Charles J. Kahane (NVS–431), National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Comments: You may submit comments [identified by Docket Number NHTSA–2010–0116] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

You may call Docket Management at 202–366–9826.

Instructions: For detailed instructions on submitting comments, see the Procedural Matters section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Charles J. Kahane, Chief, Evaluation Division, NVS–431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202–366–2560. E-mail: *chuck.kahane@dot.gov.*

For information about NHTSA's evaluations of the effectiveness of existing regulations and programs: You may see a list of published evaluation reports at *http://www-nrd.nhtsa.dot.gov/cats/listpublications.aspx?Id=226&ShowBy=Category* and if you click on any report you will be able to view it in PDF format.

SUPPLEMENTARY INFORMATION: Safety Standard 121 (49 CFR 571.121) mandates antilock braking systems (ABS) on all new air-braked vehicles with a GVWR of 10,000 pounds or greater. ABS is required on tractors manufactured on or after March 1, 1997, and air-braked semi-trailers and single-unit trucks manufactured on or after March 1, 1998. The primary findings of this report are the following:

- The best estimate of a reduction by ABS on the tractor unit in all levels of police-reported crashes for air-braked tractor-trailers is 3 percent. This is based on data from seven States and controls for the age of the tractor at the time of the crash. This represents a statistically significant 6-percent reduction in the crashes where ABS is assumed to be potentially influential, relative to a control group, of about the same number of crashes, where ABS is likely to be irrelevant.
- In fatal crashes, there is a non-significant 2-percent reduction in crash involvement, resulting from a 4-percent reduction in crashes where ABS should be potentially influential. The age of the tractor at the time of the crash is not important. Rather, external factors of urbanization, road speed, and ambient lighting are influential and are accounted for in the final estimate.
- Among the types of crashes that ABS influences, there is large reduction in jack-knives, off-road over-turns, and at-fault involvements in collisions with other vehicles (except front-to-rear collisions). Counteracting are an increase in the number of involvements of hitting animals, pedestrians, or bicycles and, only in fatal crashes, rear-ending lead vehicles in two-vehicle crashes.

In April 2009, NHTSA issued *An In-Service Analysis of Maintenance and Repair Expenses for the Anti-Lock Brake System and Underride Guard for Tractors and Trailers* (74 FR 18803).

Procedural Matters

How can I influence NHTSA's thinking on this subject?

NHTSA welcomes public review of the technical report. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the report.

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2010–0116) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

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 in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://www.regulations.gov.*

Please send two paper copies of your comments to Docket Management, fax them, or use the Federal eRulemaking Portal. The mailing address is U.S. Department of Transportation, Docket Management Facility, M–30, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The fax number is 1–202–493–2251. To use the Federal eRulemaking Portal, go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

We also request, but do not require you to send a copy to Charles J. Kahane, Chief, Evaluation Division, NVS–431, National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue, SE., Washington, DC 20590 (or e-mail them to *chuck.kahane@dot.gov*). He can check if your comments have been received at the Docket and he can expedite their review by NHTSA.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to U.S. Department of Transportation, Docket Management Facility, M–30, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or submit them via the Federal eRulemaking Portal.

Will the agency consider late comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How can I read the comments submitted by other people?

You may read the materials placed in the docket for this document (*e.g.,* the comments submitted in response to this document by other interested persons) at any time by going to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. You may also read the materials at the Docket Management Facility by going to

the street address given above under **ADDRESSES**. The Docket Management Facility is open between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

James F. Simons,

Director, Office of Regulatory Analysis and Evaluation.

[FR Doc. 2010–20644 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Meeting of the Transit Rail Advisory Committee for Safety (TRACS)

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Transit Rail Advisory Committee for Safety (TRACS). TRACS is a Federal Advisory Committee established by the Secretary of the Department of Transportation in accordance with the Federal Advisory Committee Act to provide information, advice, and recommendations to the Secretary and the Federal Transit Administrator on matters relating to the safety of public transportation systems.

DATES: The TRACS meeting will be held on September 9, 2010 from 9 a.m. EDT to 5 p.m. EDT, and September 10, 2010, from 8 a.m. EDT to 12:15 p.m. EDT.

ADDRESSES: The meeting will be held at the Renaissance Washington DC, Downtown Hotel, 999 9th Street, NW., Washington, DC 20001.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2). TRACS is a Federal Advisory Committee established to provide information, advice, and recommendations to the Secretary of Transportation and the Administrator of the Federal Transit Administration (FTA) on matters pertaining to the safety of public transportation systems. TRACS is composed of 21 members representing a broad base of expertise necessary to discharge its responsibilities.

The TRACS members are:

William Bates, United Transportation Union
Bernadette Bridges, Maryland Transit Administration
Eric Cheng, Utah Department of Transportation
Richard W. Clark, California Public Utilities Commission
Diane Davidson, Oak Ridge National Laboratory
Joe Diaz, Hilsborough Area Regional Transit Authority
James M. Dougherty, Washington Metropolitan Area Transit Authority
David Genova, Regional Transportation District
Georgetta Gregory, Metropolitan Atlanta Transportation Rapid Transit Authority
William Grizard, American Public Transportation Association
Leonard Hardy, Bay Area Transit Authority
Henry Hartberg, Dallas Area Rapid Transit
Rick Inclima, Brotherhood of Maintenance of Way Employees Division
Jackie Jeter, Amalgamated Transit Union
Linda Kleinbaum, Metropolitan Transportation Authority
Amy S. Kovalan, Chicago Transit Authority
Richard Krisak, Metropolitan Atlanta Transportation Rapid Transit Authority
Tamara Lesh, Tri-County Metropolitan Transportation District
Pamela McCombe, Greater Cleveland Regional Transit Authority
Alvin H. Pearson, Memphis Area Transit Authority
Ed Watt, Transport Workers Union of America

The charter for TRACS requires the Administrator of FTA to appoint a Designated Federal Officer, a Chairperson and a Vice-Chair. On August 5, 2010, the FTA Administrator appointed Mike Flanigon, Director, Office of Safety and Security, FTA, as Chairperson and Eric Cheng, Utah Department of Transportation as Vice-Chair. In addition, the Designated Federal Officer for TRACS will be Sean Libberton, Deputy Associate Administrator, Office of Program Management, FTA.

The tentative agenda for the first meeting of TRACS is set forth below:

AGENDA

September 9–10, 2010

1. Facility Use Briefing.
2. Dignitaries' Welcome Remarks.
3. Introductions.
4. Discuss TRACS First Task(s).
5. Federal Advisory Committee Legal Framework; Finalize TRACS Mission, Operating Instructions, and Ground Rules.
6. Panel Presentations on Safety Plan Models.
7. Discuss State Safety Oversight and System Safety Approach.
8. Discuss Specific Inputs to be Considered Including TRACS Member Experience, NTSB Recommendation, and Accident/Incident Data.
9. Public Comments.
10. Develop Schedule, Work Plan and Establish Work Group(s) as Appropriate.
11. Set Next Meeting of Full TRACS.
12. Wrap Up.

This meeting will be open to the public. Members of the public who wish to make an oral statement at the meeting are directed to make a request to Iyon Rosario, Office of Safety and Security, Federal Transit Administration; (202) 366–2010; or at *TRACS@dot.gov* on or before close of business on September 3, 2010. Provisions will be made to include the scheduled oral statements on the agenda. Members of the public may submit written comments or suggestions concerning the activities of TRACS at any time before or after the meeting at *TRACS@dot.gov*; or to U.S. Department of Transportation, Federal Transit Administration, Office of Safety and Security, Room E43–435, 1200 New Jersey Avenue, SE., Washington, DC 20590, Attention: Iyon Rosario.

Requests for special accommodations should be directed to Iyon Rosario, Office of Safety and Security, Federal Transit Administration; (202) 366–2010; or at *TRACS@dot.gov* on or before close of business on September 6, 2010.

Minutes of the meeting will be posted on FTA's public Web site at *http://www.fta.dot.gov/11039_11098.htm.* Written comments submitted to the Committee will also be posted at the above Web address.

FOR FURTHER INFORMATION CONTACT: Iyon Rosario, Office of Safety and Security, Federal Transit Administration, Room E43–435, 1200 New Jersey Avenue, SE., Washington, DC 20590; (202) 366–2010; *TRACS@dot.gov.*

Issued on *August 16, 2010.*

Peter Rogoff,

Administrator.

[FR Doc. 2010–20641 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0115; Notice 1]

Yokohama Tire Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

Yokohama Tire Corporation (YTC) [1] has determined that certain P215/60R15 93H AVID H4S passenger car replacement tires did not fully comply with Paragraph S5.5.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* On January 21, 2010, YTC filed an appropriate report pursuant to 49 CFR part 573 *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (*see* implementing rule at 49 CFR part 556), YTC has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of YTC's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 6,254 [2] P215/60R15 93H AVID H4S passenger car replacement tires that were manufactured in YTC's Salem, Virginia manufacturing plant during the period December 2, 2007 through September 19, 2009.

Paragraphs S5.5.1 Of FMVSS No. 139 requires in pertinent part:

S5.5.1 *Tire identification number.*

(a) * * *

(b) *Tires manufactured on or after September 1, 2009.* Each tire must be labeled with the tire identification number required by 49 CFR part 574 on the intended outboard sidewall of the tire. Except for retreaded tires, either the tire identification number or a partial tire identification number, containing all characters in the tire identification number, except for the date code and, at the discretion of the manufacturer, any optional code, must be labeled on the other sidewall of the tire. Except for retreaded tires, if a tire does not have an intended outboard sidewall, the tire must be labeled with the tire identification number required by 49 CFR part 574 on one sidewall and with either the tire identification number or a partial tire identification number, containing all characters in the tire identification number except for the date code and, at the discretion of the manufacturer, any optional code, on the other sidewall.

YTC stated that the noncompliance is that the subject tires do not have full or partial Tire Identification Numbers (TIN) on one of their sidewalls. YTC explained that the intended outboard sidewall did have the complete TIN, but the opposite sidewall has no TIN or partial TIN.

YTC stated its belief that the noncompliance is inconsequential to motor vehicle safety for the following reasons:

All of the subject tires have been tested and certified compliant with all of the durability requirements of FMVSS No.139 for high speed, endurance and low inflation pressure performance. The tires also meet all of the physical dimension, resistance to bead unseating and strength requirements of FMVSS No. 139.

Warranty and claim data for the subject tires reveals a very small number of tire warranty returns, and no reports of claims associated with accidents or tire failure incidents.

The TIN becomes important in the event of a safety campaign and enables the owners to properly identify tires included in a captive action campaign. While the subject tires are noncompliant with the current FMVSS No. 139 sidewall marking regulation the subject tires do have a full TIN on one sidewall that can be used in case of a safety campaign. These tires are marked in the same manner that was the requirement for many years prior to FMVSS No. 139 that now requires the application of the additional TIN identifier in a full or partial form. The absence of one TIN identifier on one tire sidewall does not prohibit the ability to identify the tire as part of a safety campaign or tire recall when required.

YTC indicated that they have implemented corrected procedures to prevent this noncompliance from recurring in future production.

Based on the above stated reasons, YTC believes that the described noncompliance of its tires to meet the requirements of FMVSS No. 139 is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. *Electronically:* By logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and

[1] Yokohama Tire Corporation (YTC) is a corporation of the State of California that manufactures replacement equipment.

[2] YTC's petition, which was filed under 49 CFR Part 556, requested an agency decision to exempt YTC as replacement equipment manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for 7,836 of the affected tires. Subsequent to filling its petition, YTC notified NHTSA that the actual number of affected tires is 6,254. We also note that the agency cannot relieve YTC distributors of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after YTC recognized that the subject noncompliance existed. Those tires must be brought into conformance, exported, or destroyed.

supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: September 20, 2010.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at CFR 1.50 and 501.8.

Issued on: August 16, 2010.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2010–20636 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2010–37]

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 petitions or their final disposition.

DATES: Comments on these petitions must identify the petition docket number involved and must be received on or before August 30, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0832 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: Tyneka L. Thomas, 202–267–7626, or Ralen Gao, 202–267–3168, 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 August 17, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2010–0832.

Petitioner: Air Transport Association of America, the National Air Carrier Association, and the Regional Airline Association.

Section of 14 CFR Affected: § 121.803(c)(3) and Appendix A to part 121.

Description of Relief Sought: The Air Transport Association of America, Inc., the National Air Carrier Association, and the Regional Airline Association, on behalf of their passenger airline members, request a limited exemption from § 121.803(c)(3) which requires airplanes with seating capacity for more than nine passengers to carry an Emergency Medical Kit (EMK) with contents as specified in Appendix A to part 121. Specifically the petitioners seek approval to use substitutes (as available) for two of the required medications-epinephrine 1:10,000, 2 cc, injectable, (single dose ampule or equivalent) and dextrose, 50%/50 cc injectable, (single dose ampule or equivalent). Due to a manufacturing shortfall, supplies are currently unavailable to restock EMKs. The shortage is expected to be limited in duration; therefore the petitioners request an expedited exemption only through November 1, 2010 or until this situation has been resolved.

[FR Doc. 2010–20678 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257; Notice No. 63]

Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) Working Group Activities.

SUMMARY: The FRA is updating its announcement of RSAC's Working Group activities to reflect its current status.

FOR FURTHER INFORMATION CONTACT: Larry Woolverton, RSAC Designated Federal Officer/Administrative Officer, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493–6212; or Robert Lauby, Deputy Associate Administrator for Regulatory and Legislative Operations, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493–6302.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports of January 29, 2010 (75 FR 4904). The 41st full RSAC meeting was held March 18, 2010, and the 42nd meeting is scheduled for September 23, 2010, at the National Association of Home Builders, National Housing Center, located at 1201 15th Street, NW., Washington, DC 20005.

Since its first meeting in April of 1996, the RSAC has accepted 33 tasks. Status for each of the open tasks (neither completed nor terminated) is provided below:

Open Tasks

Task 96–4—Tourist and Historic Railroads. Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This task was accepted on April 2, 1996, and a Working Group was

established. The Working Group monitored the steam locomotive regulation task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads. *Contact:* Robert Lauby, (202) 493–6302.

Task 03–01—Passenger Safety. This task includes updating and enhancing the regulations pertaining to passenger safety, based on research and experience. This task was accepted on May 20, 2003, and a Working Group was established. Prior to embarking on substantive discussions of a specific task, the Working Group set forth in writing a specific description of the task. The Working Group reports planned activity to the full RSAC at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. At the first meeting held September 9–10, 2003, a consolidated list of issues was completed. At the second meeting, held on November 6–7, 2003, four task groups were established: Emergency Preparedness, Mechanical, Crashworthiness, and Track/Vehicle Interaction. The task forces met and reported on activities for Working Group consideration at the third meeting, held on May 11–12, 2004, and a fourth meeting was held October 26–27, 2004. The Working Group met on March 21–22, 2006, and again on September 12–13, 2006, at which time the group agreed to establish a task force on General Passenger Safety. The full Passenger Safety Working Group met on April 17–18, 2007, December 11–12, 2007, November 13, 2008, and June 8, 2009. On August 5, 2009, the Working Group was requested to establish an Engineering Task Force to consider technical criteria and procedures for qualifying alternative passenger equipment designs as equivalent in safety to equipment meeting the design standards in the Passenger Equipment Safety Standards. The Passenger Safety Working Group approved re-tasking the Engineering Task Force (ETF) on July 28, 2010, to concentrate on developing crashworthiness and occupant protection safety recommendations for high-speed passenger trains. The re-tasked ETF may address any safety features of the equipment, including but not limited to crashworthiness, interior occupant protection, glazing, emergency egress, and fire safety features. Any type of equipment may be addressed, including conventional locomotives, high-speed power cars, cab cars, multiple-unit (MU) locomotives, and coach cars. The equipment addressed may be used in any type of passenger service, from conventional-speed to high-speed. Recommendations may take the form of criteria and procedures, revisions to existing regulations, or adoption of new regulations, including rules of particular applicability. The work of the re-tasked ETF is intended to assist FRA in developing appropriate safety standards for the high-speed rail projects planned in California and Florida. The next meeting of the Working Group is scheduled for September 16, 2010. *Contact:* Charles Bielitz, (202) 493–6314.

(ETF) The Passenger Safety Working Group approved a request from FRA to establish an ETF under the Passenger Safety Working Group in August 2009. The mission of the Task Force is to produce a set of technical evaluation criteria and procedures for passenger rail equipment built to alternative designs. The technical evaluation criteria and procedures would provide a means of establishing whether an alternative design would result in performance at least equal to the structural design standards set forth in the Passenger Equipment Safety Standards (Title 49 Code of Federal Regulations (CFR) part 238). The initial focus of this effort will be on Tier I standards. When completed, the criteria and procedures would form a technical basis for making determinations concerning equivalent safety pursuant to 49 CFR 238.201, and provide a technical framework for presenting evidence to FRA in support of any request for waiver of the compressive (buff) strength requirement, as set forth in 49 CFR 238.203. *See* 49 CFR part 211, Rules of Practice. The criteria and procedures could be incorporated into Part 238 at a later date after notice and opportunity for public comment. ETF was formed and a kick-off meeting was held on September 23–24, 2009. The group met again on November 3–4, 2009; January 7–8, 2010; and March 9–10, 2010. A followup GOTO/Webinar meeting was held on July 12, 2010. ETF has developed a draft "*Criteria and Procedures Report,*" and will send the consensus document to the Passenger Safety Working Group for vote when finalized; and schedule a kick-off meeting in the October–November 2010 timeframe to address the new high-speed task. *Contact:* Robert Lauby, (202) 493–6302.

(Emergency Preparedness Task Force) At the Working Group meeting on March 9–10, 2005, the Working Group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency communication, emergency egress, and rescue access. These recommendations were presented to and approved by the full RSAC on May 18, 2005. The Working Group met on September 7–8, 2005, and additional, supplementary recommendations were presented to and accepted by the full RSAC on October 11, 2005. The Notice of Proposed Rulemaking (NPRM) was published on August 24, 2006 (71 FR 50275), and was open for comment until October 23, 2006. The Working Group agreed upon recommendations for the final rule, including resolution of final comments received, during the April 17–18, 2007, meeting. The recommendations were presented to and approved by the full RSAC on June 26, 2007. The Passenger Train Emergency Systems final rule, focusing on emergency communication, emergency egress, and rescue access, was published on February 1, 2008 (73 FR 6370). The Task Force met on October 17–18, 2007, and reached consensus on the draft rule text for a followup NPRM on Passenger Train Emergency Systems, focusing on low location emergency exit path marking, emergency lighting, and emergence signage. The Task Force presented the draft rule text to the Passenger Safety Working Group on December 11–12, 2007, and the consensus draft rule text was presented to, and approved by full RSAC vote during the February 20, 2008, meeting. During the May 13–14, 2008, meeting, the Task Force recommended clarifying the applicability of back-up emergency communication system requirements in the February 1, 2008, final rule, and FRA announced its intention to exercise limited enforcement discretion for a new provision amending instruction requirements for emergency window exit removal. The Working Group ratified these recommendations on June 19, 2008. The Task Force met again on March 31, 2009, to clarify issues related to the followup NPRM raised by members. The modified rule text was presented to and approved by the Passenger Safety Working Group on June 8, 2009. The Working Group requested that FRA draft the rule text requiring daily inspection of removable panels or windows in vestibule doors and entrust the Emergency Preparedness Task Force with reviewing the text. FRA sent the draft text to the Task Force for review and comment on August 4, 2009. The draft rule text was approved by the Passenger Safety Working Group by mail ballot on December 23, 2009. The target timeframe for the NPRM publication is December 2010 due to competing Rail Safety Improvement Act of 2008 (RSIA) priorities. No additional Task Force meetings are currently

scheduled. *Contact:* Brenda Moscoso, (202) 493–6282.

(Mechanical Task Force—Completed) Initial recommendations on mechanical issues (revisions to 49 CFR part 238) were approved by the full RSAC on January 26, 2005. At the Working Group meeting of September 7–8, 2005, the Task Force presented additional perfecting amendments and the full RSAC approved them on October 11, 2005. An NPRM was published in the **Federal Register** on December 8, 2005 (70 FR 73070). Public comments were due by February 17, 2006. The final rule was published in the **Federal Register** on October 19, 2006 (71 FR 61835), effective December 18, 2006.

(Crashworthiness Task Force—Completed) Among its efforts, the Crashworthiness Task Force provided consensus recommendations on static-end strength that were adopted by the Working Group on September 7–8, 2005. The full RSAC accepted the recommendations on October 11, 2005. The front-end strength of cab cars and MU locomotives NPRM was published in the **Federal Register** on August 1, 2007 (72 FR 42016), with comments due by October 1, 2007. A number of comments were entered into the docket, and a Crashworthiness Task Force meeting was held September 9, 2008, to resolve comments on the NPRM. Based on the consensus language agreed to at the meeting, FRA has prepared the text of the final rule incorporating the resolutions made at the Task Force meeting and the final rule language was adopted at the Passenger Safety Working Group meeting held on November 13, 2008. The language was presented and approved at the December 10, 2008, full RSAC meeting. The final rule was issued on December 31, 2009, and published on January 8, 2010 (75 FR 1180). *Contact:* Gary Fairbanks, (202) 493–6322.

(Vehicle/Track Interaction Task Force) The Task Force is developing proposed revisions to 49 CFR parts 213 and 238 principally regarding high-speed passenger service. The Task Force met on October 9–11, 2007, and again on November 19–20, 2007, in Washington, DC, and presented the final Task Force report and final recommendations and proposed rule text for approval by the Passenger Safety Working Group at the December 11–12, 2007, meeting. The final report and the proposed rule text were approved by the Working Group and were presented to and approved by full RSAC vote during the February 20, 2008, meeting. The group met on February 27–28, 2008, and by teleconference on March 18, 2010, to address unresolved issues and the NPRM was published on May 10, 2010 (75 FR 25928). The Task Force was called back into session on August 5–6, 2010, to review and consider NPRM comments. *Contact:* John Mardente, (202) 493–1335.

(General Passenger Safety Task Force) At the Passenger Safety Working Group meeting on April 17–18, 2007, the Task Force presented a progress report to the Working Group. The Task Force met on July 18–19, 2007, and afterwards it reported proposed reporting cause codes for injuries involving the platform gap, which were approved by the Working Group by mail ballot in September 2007. The full RSAC approved the recommendations for changes to 49 CFR Part 225 accident/incident cause codes on October 25, 2007. The General Passenger Safety Task Force presented draft guidance material for management of the gap that was considered and approved by the Working Group during the December 11–12, 2007, meeting and was presented to and approved by full RSAC vote during the February 20, 2008, meeting. The group met April 23–24, 2008, December 3–4, 2008, and April 21–23, 2009, and October 7–8, 2009. The Task Force continues work on passenger train door securement, "second train in station," trespasser incidents, and System Safety-based solutions by developing a regulatory approach to System Safety. The Task Force has created two Task Groups to focus on these issues. The Door Safety Task group has reached consensus on 47 out of 48 safety issues addressed in the area of passenger train door mechanical and operational requirements and will present draft regulatory language to the General Passenger Safety Task Force at the next meeting. The System Safety Task Group has produced draft regulatory language for a System Safety Rule and will present its recommendation to the General Passenger Safety Task Force at a July 30, 2010, GOTO/Webinar meeting for approval. An electronic vote is planned for early August and, if approved, the draft rule text will be presented to the Passenger Safety Working Group at the scheduled September 16, 2010, meeting. No additional General Passenger Safety Task Force meetings are currently scheduled. *Contact:* Dan Knote, (631) 567–1596.

Task 05–01—Review of Roadway Worker Protection Issues. This task was accepted on January 26, 2005, to review 49 CFR part 214 subpart C, Roadway Worker Protection (RWP), and related sections of Subpart A; to recommend consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general system of railroad transportation, including clarification of existing requirements. A Working Group was established and reported to the RSAC any specific actions identified as appropriate. The first meeting of the Working Group was held on April 12–14, 2005. Over the course of 2 years, the group drafted and reached consensus on regulatory language for various revisions, clarifications, and additions to 32 separate items in 19 sections of the rule. However, two parties raised technical concerns regarding one of those items, namely, the draft language concerning electronic display of track authorities. The Working Group presented and received approval on all of its consensus recommendations for draft rule text to the full RSAC at the June 26, 2007, meeting. FRA will address the electronic display of track authorities issue along with eight additional items that the Working Group was unable to reach consensus, through the traditional NPRM process. In early 2008, the external Working Group members were solicited to review the consensus rule text for errata review. In order to address the heightened concerns raised with the current regulations for adjacent-track, on-track safety, FRA decided to issue, on an accelerated basis, a separate NPRM that would focus on this element of the RWP rule alone. An NPRM with an abbreviated comment period regarding adjacent-track, on-track safety was published on July 17, 2008, but was later withdrawn on August 13, 2008, to permit further consideration of the RSAC consensus language. A second NPRM concerning adjacent-controlled-track, on-track safety was published on November 25, 2009, and comments were due to the docket by January 25, 2010. Comments have been reviewed and considered by FRA, and the target publication date for the final rule is January 2011. Due to the ongoing work of this separate rulemaking, the remaining larger NPRM relating to the various revisions, clarifications, and additions to 31 separate items in 19 sections of the rule, and FRA's recommendations for nine nonconsensus items is now planned for March 2011. *Contact:* Christopher Schulte, (610) 521–8201.

Task 05–02—Reduce Human Factor-Caused Train Accident/Incidents. This task was accepted on May 18, 2005, to reduce the number of human factor-caused train accidents/incidents and related employee injuries. The Railroad Operating Rules Working Group was formed, and the Working Group

extensively reviewed the issues presented. The final Working Group meeting devoted to developing a proposed rule was held February 8–9, 2006. The Working Group was not able to deliver a consensus regulatory proposal, but it did recommend that it be used to review comments on FRA's NPRM, which was published in the **Federal Register** on October 12, 2006, (FR 71 60372) with public comments due by December 11, 2006. Two reviews were held, one on February 8–9, 2007, and one on April 4–5, 2007. Consensus was reached on four items and those items were presented and accepted by the full RSAC at the June 26, 2007, meeting. A final rule was published in the **Federal Register** on February 13, 2008 (73 FR 8442) with an effective date of April 14, 2008. FRA received four petitions for reconsideration of that final rule. The final rule that responded to the petitions for consideration was published in the **Federal Register** on June 16, 2008, and concluded the rulemaking. Working Group meetings were held September 27–28, 2007, January 17–18, 2008, May 21–22, 2008, and September 25–26, 2008. The Working Group has considered issues related to issuance of Emergency Order No. 26 (prohibition on use of certain electronic devices while on-duty), and "after arrival mandatory directives," among other issues. The Working Group continues to work on after arrival orders, and at the September 25–26, 2008, meeting voted to create a Highway-Rail Grade Crossing Task Force to review highway-rail grade crossing accident reports regarding incidents of grade crossing warning systems providing "short or no warning" resulting from or contributed to "by train operational issues" with the intent to recommend new accident/incident reporting codes that would better explain such events, and which may provide information for remedial action going forward. A followup task is to review and provide recommendations regarding supplementary reporting of train operations-related, no-warning or short-warning incidents that are not technically warning system activation failures, but that result in an accident/incident or a near miss. The Task Force has been formed and will begin work after other RSIA priorities are met. *Contact:* Douglas Taylor, (202) 493–6255.

Task 06–01—Locomotive Safety Standards. This task was accepted on February 22, 2006, to review 49 CFR Part 229, Railroad Locomotive Safety Standards, and revise as appropriate. A Working Group was established with the mandate to report any planned activity to the full Committee at each scheduled full RSAC meeting, to include milestones for completion of projects and progress toward completion. The first Working Group meeting was held May 8–10, 2006. Working Group meeting were held on August 8–9, 2006, September 25–26, 2006, October 30–31, 2006, and the Working Group presented recommendations regarding revisions to requirements for locomotive sanders to the full RSAC on September 21, 2006. The NPRM regarding Sanders was published in the **Federal Register** on March 6, 2007 (72 FR 9904). Comments received were discussed by the Working Group for clarification, and FRA published a Final Rule on October 19, 2007 (72 FR 59216). The Working Group met on January 9–10, 2007, November 27–28, 2007, February 5–6, 2008, May 20–21, 2008, August 5–6, 2008, October 22–23, 2008, January 6–7, 2009, and April 15–16, 2009. The Working Group has now completed the review of Part 229 and was unable to reach consensus regarding locomotive cab temperatures standards, locomotive alerters, and remote control locomotives. The group reached consensus regarding critical locomotive electronic standard, updated annual/biennial air brake standards, clarification of the "air brakes operate as intended" requirement, locomotive pilot clearance within hump classification yards, clarification of the "high voltage" warning requirement, an update of "headlight lamp" requirements, and language to allow locomotive records to be stored electronically. The Working Group presented a draft Part 229 rule text revision covering these items to RSAC for consideration at the September 10, 2009, meeting and received approval. FRA has proceeded with drafting an NPRM with a target publication date of August 2010. The Working Group may be called back to address comments received on the NPRM after publication. *Contact:* George Scerbo, (202) 493–6249.

Task 06–03—Medical Standards for Safety-Critical Personnel. This task was accepted on September 21, 2006, to enhance the safety of persons in the railroad operating environment and the public by establishing standards and procedures for determining the medical fitness for duty of personnel engaged in safety-critical functions. A Working Group has been established and will report any planned activity at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first Working Group meeting was held December 12–13, 2006. The Working Group has held followup meetings on the following dates: February 20–21, 2007, July 24–25, 2007, August 29–30, 2007, October 31–November 1, 2007, December 4–5, 2007, February 13–14, 2008, March 26–27, 2008, April 22–23, 2008, and December 8–9, 2009. At the April 2008 meeting, FRA announced that the agency would prepare an NPRM draft based on the discussions to date and schedule a further meeting for review of the document. The Working Group was reconvened December 8–9, 2009, and an updated draft NPRM was presented to the Working Group for review and comment. The Working Group has held followup meetings on February 16–17, 2010, March 11–12, 2010, and May 24–26, 2010. The next meeting of the Medical Standards Working Group is scheduled for August 31–September 1, 2010. When the draft NPRM is accepted by the Medical Standards Working Group, it will be presented to the full RSAC for approval. *Contact:* Dr. Bernard Arseneau, (202) 493–6002.

(Critical Incident Task Force) The Medical Standards Working Group accepted RSAC Task 2009–02, Critical Incident Response, during the December 8–9, 2010, meeting. The Working Group has been tasked to provide advice regarding development of implementing regulations for critical incident stress plans as required by RSIA. A Critical Incident Task Force was established by the Working Group during the May 24–26, 2010, Medical Standards Working Group meeting. A kick-off meeting for the Critical Incident Task Force is scheduled for September 2, 2010. *Contact:* Dr. Bernard Arseneau, (202) 493–6002.

(Physicians Task Force) A Physicians Task Force was established by the Working Group in May 2007. The Task Force is proceeding to develop medical criteria and protocols for medical conditions. These medical criteria and protocols will be used to assess the medical fitness of safety-critical employees to perform safety critical service under a proposed medical standards rule. The medical criteria and protocols will be presented to the Medical Standards Working Group and FRA when complete. The Physicians Task Force has had meetings or conference calls on July 24, 2007, August 20, 2007, October 15, 2007, October 31, 2007, June 23–24, 2008, September 8–10, 2008, October 8, 2008, November 12–13, 2008, December 8–10, 2008, January 27–28, 2009, February 24–25, 2009, March 11–12, 2009, March 31–April 1, 2009, April 15, 2009, April 22, 2009, May 13, 2009, May 20, 2009,

June 17, 2009, January 21–22, 2010, and March 3, 2010. The Physicians Task Force presented a progress report to the Working Group during the May 24–26, 2010, Working Group meeting. The next Physicians Task Force meeting is scheduled for August 16–17, 2010. *Contact:* Dr. Bernard Arseneau, (202) 493–6002.

Task 07–01—Track Safety Standards. This task was accepted on February 22, 2007, to consider specific improvements to the Track Safety Standards or other responsive actions, supplementing work already underway on continuous welded rail (CWR) specifically to: review controls applied to the re-use of rail in CWR "plug rail;" review the issue of cracks emanating from bond wire attachments; consider improvements in the Track Safety Standards related to fastening of rail to concrete ties; and ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections. The tasks were assigned to the Track Safety Standards Working Group. The Working Group will report any planned activity to the full Committee at each scheduled full RSAC meeting, including milestones for completion of projects and progress toward completion. The first Working Group meeting was held on June 27–28, 2007, and the group met again on August 15–16, 2007, and October 23–24, 2007. Two Task Forces were created under the Working Group: Concrete Ties Task Force and Rail Integrity Task Force. The Concrete Ties Task Force met on November 26–27, 2007, February 13–14, 2008, April 16–17, 2008, July 9–10, 2008, and September 17–18, 2008. The Concrete Ties Task Force finalized consensus language regarding concrete crossties (49 CFR Part 213) and presented a recommendation to the Track Standards Working Group at the November 20, 2008, Working Group meeting. The language was approved by both the Working Group and the December 10, 2008, RSAC meeting and the Task Force was dissolved. FRA is finalizing an NPRM with a target publication date of August 2010. *Contact:* Ken Rusk, (202) 493–6236.

Task 08–03—Track Safety Standards Rail Integrity. This task was accepted on September 10, 2008, to consider specific improvements to the Track Safety Standards or other responsive actions designed to enhance rail integrity. The Rail Integrity Task Force was created in October 2007 under Task 07–01 and first met on November 28–29, 2007. The Task Force met on February 12–13, 2008, April 15–16, 2008, July 8–9, 2008, September 16–17, 2008, February 3–4, 2009, June 16–17, 2009, October 29–30, 2009, January 20–21, 2010, March 9–11, 2010, and April 20, 2010. Consensus has been achieved on bond wires and a common understanding on internal rail flaw inspections has been reached. The Task Force has reached consensus to recommend to the Working Group that the item regarding "the effect of rail head wear, surface conditions and other relevant factors on the acquisition and interpretation of internal rail flaw test results" be closed. The Task Force does not recommend regulatory action concerning head wear. Surface conditions and their affect on test integrity has been discussed and understood during dialogue concerning common understanding on internal rail flaw inspections. The Task Force believes that new technology has been developed that improves test performance and will impact the affect of head wear and surface conditions on interpretation of internal rail flaw test results. Consensus text was developed on recommended changes that would approach a performance-based approach to flaw detection scheduling. However, the group did not reach consensus on what length of segment of track is practical to utilize on determining test cycles. Consensus text has been finalized for recommended changes to 49 CFR 213.113, Defective rails; 213.237, Rail inspection; and 213.241, Inspection records. The Task Force has developed a new 49 CFR 213.238, Qualified operator language, that defines the minimum requirements for the training of a rail flaw detector car operator. The Task Force presented the consensus language to the Track Standards Working Group during a July 28–30, 2010, meeting and the Track Standards Working Group will present its recommendations to the RSAC for approval during the September 23, 2010, Committee meeting. *Contact:* Carlo Patrick, (202) 493–6399.

Task No. 08–04—Positive Train Control. This task was accepted on December 10, 2008, to provide advice regarding development of implementing regulations for Positive Train Control (PTC) systems and their deployment under the RSIA. The task included a requirement to convene an initial meeting no later than January 2009, and to report recommendations back to RSAC no later than April 24, 2009. The PTC Working Group was created in December 2008 by Working Group member nominations from committee member organizations under Task 08–04 and the kickoff meeting was held on January 26–27, 2009. The group met again on February 11–13, 25–27, March 17–18, 2009, and March 31–April 1, 2009. On April 2, 2009, the RSAC approved the request by the Working Group for agreement to vote on the draft rule text recommendations from the working group by mail ballot. On May 11, 2009, by majority vote via mail ballot, the RSAC accepted the recommendations of the PTC Working Group and forwarded those recommendations to the Administrator, with the understanding that there are other issues that FRA would be making proposals with respect to their resolution. The NPRM was published on July 21, 2009 (74 FR 36152), with comments due by August 20, 2009. In addition, a public hearing was held on August 13, 2009 (74 FR 36152). The PTC Working Group was reconvened on August 31–September 2, 2009, to discuss comments received on the NPRM and the PTC Working Group presented consensus rule text items to the RSAC for approval at the September 10, 2009, meeting. The PTC consensus rule text was approved by majority RSAC vote by electronic ballot on September 24, 2009, and the final rule was published on January 15, 2010 (75 FR 2598).

(PTC Implementation Plan Task Force) A task force was formed to assist FRA in developing a model template for a successful PTC Implementation Plan (PTCIP), and in development of an example associated Risk Prioritization Methodology. PTCIPs are required to be submitted by April 16, 2010, under the mandate of RSIA. FRA posted a final version of a PTCIP template and an example risk prioritization methodology model for prioritization of line segment implementation to the FRA public Web site on January 12, 2010, the same day the final rule was made available for public review. *Contact:* Tom McFarlin, (202) 493–6203.

(PTC Risk Evaluation Task Force) The creation of the PTC Rick Evaluation Task Force was approved by the PTC Working Group on April 1, 2010, to develop a computer model to estimate the risk of PTC-preventable accidents on a line segment basis. The group was formed by nominations from members of the PTC Working Group and the kick-off meeting was held via GOTO/Webinar on June 17, 2010. A followup meeting was held on August 3, 2010, and an additional followup GOTO/Webinar meeting is scheduled for September 7, 2010. *Contact:* Mark Hartong, (202) 493–1332.

Task No. 08–07—Conductor Certification. This task was accepted on December 10, 2008, to develop regulations for certification of railroad conductors, as required by RSIA, and to consider any appropriate related

amendments to existing regulations and report recommendations for proposed or interim final rule (as determined by FRA in consultation with the Office of the Secretary of Transportation and the Office of Management and Budget) by October 16, 2009. The Conductor Certification Working Group was officially formed by nominations from member organizations in April 2009, and the first meeting was held on July 21–23, 2009. Additional meetings are scheduled for August 25–27, 2009, September 15–17, 2009, October 20–22, 2009, November 17–19, 2009, and December 16–18, 2009. Tentative consensus was reached on the vast majority of the regulatory text. The Working Group approved the draft rule text by electronic ballot and the consensus draft language was approved by the RSAC on March 18, 2010, by unanimous vote as the recommendation from the Committee to the FRA Administrator and work to finalize the NPRM for publication is underway with a target publication date of late August 2010. *Contact:* Mark McKeon, (202) 493–6350.

Task No. 09–01—Passenger Hours of Service. This task was accepted on April 2, 2009, to provide advice regarding development of implementing regulations for the hours of service of operating employees of commuter and intercity passenger railroads under RSIA. The group has been tasked to review available data concerning the effects of fatigue on the performance of subject employees and consider the role of fatigue prevention in determining maximum hours of service. The group has also been tasked to consider the potential for alternative approaches to hour of service using available tools for evaluating the impact of various crew schedules and determine the effect of alternative approaches on the availability of employees to support passenger service. The group is charged to report whether existing hours of service restrictions are effective in preventing fatigue among subject employees, whether an alternative approach to hours of service for the subject employees would enhance safety and whether alternative restrictions on hours of service could be coupled with other fatigue countermeasures to promote the fitness of employees for safety-critical duties. The Passenger Hours of Service Working Group was officially formed through the formal Committee member nomination process in May 2009, and the first meeting was held on June 24, 2009. Followup Working Group meetings were held on February 2–3, 2010, March 4–5, 2010, April 6, 2010, May 20, 2010, and June 29, 2010. Consensus has been reached on a majority of the issues and the draft rule text has been matured. The Working Group plans to bring the draft to electronic vote during the month of August 2010 and, if passed, will present its recommendations to the RSAC on September 23, 2010. A Passenger Hours of Service Task Force was formed to review collected data and provide recommendations to the Working Group. The Task Force met on January 14–15, 2010, March 30–31, 2010, and June 16, 2010. *Contact:* Mark McKeon, (202) 493–6350.

Task No. 10–0—Minimum Training Standards and Plans. This task was accepted on March 18, 2010, to establish minimum training standards for each class and craft of safety-related railroad employee and their railroad contractor and subcontractor equivalents, as required by RSIA. The group has been tasked to assist FRA in developing regulations responsive to the legislative mandate, while ensuring generally accepted principles of adult learning are employed in training/development and delivery; determine a reasonable method for submission and FRA review of training plans which takes human resource limitations into account; establish reasonable oversight criteria to ensure training plans are effective, using the operational tests and inspections requirements of 49 CFR part 217 as a model. The Training Standards Working Group was officially formed through the formal Committee member nomination process in March 2010, and the first meeting was held on April 13–14, 2010. A followup Working Group meeting was held on June 2–3, 2010, and additional followup meetings are scheduled for August 17–18 and September 21–22, 2010. A Task Analysis Task Force was formed under the Working Group to develop a task analysis template and met in Florence, KY, on June 22–23, 2010, with CSX Transportation hosting the event. The group developed a 21-page task analysis document for an outbound train yard carman position, which is complete regarding FRA railroad safety laws, regulations, and orders. The document is not fully complete for the other railroad duties that are not covered by FRA, but the Task Force did agree to capture many of those duties in the document. This document will be presented and discussed at the August 17–18, 2010, Working Group meeting. Two additional Working Group meetings are scheduled for September 21–22, 2010, and October 19–20, 2010.

Completed Tasks:

Task 96–1—(Completed) Revising the Freight Power Brake Regulations.

Task 96–2—(Completed) Reviewing and recommending revisions to the Track Safety Standards (49 CFR part 213).

Task 96–3—(Completed) Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR part 220).

Task 96–5—(Completed) Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR part 230).

Task 96–6—(Completed) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR part 240).

Task 96–7—(Completed) Developing Roadway Maintenance Machines (On-Track Equipment) Safety Standards.

Task 96–8—(Completed) This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, *Locomotive Crashworthiness & Working Conditions.*

Task 97–1—(Completed) Developing crashworthiness specifications (49 CFR part 229) to promote the integrity of the locomotive cab in accidents resulting from collisions.

Task 97–2—(Completed) Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate.

Task 97–3—(Completed) Developing event recorder data survivability standards.

Task 97–4 and *Task 97–5*—(Completed) Defining PTC functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment.

Task 97–6—(Completed) Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems.

Task 97–7—(Completed) Determining damages qualifying an event as a reportable train accident.

Task 00–1—(Completed-task withdrawn) Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices (Blue Signal Protection).

Task 01–1—(Completed) Developing conformity of FRA's regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the *FRA Guide for Preparing Accident/Incident Reports* (Reporting Guide).

Task 08–01—(Completed) Report on the Nation's Railroad Bridges. Report to FRA on the current state of railroad bridge safety management; update the findings and conclusions of the 1993 Summary Report of the FRA Railroad Bridge Safety Survey.

Task No. 08–06—(Completed) Hours of Service Record Keeping and Reporting. Develop revised record keeping and reporting requirements for hours of service of railroad employees. Final rule published May 27, 2009, with an effective date of July 16, 2009. (74 FR 25330).

Task No. 08–05—(Completed) Railroad Bridge Safety Assurance. Develop a rule encompassing the requirements of Section 417, Railroad Bridge Safety Assurance, of RSIA bridge failure. Final rule published July 15, 2010 (75 FR–41282).

Task 06–02—(Completed) Track Safety Standards and Continuous Welded Rail. Issue requirements for inspection of joint bars in continuous welded rail (CWR) to detect cracks that could affect the integrity of the track structure published a Final Rule on August 25, 2009, with correcting amendment published October 21, 2009.

Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC, on August 16, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2010–20635 Filed 8–19–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury. ACTION:

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 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 Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning an information collection titled, "Interagency Statement on Complex Structured Finance Transactions."

DATES: Comments must be submitted on or before September 20, 2010.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–0229, 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 comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect and photocopy 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, 1557–0229, 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 may request additional information or a copy of the collection and supporting documentation submitted to OMB by contacting: Mary H. Gottlieb, (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: Interagency Statement on Complex Structured Finance Transactions.

OMB Control No.: 1557–0229.

Type of Review: Regular review.

Description: The statement describes the types of internal controls and risk management procedures that the agencies (OCC, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of Thrift Supervision, and the Securities and Exchange Commission) consider particularly effective in helping financial institutions identify and address the reputational, legal, and other risks associated with complex structured finance transactions.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 12.

Estimated Number of Responses: 12.

Estimated Annual Burden: 300 hours.

Frequency of Response: On occasion.

Comments: The OCC issued a 60-Day **Federal Register** notice concerning the collection on June 11, 2010. 75 FR 33385. 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 information collection burden;

(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: August 13, 2010.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. 2010–20700 Filed 8–19–10; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 941, 941–PR, 941–SS, 941–X, 941–X(PR), Schedule B (Form 941), Schedule R (Form 941) and Schedule B (Form 941–PR)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995,

Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Forms 941 (Employer's Quarterly Federal Tax Return), 941–PR (Planilla Para La Declaracion Trimestral Del Patrono-LaContribucion Federal Al Seguro Social Y Al Seguro Medicare), 941–SS (Employer's Quarterly Federal Tax Return-American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands), 941–X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund, 941–X(PR), Ajuste a la Declaracion Federal Trimestral del Patrono o Reclamacion de Reembolso, Schedule R, Allocation Schedule for Aggregated Form 941 Filers, Schedule B (Form 941) (Employer's Record of Federal Tax Liability), and Schedule B (Form 941–PR) (Registro Suplementario De La Obligacion Contributiva Federal Del Patrono).

DATES: Written comments should be received on or before October 19, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer's Quarterly Federal Tax Return.

OMB Number: 1545–0029.

Form Numbers: 941, 941–PR, 941–SS, 941–X, 941–X(PR), Schedule R (Form 941), Schedule B (Form 941), and Schedule B (Form 941–PR).

Abstract: Form 941 is used by employers to report payments made to employees subject to income and Social Security/Medicare taxes and the amounts of these taxes. Form 941–PR is used by employers in Puerto Rico to report Social Security and Medicare taxes only. Form 941–SS is used by employers in the U.S. possessions to report Social Security and Medicare taxes only. Schedule B is used by employers to record their employment tax liability.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals, individuals or households, not-for-profit institutions, Federal government, and state, local or tribal governments.

Estimated Number of Responses: 37,810,463.

Estimated Time per Respondent: 10 hours, 16 minutes.

Estimated Total Annual Burden Hours: 388,256,964.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 16, 2010.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2010–20739 Filed 8–19–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8942 and Notice 2010–45

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8942, Application for Certification of Qualified Investments Eligible for Credits and Grants Under the Qualifying Therapeutic Discovery Project Program and Notice 2010–45, Qualifying Therapeutic Discovery Project Credit.

DATES: Written comments should be received on or before October 19, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Certification of Qualified Investments Eligible for Credits and Grants Under the Qualifying Therapeutic Discovery Project Program.

OMB Number: 1545–2175.

Form Number: 8942.

Abstract: Notice 2010–45, provides the procedures under which an eligible taxpayer may apply for certification from the Internal Revenue Service, in consultation with the Department of Health and Human Services (HHS), of a qualified investment with respect to a qualifying therapeutic discovery project as eligible for a credit or grant under the qualifying therapeutic discovery project program established by section 9023(a) of the Patient Protection and Affordable Care Act of 2010.

Use Form 8942 to apply for; certification of qualified investments eligible for a QTDP credit and a grant in lieu of the QTDP credit.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 1,201.

Estimated Time Per Respondent: 12 Hours, 12 minutes.

Estimated Total Annual Burden Hours: 14,545.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 6, 2010.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2010–20740 Filed 8–19–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 14134 and Form 14135

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 14134, Application for Certificate of Subordination of Federal Tax Lien, and Form 14135, Application for Certificate of Discharge of Property from Federal Tax Lien.

DATES: Written comments should be received on or before October 19, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald J. Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Certificate of Subordination of Federal Tax Lien and Application for Certificate of Discharge of Property from Federal Tax Lien.

OMB Number: 1545–2174.

Form Number: 14134 and 14135.

Abstract: The collection of information is required by 26 CFR 301.6325–1(b)(5) for consideration of the United States discharging property from the federal tax lien and is required by 26 CFR 301.6325–1(d)(4) for consideration that the United States subordinate its interest in property. The information is investigated by Collection personnel in order that the appropriate official may ascertain the accuracy of the application and make a determination whether to issue a discharge or subordination.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 10,362.

Estimated Time per Respondent: 2 Hours, 11 minutes.

Estimated Total Annual Burden Hours: 22,665.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 13, 2010.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2010–20741 Filed 8–19–10; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
August 20, 2010

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities to Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5375–N–32]

Federal Property Suitable as Facilities to Assist the Homeless

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

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: **ARMY:** Ms. Veronica Rines, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, DAIM–ZS, Room 8536, 2511 Jefferson Davis Hwy, Arlington, VA 22202; (703) 601–2545; (These are not toll-free numbers).

Dated: August 12, 2010.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 08/20/2010

Suitable/Available Properties

Building

Alaska

Bldg. 00001
Kiana Natl Guard Armory
Kiana AK 99749
Landholding Agency: Army
Property Number: 21200340075
Status: Excess
Comments: 1200 sq. ft., butler bldg., needs repair, off-site use only

Bldg. 00001
Holy Cross Armory
High Cross AK 99602
Landholding Agency: Army
Property Number: 21200710051
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only

Bldg. 136
Ft. Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 21200820147
Status: Excess
Comments: 2383 sq. ft., most recent use—housing, off-site use only

Arizona

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 21199420346
Status: Unutilized
Comments: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503
Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199520073
Status: Underutilized
Comments: 3789 sq. ft., 2-story, major structural changes required to meet floor loading code requirements, presence of asbestos, off-site use only

Bldg. 43002
Fort Huachuca
Cochise AZ 85613–7010
Landholding Agency: Army
Property Number: 21200440066
Status: Excess
Comments: 23,152 sq. ft., presence of asbestos/lead paint, most recent use—dining, off-site use only

Bldg. 90551
Fort Huachuca
Cochise AZ 85613
Landholding Agency: Army
Property Number: 21200920001
Status: Excess
Comments: 1270 sq. ft., most recent use—office, off-site use only

California

Bldgs. 18026, 18028
Camp Roberts
Monterey CA 93451–5000
Landholding Agency: Army
Property Number: 21200130081
Status: Excess
Comments: 2024 sq. ft. sq. ft., concrete, poor condition, off-site use only

Bldg. 00052
Moffett Community Housing
Vernon Ave.
Santa Clara CA 94035
Landholding Agency: Army
Property Number: 21200930002
Status: Unutilized
Comments: 4530 sq ft., most recent use—mini mart/meeting rooms, off-site use only

Colorado

Bldg. 00127
Pueblo Chemical Depot
Pueblo CO 81006
Landholding Agency: Army
Property Number: 21200420179
Status: Unutilized
Comments: 8067 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 01516
Fort Carson
El Paso CO 80913
Landholding Agency: Army
Property Number: 21200640116
Status: Unutilized
Comments: 723 sq. ft., needs repair, most recent use—storage, off-site use only

Georgia

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 21199720156
Status: Unutilized
Comments: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2593
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 21199720167
Status: Unutilized
Comments: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 21199720168
Status: Unutilized
Comments: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldg. 4232
Fort Benning
null Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 21199830291
Status: Unutilized
Comments: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 21199930135
Status: Unutilized
Comments: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 21199930136
Status: Unutilized
Comments: 960 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 3 1514
Landholding Agency: Army
Property Number: 21200030085
Status: Excess
Comments: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldg. T0130
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Landholding Agency: Army
Property Number: 21200230041
Status: Excess
Comments: 10,813 sq. ft., off-site use only

Bldg. T0157
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Landholding Agency: Army
Property Number: 21200230042
Status: Excess
Comments: 1440 sq. ft., off-site use only

Bldgs. T291, T292
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Landholding Agency: Army
Property Number: 21200230044
Status: Excess
Comments: 5220 sq. ft. each, off-site use only

Bldg. T0295 Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Landholding Agency: Army
Property Number: 21200230045
Status: Excess
Comments: 5220 sq. ft., off-site use only

Bldg. 4476
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200420034
Status: Excess
Comments: 3148 sq. ft., most recent use—veh. maint. shop, off-site use only

Bldg. 9029
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200420050
Status: Excess
Comments: 7356 sq. ft., most recent use—heat plant bldg., off-site use only

Bldg. T924
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420194
Status: Excess
Comments: 9360 sq. ft., most recent use—warehouse, off-site use only

Bldg. 00924
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200510065
Status: Excess
Comments: 9360 sq. ft., most recent use—warehouse, off-site use only

Bldg. 08585
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200530078
Status: Excess
Comments: 165 sq. ft., most recent use—plant, off-site use only

Bldg. 01150
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200610037
Status: Excess
Comments: 137 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01151
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200610038
Status: Excess
Comments: 78 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01153
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200610039
Status: Excess
Comments: 211 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01530
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610048
Status: Excess
Comments: 80 sq. ft., most recent use—scale house, off-site use only

Bldg. 08032
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610051
Status: Excess
Comments: 2592 sq. ft., needs rehab, most recent use—storage/stable, off-site use only

Bldg. 07783
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200640093
Status: Excess
Comments: 8640 sq. ft., most recent use—maintenance hangar, off-site use only

Bldg. 08061
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200640094
Status: Excess
Comments: 1296 sq. ft., most recent use—weather station, off-site use only

Bldg. 00100
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740052

Status: Excess
Comments: 10893 sq. ft., most recent use—battalion hdqts., off-site use only

Bldg. 00129
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740053
Status: Excess
Comments: 4815 sq. ft., presence of asbestos, most recent use—religious education facility, off-site use only

Bldg. 00145
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740054
Status: Excess
Comments: 11590 sq. ft., presence of asbestos, most recent use—post chapel, off-site use only

Bldg. 00811
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740055
Status: Excess
Comments: 42853 sq. ft., most recent use—co hq bldg, off-site use only

Bldg. 00812
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740056
Status: Excess
Comments: 1080 sq. ft., most recent use—power plant, off-site use only

Bldg. 00850
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740057
Status: Excess
Comments: 108,287 sq. ft., presence of asbestos, most recent use—aircraft hangar, off-site use only

Bldg. 00860
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740058
Status: Excess
Comments: 10679 sq. ft., presence of asbestos, most recent use—maint. hangar, off-site use only

Bldg. 01028
Hunter Army Airfield
Chatham GA 31409
Landholding Agency: Army
Property Number: 21200740059
Status: Excess
Comments: 870 sq ft., most recent use—storage, off-site use only

Bldg. 00955
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200740060
Status: Excess
Comments: 120 sq. ft., most recent use—storage, off-site use only

Bldg. 00957
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200740061
Status: Excess
Comments: 6072 sq. ft., most recent use—recycling facility, off-site use only

Bldg. 00971
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200740062
Status: Excess
Comments: 4000 sq. ft., most recent use—vehicle maint., off-site use only

Bldg. 01015
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200740063
Status: Excess
Comments: 7496 sq. ft., most recent use—storage, off-site use only

Bldg. 01209
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200740064
Status: Excess
Comments: 4786 sq. ft., presence of asbestos, most recent use—vehicle maint., off-site use only

Bldg. 07335
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200740065
Status: Excess
Comments: 4400 sq. ft., most recent use—chapel, off-site use only

Bldg. 245
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200740178
Status: Unutilized
Comments: 1102 sq. ft., most recent use—fld ops, off-site use only

Bldg. 2748
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200740180
Status: Unutilized
Comments: 3990 sq. ft., most recent use—office, off-site use only

Bldg. 3866
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200740182
Status: Unutilized
Comments: 944 sq. ft., most recent use—office, off-site use only

Bldg. 8682
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200740183
Status: Unutilized
Comments: 780 sq. ft., most recent use—admin., off-site use only

Bldg. 10800
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200740184
Status: Unutilized
Comments: 6,628 sq. ft., off-site use only

Bldgs. 11302, 11303, 11304
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200740185
Status: Unutilized
Comments: various sq. ft., most recent use—ACS center, off-site use only

Bldg. 0297
Ft. Benning
Chattahoochie GA 31905
Landholding Agency: Army
Property Number: 21200810045
Status: Excess
Comments: 4839 sq. ft., most recent use—riding stable, off-site use only

Bldg. 3819
Ft. Benning
Chattahoochie GA 31905
Landholding Agency: Army
Property Number: 21200810046
Status: Excess
Comments: 4241 sq. ft., most recent use—training, off-site use only

Bldg. 10802
Ft. Benning
Chattahoochie GA 31905
Landholding Agency: Army
Property Number: 21200810047
Status: Excess
Comments: 3182 sq. ft., most recent use—storage, off-site use only

Bldg. 00926
Hunter Army Airfield
Savannah GA 31409
Landholding Agency: Army
Property Number: 21200840061
Status: Excess
Comments: 1752 sq. ft., most recent use—BN, HQ bldg., off-site use only

Bldg. 01021
Hunter Army Airfield
Savannah GA 31409
Landholding Agency: Army
Property Number: 21200840062
Status: Excess
Comments: 6855 sq. ft., most recent use—admin., presence of asbestos, off-site use only

Bldg. 07335
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200840063
Status: Excess
Comments: 4400 sq. ft., most recent use—chapel, off-site use only

Bldg. 07778
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200840064
Status: Excess
Comments: 1189 sq. ft., most recent use—admin., off-site use only

7 Bldgs.
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200840065
Status: Excess

Directions: 12601, 12602, 12603, 12605, 12606, 12607, 12609
Comments: 2953 sq. ft. each, presence of asbestos, most recent use—barracks, off-site use only

9 Bldgs.
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200840066
Status: Excess
Directions: 12610, 12611, 12612, 12613, 12614, 12615, 12616, 12617, 12618
Comments: 2953 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 12619
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200840067
Status: Excess
Comments: 3099 sq. ft. presence of asbestos, most recent use—barracks, off-site use only

Bldg. 12682
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21200840068
Status: Excess
Comments: 120 sq. ft., presence of asbestos, most recent use—fuel/POL bldg., off-site use only

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Landholding Agency: Army
Property Number: 21199030324
Status: Unutilized
Directions: Approximately 600 feet from Main Gate on Aliamanu Drive.
Comments: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Illinois

Bldg. AR112
Sheridan Reserve
Arlington Heights IL 60052–2475
Landholding Agency: Army
Property Number: 21200110081
Status: Unutilized
Comments: 1000 sq. ft., off-site use only

Bldgs. 634, 639
Fort Sheridan
Ft. Sheridan IL 60037
Landholding Agency: Army
Property Number: 21200740186
Status: Unutilized
Comments: 3731/3706 sq. ft., most recent use—classroom/storage, off-site use only

Iowa

Bldg. 00691
Iowa Army Ammo Plant
Middletown Co:
Des Moines IA 52638
Landholding Agency: Army
Property Number: 21200510073
Status: Unutilized
Comments: 2581 sq. ft. residence, presence of lead paint, possible asbestos

Bldg. 00691
Iowa Army Ammo Plant
Middletown Co:
Des Moines IA 52638
Landholding Agency: Army
Property Number: 21200520113
Status: Unutilized
Comments: 2581 sq. ft., presence of asbestos/lead paint, most recent use—residential

Kansas

Bldgs. 7224, 7227, 7612, 7618
Fort Riley
Geary KS 66442
Landholding Agency: Army
Property Number: 21200930010
Status: Unutilized
Comments: 52,027/41,892 sq. ft., concrete block, most recent use—residential, off-site use only

Louisiana

Bldg. 8423
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640528
Status: Underutilized
Comments: 4172 sq. ft., most recent use—barracks

Bldg. T7125
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21200540088
Status: Unutilized
Comments: 1875 sq. ft., off-site use only

Bldgs. T7163, T8043
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21200540089
Status: Unutilized
Comments: 4073/1923 sq. ft., off-site use only

Maryland

Bldg. 0459B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200120106
Status: Unutilized
Comments: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200120107
Status: Unutilized
Comments: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E5239
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200120113
Status: Unutilized
Comments: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200120114
Status: Unutilized
Comments: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200120115
Status: Unutilized
Comments: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 219
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Landholding Agency: Army
Property Number: 21200140078
Status: Unutilized
Comments: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 294
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Landholding Agency: Army
Property Number: 21200140081
Status: Unutilized
Comments: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 1007
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Landholding Agency: Army
Property Number: 21200140085
Status: Unutilized
Comments: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2214
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755
Landholding Agency: Army
Property Number: 21200230054
Status: Unutilized
Comments: 7740 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 00375
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320107
Status: Unutilized
Comments: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 0385A
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320110
Status: Unutilized
Comments: 944 sq. ft., off-site use only

Bldg. 00523
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320113
Status: Unutilized
Comments: 3897 sq. ft., most recent use—paint shop, off-site use only

Bldg. 0700B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005

Landholding Agency: Army
Property Number: 21200320121
Status: Unutilized
Comments: 505 sq. ft., off-site use only

Bldg. 01113
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320128
Status: Unutilized
Comments: 1012 sq. ft., off-site use only

Bldgs. 01124, 01132
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320129
Status: Unutilized
Comments: 740/2448 sq. ft., most recent use—lab, off-site use only

Bldg. 03558
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320133
Status: Unutilized
Comments: 18,000 sq. ft., most recent use—storage, off-site use only

Bldg. 05262
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320136
Status: Unutilized
Comments: 864 sq. ft., most recent use—storage, off-site use only

Bldg. 05608
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320137
Status: Unutilized
Comments: 1100 sq. ft., most recent use—maint bldg., off-site use only

Bldg. E5645
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200320150
Status: Unutilized
Comments: 548 sq. ft., most recent use—storage, off-site use only

Bldg. 00435
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330111
Status: Unutilized
Comments: 1191 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 0449A
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330112
Status: Unutilized
Comments: 143 sq. ft., needs rehab, most recent use—substation switch bldg., off-site use only

Bldg. 0460
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330114
Status: Unutilized
Comments: 1800 sq. ft., needs rehab, most recent use—electrical EQ bldg., off-site use only

Bldg. 00914
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330118
Status: Unutilized
Comments: needs rehab, most recent use—safety shelter, off-site use only

Bldg. 00915
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330119
Status: Unutilized
Comments: 247 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 01189
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330126
Status: Unutilized
Comments: 800 sq. ft., needs rehab, most recent use—range bldg., off-site use only

Bldg. E1413
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330127
Status: Unutilized
Comments: needs rehab, most recent use—observation tower, off-site use only

Bldg. E3175
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330134
Status: Unutilized
Comments: 1296 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

4 Bldgs.
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330135
Status: Unutilized
Directions: E3224, E3228, E3230, E3232, E3234
Comments: sq. ft. varies, needs rehab, most recent use—lab test bldgs., off-site use only

Bldg. E3241
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330136
Status: Unutilized
Comments: 592 sq. ft., needs rehab, most recent use—medical res bldg., off-site use only

Bldg. E3300
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330139
Status: Unutilized
Comments: 44,352 sq. ft., needs rehab, most recent use—chemistry lab, off-site use only

Bldg. E3335
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330144
Status: Unutilized
Comments: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E3360, E3362, E3464
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330145
Status: Unutilized
Comments: 3588/236 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3542
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330148
Status: Unutilized
Comments: 1146 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldg. E4420
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330151
Status: Unutilized
Comments: 14,997 sq. ft., needs rehab, most recent use—police bldg., off-site use only

4 Bldgs.
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330154
Status: Unutilized
Directions: E5005, E5049, E5050, E5051
Comments: sq. ft. varies, needs rehab, most recent use—storage, off-site use only

Bldg. E5068
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330155
Status: Unutilized
Comments: 1200 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldgs. 05448, 05449
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330161
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—enlisted UHP, off-site use only

Bldg. 05450
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330162
Status: Unutilized
Comments: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. 05451, 05455
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330163
Status: Unutilized
Comments: 2730/6431 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 05453
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330164

Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. E5609
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330167
Status: Unutilized
Comments: 2053 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5611
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330168
Status: Unutilized
Comments: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

Bldg. E5634
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330169
Status: Unutilized
Comments: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E5654
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330171
Status: Unutilized
Comments: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5942
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330176
Status: Unutilized
Comments: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only

Bldgs. E5952, E5953
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330177
Status: Unutilized
Comments: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only

Bldgs. E7401, E7402
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330178
Status: Unutilized
Comments: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E7407, E7408
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200330179
Status: Unutilized
Comments: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only

Bldg. 3070A
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200420055
Status: Unutilized
Comments: 2299 sq. ft., most recent use—heat plant, off-site use only

Bldg. E5026
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200420056
Status: Unutilized
Comments: 20,536 sq. ft., most recent use—storage, off-site use only

Bldg. 05261
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200420057
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maintenance, off-site use only

Bldg. E5876
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200440073
Status: Unutilized
Comments: 1192 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 00688
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200530080
Status: Unutilized
Comments: 24,192 sq. ft., most recent use—ammo, off-site use only

Bldg. 04925
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Landholding Agency: Army
Property Number: 21200540091
Status: Unutilized
Comments: 1326 sq. ft., off-site use only

Bldg. 00255
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720052
Status: Unutilized
Comments: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 00638
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720053
Status: Unutilized
Comments: 4295 sq. ft., most recent use—storage, off-site use only

Bldg. 00721
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200720054
Status: Unutilized
Comments: 135 sq. ft., most recent use—storage, off-site use only

Bldgs. 00936, 00937
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720055
Status: Unutilized
Comments: 2000 sq. ft., most recent use—storage, off-site use only

Bldgs. E1410, E1434
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720056
Status: Unutilized
Comments: 2276/3106 sq. ft., most recent use—laboratory, off-site use only

Bldg. 03240
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720057
Status: Unutilized
Comments: 10,049 sq. ft., most recent use—office, off-site use only

Bldg. E3834
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720058
Status: Unutilized
Comments: 72 sq. ft., most recent use—office, off-site use only

Bldgs. E4465, E4470, E4480
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720059
Status: Unutilized
Comments: 17658/16876/17655 sq. ft., most recent use—office, off-site use only

Bldgs. E5137, 05219
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720060
Status: Unutilized
Comments: 3700/8175 sq. ft., most recent use—office, off-site use only

Bldg. E5236
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720061
Status: Unutilized
Comments: 10,325 sq. ft., most recent use—storage, off-site use only

Bldg. E5282
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720062
Status: Unutilized
Comments: 4820 sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. E5736, E5846, E5926
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720063
Status: Unutilized
Comments: 1069/4171/11279 sq. ft., most recent use—storage, off-site use only

Bldg. E6890
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200720064
Status: Unutilized
Comments: 1 sq. ft., most recent use—impact area, off-site use only

Bldg. 00310
Aberdeen Proving Ground

Harford MD 21005
Landholding Agency: Army
Property Number: 21200820077
Status: Unutilized
Comments: 56516 sq. ft., most recent use—admin., off-site use only

Bldg. 00315
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820078
Status: Unutilized
Comments: 74396 sq. ft., most recent use—mach shop, off-site use only

Bldg. 00338
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820079
Status: Unutilized
Comments: 45443 sq. ft., most recent use—gnd tran eqp, off-site use only

Bldg. 00360
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820080
Status: Unutilized
Comments: 15287 sq. ft., most recent use—general inst., off-site use only

Bldg. 00445
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820081
Status: Unutilized
Comments: 6367 sq. ft., most recent use—lab, off-site use only

Bldg. 00851
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820082
Status: Unutilized
Comments: 694 sq. ft., most recent use—range bldg., off-site use only

E1043
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820083
Status: Unutilized
Comments: 5200 sq. ft., most recent use—lab, off-site use only

Bldg. 01089
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820084
Status: Unutilized
Comments: 12369 sq. ft., most recent use—veh maint, off-site use only

Bldg. 01091
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820085
Status: Unutilized
Comments: 2201 sq. ft., most recent use—storage, off-site use only

Bldg. E1386
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820086
Status: Unutilized
Comments: 251 sq. ft., most recent use—eng/mnt, off-site use only

5 Bldgs.
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820087
Status: Unutilized
Directions: E1440, E1441, E1443, E1445, E1455
Comments: 112 sq. ft., most recent use—safety shelter, off-site use only

Bldgs. E1467, E1485
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820088
Status: Unutilized
Comments: 160/800 sq. ft., most recent use—storage, off-site use only

Bldg. E1521
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820090
Status: Unutilized
Comments: 1200 sq. ft., most recent use—overhead protection, off-site use only

Bldg. E1570
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820091
Status: Unutilized
Comments: 47027 sq. ft., most recent use—office, off-site use only

Bldg. E1572
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820092
Status: Unutilized
Comments: 1402 sq. ft., most recent use—maint., off-site use only

4 Bldgs.
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820093
Status: Unutilized
Directions: E1645, E1675, E1677, E1930
Comments: various sq. ft., most recent use—office, off-site use only

Bldgs. E2160, E2184, E2196
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820094
Status: Unutilized
Comments: 12440/13816 sq. ft., most recent use—storage, off-site use only

Bldg. E2174
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820095
Status: Unutilized
Comments: 132 sq. ft., off-site use only

Bldgs. 02208, 02209
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820096
Status: Unutilized
Comments: 11566/18085 sq. ft., most recent use—lodging, off-site use only

Bldg. 02353
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820097
Status: Unutilized
Comments: 19252 sq. ft., most recent use—veh maint, off-site use only

Bldgs. 02482, 02484
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820098
Status: Unutilized
Comments: 8359 sq. ft., most recent use—gen purp, off-site use only

Bldg. 02483
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820099
Status: Unutilized
Comments: 1360 sq. ft., most recent use—heat plt, off-site use only

Bldgs. 02504, 02505
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820100
Status: Unutilized
Comments: 11720/17434 sq. ft., most recent use—lodging, off-site use only

Bldgs. 02831, E3488
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820101
Status: Unutilized
Comments: 576/64 sq. ft., most recent use—access cnt fac, off-site use only

Bldg. 2831A
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820102
Status: Unutilized
Comments: 1200 sq. ft., most recent use—overhead protection, off-site use only

Bldg. 03320
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820103
Status: Unutilized
Comments: 10600 sq. ft., most recent use—admin, off-site use only

Bldg. E3466
Aberdeen Proving Ground
Aberdeen MD
Landholding Agency: Army
Property Number: 21200820104
Status: Unutilized
Comments: 236 sq. ft., most recent use—protective barrier, off-site use only

4 Bldgs.
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820105
Status: Unutilized

Directions: E3510, E3570, E3640, E3832
Comments: various sq. ft., most recent use—lab, off-site use only

Bldg. E3544
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820106
Status: Unutilized
Comments: 5400 sq. ft., most recent use—ind waste, off-site use only

Bldgs. E3561, 03751
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820107
Status: Unutilized
Comments: 64/189 sq. ft., most recent use—access cnt fac, off-site use only

Bldg. 03754
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820108
Status: Unutilized
Comments: 324 sq. ft., most recent use—classroom, off-site use only

Bldg. 3823A
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820109
Status: Unutilized
Comments: 113 sq. ft., most recent use—shed, off-site use only

Bldg. E3948
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820110
Status: Unutilized
Comments: 3420 sq. ft., most recent use—emp chg fac, off-site use only

4 Bldgs.
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820111
Status: Unutilized
Directions: E5057, E5058, E5246, 05258
Comments: various sq. ft., most recent use—storage, off-site use only

Bldgs. E5106, 05256
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820112
Status: Unutilized
Comments: 18621/8720 sq. ft., most recent use—office, off-site use only

Bldg. E5126
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820113
Status: Unutilized
Comments: 17664 sq. ft., most recent use—heat plt, off-site use only

Bldg. E5128
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820114
Status: Unutilized
Comments: 3750 sq. ft., most recent use—substation, off-site use only

Bldg. E5188
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820115
Status: Unutilized
Comments: 22790 sq. ft., most recent use—lab, off-site use only

Bldg. E5179
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820116
Status: Unutilized
Comments: 47335 sq. ft., most recent use—info sys, off-site use only

Bldg. E5190
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820117
Status: Unutilized
Comments: 874 sq. ft., most recent use—storage, off-site use only

Bldg. 05223
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820118
Status: Unutilized
Comments: 6854 sq. ft., most recent use—gen rep inst, off-site use only

Bldgs. 05259, 05260
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820119
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maint, off-site use only

Bldgs. 05263, 05264
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820120
Status: Unutilized
Comments: 200 sq. ft., most recent use—org space, off-site use only

5 Bldgs.
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820121
Status: Unutilized
Directions: 05267, E5294, E5327, E5441, E5485
Comments: various sq. ft., most recent use—storage, off-site use only

Bldg. E5292
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820122
Status: Unutilized
Comments: 1166 sq. ft., most recent use—comp rep inst, off-site use only

Bldg. E5380
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820123
Status: Unutilized
Comments: 9176 sq. ft., most recent use—lab, off-site use only

Bldg. E5452
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820124
Status: Unutilized
Comments: 9623 sq. ft., off-site use only

Bldg. 05654
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820125
Status: Unutilized
Comments: 38 sq. ft. most recent use—shed, off-site use only

Bldg. 05656
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820126
Status: Unutilized
Comments: 2240 sq. ft., most recent use—overhead protection off-site use only

5 Bldgs.
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820127
Status: Unutilized
Directions: E5730, E5738, E5915, E5928, E6875
Comments: various sq. ft., most recent use—storage, off-site use only

Bldg. E5770
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820128
Status: Unutilized
Comments: 174 sq. ft., most recent use—cent wash, off-site use only

Bldg. E5840
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820129
Status: Unutilized
Comments: 14200 sq. ft., most recent use—lab, off-site use only

Bldg. E5946
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820130
Status: Unutilized
Comments: 2147 sq. ft., most recent use—igloo str, off-site use only

Bldg. E6872
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820131
Status: Unutilized
Comments: 1380 sq. ft., most recent use—dispatch, off-site use only

Bldgs. E7331, E7332, E7333
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820132
Status: Unutilized
Comments: Most recent use—protective barrier, off-site use only

Bldg. E7821
Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820133
Status: Unutilized
Comments: 3500 sq. ft., most recent use—xmitter bldg, off-site use only

Bldg. 02483
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200920025
Status: Unutilized
Comments: 1360 sq. ft., most recent use—heat plt bldg., off-site use only

Bldg. 03320
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200920026
Status: Unutilized
Comments: 10,600 sq. ft., most recent use—admin., off-site use only

Missouri

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420441
Status: Underutilized
Comments: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420446
Status: Underutilized
Comments: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 21199510115
Status: Excess
Comments: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820179
Status: Unutilized
Comments: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820183
Status: Unutilized
Comments: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

12 Bldgs
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410110
Status: Unutilized
Directions: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249, 08251, 08255, 08257, 08261
Comments: 7152 sq. ft. 6 plex housing quarters, potential contaminants, off-site use only

6 Bldgs
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410111
Status: Unutilized
Directions: 07044, 07106, 07107, 08260, 08281, 08300
Comments: 9520 sq. ft., 8 plex housing quarters, potential contaminants, off-site use only

15 Bldgs
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410112
Status: Unutilized
Directions: 08242, 08243, 08246–08248, 08250, 08252–08254, 08256, 08258–08259, 08262–08263, 08265
Comments: 4784 sq. ft., 4 plex housing quarters, potential contaminants, off-site use only

Bldgs 08283, 08285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410113
Status: Unutilized
Comments: 2240 sq. ft., 2 plex housing quarters, potential contaminants, off-site use only

15 Bldgs
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–0827
Landholding Agency: Army
Property Number: 21200410114
Status: Unutilized
Directions: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290 08296, 08301
Comments: 4784 sq. ft., 4 plex housing quarters, potential contaminants, off-site use only

Bldg 09432
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410115
Status: Unutilized
Comments: 8724 sq. ft., 6-plex housing quarters, potential contaminants, off-site use only

Bldgs. 5006 and 5013
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200430064
Status: Unutilized
Comments: 192 sq. ft., needs repair, most recent use—generator bldg., off-site use only

Bldgs. 13210, 13710
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200430065
Status: Unutilized
Comments: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only

Montana

Bldg. 00405
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 21200130099
Status: Unutilized
Comments: 3467 sq. ft., most recent use—storage, security limitations

Bldg. T0066
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 21200130100
Status: Unutilized
Comments: 528 sq. ft., needs rehab, presence of asbestos, security limitations

Bldg. 00001
Sheridan Hall USARC
Helena MT 59601
Landholding Agency: Army
Property Number: 21200540093
Status: Unutilized
Comments: 19,321 sq. ft., most recent use—Reserve Center

Bldg. 00003
Sheridan Hall USARC
Helena MT 59601
Landholding Agency: Army
Property Number: 21200540094
Status: Unutilized
Comments: 1950 sq. ft., most recent use—maintenance/storage

New Jersey

Bldg. 732
Armament R Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740315
Status: Unutilized
Comments: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 816C
Armament R, D, Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200130103
Status: Unutilized
Comments: 144 sq. ft., most recent use—storage, off-site use only

5 Bldgs.
Picatinny Arsenal
Dover NJ 07806
Landholding Agency: Army
Property Number: 21200940032
Status: Unutilized
Directions: 3710, 3711, 3712, 3713, 3714
Comments: residential trailers, needs rehab, off-site use only

Bldgs. 3704, 3706
Picatinny Arsenal
Dover NJ 07806
Landholding Agency: Army
Property Number: 21201010016
Status: Unutilized
Comments: 768 sq. ft. residential trailers, needs rehab, off-site use only

New Mexico

Bldg. 34198
White Sands Missile Range
Dona Ana NM 88002
Landholding Agency: Army
Property Number: 21200230062
Status: Excess
Comments: 107 sq. ft., most recent use—security, off-site use only

New York

Bldg.1227
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 21200440074
Status: Unutilized
Comments: 3800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—maintenance, off-site use only

Bldg. 2218
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Landholding Agency: Army
Property Number: 21200510067
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services

7 Bldgs.
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Landholding Agency: Army
Property Number: 21200510068
Status: Unutilized
Directions: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Comments: Sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services

Bldg. 1230
U.S. Army Garrison
Orange NY 10996
Landholding Agency: Army
Property Number: 21200940014
Status: Unutilized
Comments: 4538 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only

Bldg. 4802
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010019
Status: Unutilized
Comments: 3300 sq. ft., most recent use—hdgts. facility, off-site use only

Bldgs. 4813
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010020
Status: Unutilized
Comments: 750 sq. ft., most recent use—wash rack, off-site use only

Bldg. 4814
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010021
Status: Unutilized
Comments: 2592 sq. ft., most recent use—item repair, off-site use only

Bldgs. 1240, 1255
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010022
Status: Unutilized
Comments: various sq. ft., most recent use—vehicle maint. facility, off-site use only

6 Bldgs.
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010023
Status: Unutilized
Directions: 1248, 1250, 1276, 2361, 4816, 4817
Comments: various sq. ft., most recent use—storage, off-site use only

Bldg. 1050
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010024
Status: Unutilized
Comments: 1493 sq. ft., most recent use—training, off-site use only

Bldg. 10791
Fort Drum
Jefferson NY 13602
Landholding Agency: Army
Property Number: 21201010025
Status: Unutilized
Comments: 72 sq. ft., most recent use—smoking shelter, off-site use only

Oklahoma

Bldg. T–838
Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199220609
Status: Unutilized
Comments: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954
Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240659
Status: Unutilized
Comments: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–3325
Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240681
Status: Unutilized
Comments: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503
Landholding Agency: Army
Property Number: 21199440384
Status: Unutilized
Comments: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015
Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 21199520197
Status: Unutilized
Comments: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366
Fort Sill
Lawton Co: Comanche OK 73503
Landholding Agency: Army
Property Number: 21199610740
Status: Unutilized
Comments: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710066
Status: Unutilized
Comments: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710086
Status: Unutilized
Directions: T–6465, T–6466, T–6467, T–6468
Comments: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730350
Status: Unutilized
Comments: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730351
Status: Unutilized
Comments: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730353
Status: Unutilized
Comments: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730357

Status: Unutilized
Comments: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730358
Status: Unutilized
Comments: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730362
Status: Unutilized
Comments: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730364
Status: Unutilized
Comments: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730366
Status: Unutilized
Comments: 1656–3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730367
Status: Unutilized
Comments: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730372
Status: Unutilized
Comments: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730383
Status: Unutilized
Comments: Approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730385
Status: Unutilized
Comments: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730409
Status: Unutilized
Comments: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730414
Status: Unutilized
Comments: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730419
Status: Unutilized
Comments: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

4 Bldgs. P–617, P–1114, P–1386, P–1608
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910133
Status: Unutilized
Comments: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910135
Status: Unutilized
Comments: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910141
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910146
Status: Unutilized
Comments: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910153
Status: Unutilized
Comments: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910156
Status: Unutilized
Comments: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910157
Status: Unutilized
Comments: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910158
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910159
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010128
Status: Unutilized
Comments: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200120120
Status: Unutilized
Comments: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P–842
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200120123
Status: Unutilized
Comments: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200120124
Status: Unutilized
Comments: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1672
Fort Sill

Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200120126
Status: Unutilized
Comments: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200120127
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200120129
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 00937, 00957
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200710104
Status: Unutilized
Comments: 1558 sq. ft., most recent use—storage shed, off-site use only

Bldg. 01514
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200710105
Status: Unutilized
Comments: 1602 sq. ft., most recent use—storage, off-site use only

Bldg. 05685
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200820152
Status: Unutilized
Comments: 24,072 sq. ft., concrete block/w brick, off-site use only

Bldg. 07480
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200920002
Status: Unutilized
Comments: 1200 sq. ft., most recent use—recreation, off-site use only

Bldgs. 01509, 01510
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200920060
Status: Unutilized
Comments: Various sq. ft., most recent use—vehicle maint. shop, off-site use only

4 Bldgs. 2591, 2593, 2595, 2604
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200920061
Status: Unutilized
Comments: Various sq. ft., most recent use—classroom/admin, off-site use only

Bldg. 06456
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21200930003
Status: Unutilized
Comments: 413 sq. ft. range support facility, off-site use only

South Dakota

Bldg. 03001
Jonas H. Lien AFRC
Sioux Falls SD 57104
Landholding Agency: Army
Property Number: 21200740187
Status: Unutilized
Comments: 33,282 sq. ft., most recent use—training center

Bldg. 03003
Jonas H. Lien AFRC
Sioux Falls SD 57104
Landholding Agency: Army
Property Number: 21200740188
Status: Unutilized
Comments: 4675 sq. ft., most recent use—vehicle maint. shop

Tennessee

Bldg. Trail
Fort Campbell
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920010
Status: Excess
Comments: 2104 sq. ft., double-wide trailer, off-site use only

Texas

Bldg. 7137
Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 21199640564
Status: Unutilized
Comments: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200020206
Status: Unutilized
Comments: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200020207
Status: Unutilized
Comments: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200020208
Status: Unutilized
Comments: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. 56305
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220143
Status: Unutilized
Comments: 2160 sq. ft., most recent use—admin., off-site use only

Bldgs. 56620, 56621
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220146
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56626, 56627
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220147
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56628
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220148
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56636, 56637
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220150
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56638
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220151
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56703, 56708
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220152
Status: Unutilized
Comments: 1306 sq. ft., most recent use—shower, off-site use only

Bldg. 56758
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220154
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. P6220, P6222
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Landholding Agency: Army
Property Number: 21200330197
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldgs. P6224, P6226
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Landholding Agency: Army
Property Number: 21200330198
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldg. 92039
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200640101
Status: Excess
Comments: 80 sq. ft., most recent use—storage, off-site use only

Bldgs. 04281, 04283
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720085
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed, off-site use only

Bldg. 04284
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720086
Status: Excess
Comments: 800 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 04285
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720087
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed, off-site use only

Bldg. 04286
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720088
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 04291
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720089
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 4410
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720090
Status: Excess
Comments: 12,956 sq. ft., presence of asbestos, most recent use—simulation center, off-site use only

Bldgs. 10031, 10032, 10033
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720091
Status: Excess
Comments: 2578/3383 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldgs. 56524, 56532
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720092
Status: Excess
Comments: 600 sq. ft., presence of asbestos, most recent use—dining, off-site use only

Bldg. 56435
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720093
Status: Excess
Comments: 3441 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 05708
Fort Hood
Bell TX 7654
Landholding Agency: Army
Property Number: 21200720094
Status: Excess
Comments: 1344 sq. ft., most recent use—community center, off-site use only

Bldg. 90001
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720095
Status: Excess
Comments: 3574 sq. ft., presence of asbestos, most recent use—transmitter bldg., off-site use only

Bldg. 93013
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200720099
Status: Excess
Comments: 800 sq. ft., most recent use—club, off-site use only

5 Bldgs.
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740195
Status: Excess
Directions: 56541, 56546, 56547, 56548, 56638
Comments: 1120/1133 sq. ft., presence of asbestos, most recent use—lavatory, off-site use only

4 Bldgs.
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810048
Status: Unutilized
Directions: 00229, 00230, 00231, 00232
Comments: various sq. ft., presence of asbestos, most recent use—training aids center, off-site use only

Bldg. 00324
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810049
Status: Unutilized
Comments: 13,319 sq. ft., most recent use—roller skating rink, off-site use only

Bldgs. 00710, 00739, 00741
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810050
Status: Unutilized
Comments: various sq. ft., presence of asbestos, most recent use—repair shop, off-site use only

5 Bldgs.
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810051
Status: Unutilized
Directions: 00711, 00712, 02219, 02612, 05780
Comments: various sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 00713
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810052
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—hdqts. bldg., off-site use only

Bldgs. 1938, 04229
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810053
Status: Unutilized
Comments: 2736/9000 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldgs. 02218, 02220
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810054
Status: Unutilized
Comments: 7289/1456 sq. ft., presence of asbestos, most recent use—museum, off-site use only

Bldg. 0350
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810055
Status: Unutilized
Comments: 28,290 sq. ft., presence of asbestos, most recent use—veh. maint. shop, off-site use only

Bldg. 04449
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810056
Status: Unutilized
Comments: 3822 sq. ft., most recent use—police station, off-site use only

Bldg. 91077
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200810057
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—educational facility, off-site use only

Bldg. 1610
Fort Bliss
El Paso TX 79916
Landholding Agency: Army
Property Number: 21200810059
Status: Excess
Comments: 11056 sq. ft., concrete/stucco, most recent use—gas station/store, off-site use only

Bldg. 1680
Fort Bliss

El Paso TX 79916
Landholding Agency: Army
Property Number: 21200810060
Status: Excess
Comments: 3690 sq. ft., concrete/stucco, most recent use—restaurant, off-site use only

12 Bldgs.
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21200820153
Status: Excess
Directions: 56522, 56523, 56525, 56533, 56534, 56535, 56539, 56542, 56543, 56544, 56545, 56549
Comments: 600/607 sq. ft., presence of asbestos, most recent use—dining, off-site use only

10 Bldgs.
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21200820154
Status: Excess
Directions: 56622, 56623, 56624, 56625, 56629, 56632, 56633, 56634, 56635, 56639
Comments: 500/507 sq. ft., presence of asbestos, most recent use—dining, off-site use only

6 Bldgs.
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200840070
Status: Excess
Directions: 56412, 57023, 57024, 57025, 57009, 57010
Comments: presence of asbestos, most recent use—storage, off-site use only

9 Bldgs.
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200840071
Status: Excess
Directions: 56529, 56618, 56702, 56710, 56752, 56753, 56754, 56755, 56759
Comments: presence of asbestos, most recent use—dining facility, off-site use only

Bldgs. 56703
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200840072
Status: Excess
Comments: 1306 sq. ft., presence of asbestos, most recent use—shower, off-site use only

Bldg. 57005
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200840073
Status: Excess
Comments: 500 sq. ft., presence of asbestos, most recent use—water supply/treatment, off-site use only

Utah

Bldg. 00001
Borgstrom Hall USARC
Ogden UT 84401
Landholding Agency: Army
Property Number: 21200740196
Status: Excess
Comments: 16543 sq. ft., most recent use—training center, off-site use only

Bldg. 00002
Borgstrom Hall USARC
Ogden UT 84401
Landholding Agency: Army
Property Number: 21200740197
Status: Excess
Comments: 3842 sq. ft., most recent use—vehicle maint. shop, off-site use only

Bldg. 00005
Borgstrom Hall USARC
Ogden UT 84401
Landholding Agency: Army
Property Number: 21200740198
Status: Excess
Comments: 96 sq. ft., most recent use—storage, off-site use only

Virginia

Fort Story
Ft. Story VA 23459
Landholding Agency: Army
Property Number: 21200720065
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only

Bldg. 01633
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720076
Status: Unutilized
Comments: 240 sq. ft., most recent use—storage, off-site use only

Bldg. 02786
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720084
Status: Unutilized
Comments: 1596 sq. ft., most recent use—admin., off-site use only

Bldg. P0838
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200830005
Status: Unutilized
Comments: 576 sq. ft., most recent use—rec shelter, off-site use only

Washington

Bldg. CO909
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630205
Status: Unutilized
Comments: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1164,
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630213
Status: Unutilized
Comments: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630216
Status: Unutilized
Comments: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630217
Status: Unutilized
Comments: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630218
Status: Unutilized
Comments: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630219
Status: Unutilized
Comments: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630220
Status: Unutilized
Comments: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199640570
Status: Unutilized
Comments: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. EO347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199710156
Status: Unutilized
Comments: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199720216
Status: Unutilized
Comments: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. CO509, CO709, CO720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199810372
Status: Unutilized
Comments: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199830419
Status: Unutilized
Comments: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199830433
Status: Unutilized
Comments: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920237
Status: Excess
Comments: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920238
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs. Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920239
Status: Excess
Directions: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920240
Status: Unutilized
Directions: U003A, U004B, U006C, U015B, U016B, U019B
Comments: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920241
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920242
Status: Unutilized
Comments: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920245
Status: Excess
Directions: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Comments: Needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920246
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920247
Status: Unutilized
Comments: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920248
Status: Unutilized
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920250
Status: Unutilized
Comments: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920251
Status: Excess
Comments: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920253
Status: Excess
Comments: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920254
Status: Unutilized
Comments: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U040D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920255
Status: Excess
Comments: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920256
Status: Excess
Comments: Various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920257
Status: Excess
Comments: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920258
Status: Excess
Comments: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920259
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920260
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920261
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920262
Status: Excess
Comments: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433

Landholding Agency: Army
Property Number: 21199920263
Status: Excess
Comments: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920264
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920265
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920266
Status: Excess
Directions: U058A, U103A, U018A
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920267
Status: Excess
Comments: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920268
Status: Excess
Comments: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920269
Status: Excess
Directions:
U101B, U101C, U507B, U557A
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920272
Status: Excess
Comments: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920273
Status: Excess
Directions: U111A, U015A, U024E, U052F, U109A, U110A
Comments: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920274
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920275
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920276
Status: Excess
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920281
Status: Excess
Comments: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920290
Status: Excess
Comments: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920291
Status: Excess
Comments: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off- site use only

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920292
Status: Excess
Comments: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920294
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldgs. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920296
Status: Excess
Comments: Various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920298
Status: Excess
Comments: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off- site use only

Bldgs. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920299
Status: Excess
Comments: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920300
Status: Excess
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920303
Status: Excess
Comments: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920304
Status: Excess
Comments: 3660/412 sq .ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920305
Status: Excess
Comments: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army

Property Number: 21199920306
Status: Excess
Comments: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920307
Status: Excess
Comments: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use— storage, off-site use only

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920308
Status: Excess
Comments: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920309
Status: Excess
Comments: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920310
Status: Excess
Comments: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920311
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

Land

Maryland

2 acres
Fort Meade
Odenton Rd/Rt 175
Ft. Meade MD 20755
Landholding Agency: Army
Property Number: 21200640095
Status: Unutilized
Comments: Light industrial

16 acres
Fort Meade
Rt 198/Airport Road
Ft. Meade MD 20755
Landholding Agency: Army
Property Number: 21200640096
Status: Unutilized
Comments: Light industrial

Ohio

Land
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200340094
Status: Excess
Comments: 11 acres, railroad access

Tennessee

Parcel No. 1
Fort Campbell
Tract No. 13M–3
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920003
Status: Excess
Comments: 6.89 acres/thick vegetation

Parcel No. 2
Fort Campbell
Tract Nos.12M–16B & 13M–3
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920004
Status: Excess
Comments: 3.41 acres/wooded

Parcel No. 3
Fort Campbell
Tract No. 12M–4
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920005
Status: Excess
Comments: 6.56 acre/wooded

Parcel No. 4
Fort Campbell
Tract Nos10M–22 &10M–23
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920006
Status: Excess
Comments: 5.73 acres/wooded

Parcel No. 5
Fort Campbell
Tract No. 10M–20
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920007
Status: Excess
Comments: 3.86 acres/wooded

Parcel No. 7
Fort Campbell
Tract No. 10M–10
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920008
Status: Excess
Comments: 9.47 acres/wooded

Parcel No. 8
Fort Campbell
Tract No. 8M–7
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200920009
Status: Excess
Comments: 15.13 acres/wooded

Parcel No. 6
Fort Campbell
Hwy 79
Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200940013
Status: Excess
Comments: 4.55 acres, wooded w/dirt road/fire break

Texas

1 acre
Fort Sam Houston
San Antonio Co: Bexar TX 78234
Landholding Agency: Army
Property Number: 21200440075
Status: Excess
Comments: 1 acre, grassy area

Building

Alabama

Bldg. 01433
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 21200220098
Status: Excess
Comments: 800 sq. ft., most recent use—office, off-site use only

Bldg. 30105
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 21200510052
Status: Excess
Comments: 4100 sq. ft., most recent use—admin., off-site use only

Bldg. 40115
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 21200510053
Status: Excess
Comments: 34,520 sq. ft., most recent use—storage, off-site use only

Bldg. 25303
Fort Rucker
Dale AL 36362
Landholding Agency: Army
Property Number: 21200520074
Status: Excess
Comments: 800 sq. ft., most recent use—airfield operations, off-site use only

Bldg. 25304
Fort Rucker
Dale AL 36362
Landholding Agency: Army
Property Number: 21200520075
Status: Excess
Comments: 1200 sq. ft., poor condition, most recent use—fire station, off-site use only

Arizona

Bldg. 22529
Fort Huachuca
Cochise AZ 85613–7010
Landholding Agency: Army
Property Number: 21200520077
Status: Excess
Comments: 2543 sq. ft., most recent use—storage, off-site use only

Bldg. 22541
Fort Huachuca
Cochise AZ 85613–7010
Landholding Agency: Army
Property Number: 21200520078
Status: Excess
Comments: 1300 sq. ft., most recent use—storage, off-site use only

Bldg. 30020
Fort Huachuca
Cochise AZ 85613–7010
Landholding Agency: Army
Property Number: 21200520079
Status: Excess
Comments: 1305 sq. ft., most recent use—storage, off-site use only

Bldg. 30021

Fort Huachuca
Cochise AZ 85613–7010
Landholding Agency: Army
Property Number: 21200520080
Status: Excess
Comments: 144 sq. ft., most recent use—storage, off-site use only

Bldg. 22040
Fort Huachuca
Cochise AZ 85613
Landholding Agency: Army
Property Number: 21200540076
Status: Excess
Comments: 1131 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 22540
Fort Huachuca
Cochise AZ 85613–7010
Landholding Agency: Army
Property Number: 21200620067
Status: Excess
Comments: 958 sq. ft., most recent use—storage, off-site use only

Colorado

Bldg. S6264
Fort Carson
Ft. Carson Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 21200340084
Status: Unutilized
Comments: 19,499 sq. ft., most recent use—office, off-site use only

Bldg. S6285
Fort Carson
Ft. Carson Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 21200420176
Status: Unutilized
Comments: 19,478 sq. ft., most recent use—admin., off-site use only

Bldg. S6287
Fort Carson
Ft. Carson Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 21200420177
Status: Unutilized
Comments: 10,076 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 06225 Fort Carson
El Paso CO 80913–4001
Landholding Agency: Army
Property Number: 21200520084
Status: Unutilized
Comments: 24,263 sq. ft., most recent use—admin., off-site use only

Georgia

Bldg. T201
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420002
Status: Excess
Comments: 1828 sq. ft., most recent use—credit union, off-site use only

Bldg. T234
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420008
Status: Excess
Comments: 2624 sq. ft., most recent use—admin., off-site use only

Bldg. T702
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420010
Status: Excess
Comments: 9190 sq. ft., most recent use—storage, off-site use only

Bldg. T703
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420011
Status: Excess
Comments: 9190 sq. ft., most recent use—storage, off-site use only

Bldg. T704
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420012
Status: Excess
Comments: 9190 sq. ft., most recent use—storage, off-site use only

Bldg. P813
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420013
Status: Excess
Comments: 43,055 sq. ft., most recent use—maint. hanger/Co Hq., off-site use only

Bldgs. S843, S844, S845
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420014
Status: Excess
Comments: 9383 sq. ft., most recent use—maint. hanger, off-site use only

Bldg. P925
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420015
Status: Excess
Comments: 27,681 sq. ft., most recent use—fitness center, off-site use only

Bldg. P1277
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420024
Status: Excess
Comments: 13,981 sq. ft., most recent use—barracks/dining, off-site use only

Bldg. T1412
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420025
Status: Excess
Comments: 9186 sq. ft., most recent use—warehouse, off-site use only

Bldg. 8658
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420029
Status: Excess
Comments: 8470 sq. ft., most recent use—storage, off-site use only

Bldg. 8659
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420030
Status: Excess
Comments: 8470 sq. ft., most recent use—storage, off-site use only

Bldgs. 8675, 8676
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200420031
Status: Excess
Comments: 4000 sq. ft., most recent use—ship/recv facility, off-site use only

Bldg. 5978
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200420038
Status: Excess
Comments: 1344 sq. ft., most recent use—igloo storage, off-site use only

Bldg. 5993
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200420041
Status: Excess
Comments: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200420042
Status: Excess
Comments: 2016 sq. ft., most recent use—ammo storage, off-site use only

Bldg. 5995
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200420043
Status: Excess
Comments: 114 sq. ft., most recent use—storage, off-site use only

Bldg. T01
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420181
Status: Excess
Comments: 11,682 sq. ft., most recent use—admin., off-site use only

Bldg. T04
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420182
Status: Excess
Comments: 8292 sq. ft., most recent use—admin., off-site use only

Bldg. T05
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420183
Status: Excess
Comments: 7992 sq. ft., most recent use—admin., off-site use only

Bldg. T06
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army

Property Number: 21200420184
Status: Excess
Comments: 3305 sq. ft., most recent use—communication center, off-site use only

Bldg. T55
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420187
Status: Excess
Comments: 6490 sq. ft., most recent use—admin., off-site use only

Bldg. T85
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420188
Status: Excess
Comments: 3283 sq. ft., most recent use—post chapel, off-site use only

Bldg. T131
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420189
Status: Excess
Comments: 4720 sq. ft., most recent use—admin., off-site use only

Bldg. T132
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420190
Status: Excess
Comments: 4720 sq. ft., most recent use—admin., off-site use only

Bldg. T157
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420191
Status: Excess
Comments: 1440 sq. ft., most recent use—education center, off-site use only

Bldg. 01002
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420197
Status: Excess
Comments: 9267 sq. ft., most recent use—maintenance shop, off-site use only

Bldg. 01003
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420198
Status: Excess
Comments: 9267 sq. ft., most recent use—admin, off-site use only

Bldg. 19101
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420215
Status: Excess
Comments: 6773 sq. ft., most recent use—simulator bldg., off-site use only

Bldg. 19102
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420216
Status: Excess
Comments: 3250 sq. ft., most recent use—simulator bldg., off-site use only

Bldg. T19111
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420217
Status: Excess
Comments: 1440 sq. ft., most recent use—admin., off-site use only

Bldg. 19112
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420218
Status: Excess
Comments: 1344 sq. ft., most recent use—storage, off-site use only

Bldg. 19113
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420219
Status: Excess
Comments: 1440 sq. ft., most recent use—admin., off-site use only

Bldg. T19201
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420220
Status: Excess
Comments: 960 sq. ft., most recent use—physical fitness center, off-site use only

Bldg. 19202
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420221
Status: Excess
Comments: 1210 sq. ft., most recent use—community center, off-site use only

Bldg. 19204 thru 19207
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420222
Status: Excess
Comments: 960 sq. ft., most recent use—admin., off-site use only

Bldgs. 19208 thru 19211
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420223
Status: Excess
Comments: 1540 sq. ft., most recent use—general installation bldg., off-site use only

Bldg. 19212
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420224
Status: Excess
Comments: 1248 sq. ft., off-site use only

Bldg. 19213
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420225
Status: Excess
Comments: 1540 sq. ft., most recent use—general installation bldg., off-site use only

Bldg. 19214
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420226
Status: Excess
Comments: 1796 sq. ft., most recent use—transient UPH, off-site use only

Bldg. 19215
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420227
Status: Excess
Comments: 1948 sq. ft., most recent use—transient UPH, off-site use only

Bldg. 19216
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420228
Status: Excess
Comments: 1540 sq. ft., most recent use—transient UPH, off-site use only

Bldg. 19217
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420229
Status: Excess
Comments: 120 sq. ft., most recent use—nav aids bldg., off-site use only

Bldg. 19218
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420230
Status: Excess
Comments: 2925 sq. ft., most recent use—general installation bldg., off-site use only

Bldgs. 19219, 19220
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420231
Status: Excess
Comments: 1200 sq. ft., most recent use—general installation bldg., off-site use only

Bldg. 19223
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420232
Status: Excess
Comments: 6433 sq. ft., most recent use—transient UPH, off-site use only

Bldg. 19225
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420233
Status: Excess
Comments: 4936 sq. ft., most recent use—dining facility, off-site use only

Bldg. 19226
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420234
Status: Excess
Comments: 136 sq. ft., most recent use—general purpose installation bldg., off-site use only

Bldg. T19228
Fort Stewart

Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420235
Status: Excess
Comments: 400 sq. ft., most recent use—admin., off-site use only

Bldg. 19229
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420236
Status: Excess
Comments: 640 sq. ft., most recent use—vehicle shed, off-site use only

Bldg. 19232
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420237
Status: Excess
Comments: 96 sq. ft., most recent use—general purpose installation, off-site use only

Bldg. 19233
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420238
Status: Excess
Comments: 48 sq. ft., most recent use—fire support, off-site use only

Bldg. 19236
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420239
Status: Excess
Comments: 1617 sq. ft., most recent use—transient UPH, off-site use only

Bldg. 19238
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21200420240
Status: Excess
Comments: 738 sq. ft., off-site use only

Bldg. 01674
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200510056
Status: Unutilized
Comments: 5311 sq. ft., needs rehab, most recent use—gen. inst., off-site use only

Bldg. 01675
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200510057
Status: Unutilized
Comments: 5475 sq. ft., needs rehab, most recent use—gen. inst., off-site use only

Bldg. 01676
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200510058
Status: Unutilized
Comments: 7209 sq. ft., needs rehab, most recent use—gen. inst., off-site use only

Bldg. 01677
Fort Benning
Ft. Benning GA 31905
Landholding Agency: Army
Property Number: 21200510059
Status: Unutilized
Comments: 5311 sq. ft., needs rehab, most recent use—gen. inst., off-site use only

Bldg. 01678
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Landholding Agency: Army
Property Number: 21200510060
Status: Unutilized
Comments: 6488 sq. ft., needs rehab, most recent use—gen. inst., off-site use only

Bldg. 00051
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200520087
Status: Excess
Comments: 3196 sq. ft., most recent use—court room, off-site use only

Bldg. 00052
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200520088
Status: Excess
Comments: 1250 sq. ft., most recent use—admin., off-site use only

Bldg. 00053
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200520089
Status: Excess
Comments: 2844 sq. ft., most recent use—admin., off-site use only

Bldg. 00054
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200520090
Status: Excess
Comments: 4425 sq. ft., most recent use—admin., off-site use only

Bldg. 01243
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200610040
Status: Excess
Comments: 1258 sq. ft., most recent use—ref/ac facility, off-site use only

Bldg. 01244
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200610041
Status: Excess
Comments: 4096 sq. ft., presence of asbestos, most recent use—hdqts. facility, off-site use only

Bldg. 01318
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 21200610042
Status: Excess
Comments: 1500 sq. ft., most recent use—storage, off-site use only

Bldg. 00612
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610043
Status: Excess
Comments: 5298 sq. ft., needs rehab, most recent use—health clinic, off-site use only

Bldg. 00614
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610044
Status: Excess
Comments: 10,157 sq. ft., needs rehab, most recent use—brigade hqtrs, off-site use only

Bldg. 00618
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610045
Status: Excess
Comments: 6137 sq. ft., needs rehab, most recent use—brigade hqtrs, off-site use only

Bldg. 00628
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610046
Status: Excess
Comments: 10,050 sq. ft., needs rehab, most recent use—brigade hqtrs, off-site use only

Bldg. 01079
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610047
Status: Excess
Comments: 7680 sq. ft., most recent use—range/target house, off-site use only

Bldg. 07901
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610049
Status: Excess
Comments: 4800 sq. ft., most recent use—range support, off-site use only

Bldg. 08031
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610050
Status: Excess
Comments: 1296 sq. ft., most recent use—range/target house, off-site use only

Bldg. 08081
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610052
Status: Excess
Comments: 1296 sq. ft., most recent use—range/target house, off-site use only

Bldg. 08252
Fort Stewart
Liberty GA 31314
Landholding Agency: Army
Property Number: 21200610053
Status: Excess
Comments: 145 sq. ft., most recent use—control tower, off-site use only

Louisiana

Bldg. T401
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21200540084
Status: Unutilized

Comments: 2169 sq. ft., most recent use—admin., off-site use only

Bldgs. T406, T407, T411
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21200540085
Status: Unutilized
Comments: 6165 sq. ft., most recent use—admin., off-site use only

Bldg. T412
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21200540086
Status: Unutilized
Comments: 12,251 sq. ft., most recent use—admin., off-site use only

Bldgs. T414, T421
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21200540087
Status: Unutilized
Comments: 6165/1688 sq. ft., most recent use—admin., off-site use only

Maryland

Bldg. 8608
Fort George G. Meade
Ft. Meade MD 20755–5115
Landholding Agency: Army
Property Number: 21200410099
Status: Unutilized
Comments: 2372 sq. ft., concrete block, most recent use—PX exchange, off-site use only

Bldg. 8612
Fort George G. Meade
Ft. Meade MD 20755–5115
Landholding Agency: Army
Property Number: 21200410101
Status: Unutilized
Comments: 2372 sq. ft., concrete block, most recent use—family life ctr., off-site use only

Bldg. 0001A
Federal Support Center
Olney Co: Montgomery MD 20882
Landholding Agency: Army
Property Number: 21200520114
Status: Unutilized
Comments: 9000 sq. ft., most recent use—storage

Bldg. 0001C
Federal Support Center
Olney Co: Montgomery MD 20882
Landholding Agency: Army
Property Number: 21200520115
Status: Unutilized
Comments: 2904 sq. ft., most recent use—mess hall

Bldgs. 00032, 00H14, 00H24
Federal Support Center
Olney Co: Montgomery MD 20882
Landholding Agency: Army
Property Number: 21200520116
Status: Unutilized
Comments: Various sq. ft., most recent use—storage

Bldgs. 00034, 00H016
Federal Support Center
Olney Co: Montgomery MD 20882
Landholding Agency: Army
Property Number: 21200520117
Status: Unutilized
Comments: 400/39 sq. ft., most recent use—storage

Bldgs. 00H10, 00H12
Federal Support Center
Olney Co: Montgomery MD 20882
Landholding Agency: Army
Property Number: 21200520118
Status: Unutilized
Comments: 2160/469 sq. ft., most recent use—vehicle maintenance

Michigan

Bldg. 00001
Sheridan Hall USARC
501 Euclid Avenue
Helena Co: Lewis MI 59601–2865
Landholding Agency: Army
Property Number: 21200510066
Status: Unutilized
Comments: 19,321 sq. ft., most recent use—reserve center

Missouri

Bldg. 1230
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200340087
Status: Unutilized
Comments: 9160 sq. ft., most recent use—training, off-site use only

Bldg. 1621
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200340088
Status: Unutilized
Comments: 2400 sq. ft., most recent use—exchange branch, off-site use only

Bldg. 5760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410102
Status: Unutilized
Comments: 2000 sq. ft., most recent use—classroom, off-site use only

Bldg. 5762
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410103
Status: Unutilized
Comments: 104 sq. ft., off-site use only

Bldg. 5763
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410104
Status: Unutilized
Comments: 120 sq. ft., most recent use—observation tower, off-site use only

Bldg. 5765
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200410105
Status: Unutilized
Comments: 800 sq. ft., most recent use—range support, off-site use only

Bldg. 5760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200420059
Status: Unutilized
Comments: 2000 sq. ft., most recent use—classroom, off-site use only

Bldg. 5762
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200420060
Status: Unutilized
Comments: 104 sq. ft., off-site use only

Bldg. 5763
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200420061
Status: Unutilized
Comments: 120 sq. ft., most recent use—obs. tower, off-site use only

Bldg. 5765
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Landholding Agency: Army
Property Number: 21200420062
Status: Unutilized
Comments: 800 sq. ft., most recent use—support bldg., off-site use only

Bldg. 00467
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743
Landholding Agency: Army
Property Number: 21200530085
Status: Unutilized
Comments: 2790 sq. ft., most recent use—fast food facility, off-site use only

New York

Bldgs. 1511–1518
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 21200320160
Status: Unutilized
Comments: 2400 sq. ft., each, needs rehab, most recent use—barracks, off-site use only

Bldgs. 1523–1526
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 21200320161
Status: Unutilized
Comments: 2400 sq. ft., each, needs rehab, most recent use—barracks, off-site use only

Bldgs. 1704–1705, 1721–1722
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 21200320162
Status: Unutilized
Comments: 2400 sq. ft., each, needs rehab, most recent use—barracks, off-site use only

Bldg. 1723
U.S. Military Academy
Training Area

Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 21200320163
Status: Unutilized
Comments: 2400 sq. ft., needs rehab, most recent use—day room, off-site use only

Bldgs. 1706–1709
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 21200320164
Status: Unutilized
Comments: 2400 sq. ft., each, needs rehab, most recent use—barracks, off-site use only

Bldgs. 1731–1735
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 21200320165
Status: Unutilized
Comments: 2400 sq. ft., each, needs rehab, most recent use—barracks, off-site use only

North Carolina

Bldg. N4116
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310
Landholding Agency: Army
Property Number: 21200240087
Status: Excess
Comments: 3944 sq. ft., possible asbestos/lead paint, most recent use—community facility, off-site use only

Texas

Bldgs. 4219, 4227
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220139
Status: Unutilized
Comments: 8056, 500 sq. ft., most recent use—admin., off-site use only

Bldgs. 4229, 4230, 4231
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220140
Status: Unutilized
Comments: 9000 sq. ft., most recent use—hq. bldg., off-site use only

Bldgs. 4244, 4246
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220141
Status: Unutilized
Comments: 9000 sq. ft., most recent use—storage, off-site use only

Bldgs. 4260, 4261, 4262
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200220142
Status: Unutilized
Comments: 7680 sq. ft., most recent use—storage, off-site use only

Bldg. 04335
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440090
Status: Excess
Comments: 3378 sq. ft., possible asbestos, most recent use—general, off-site use only

Bldg. 04465
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440094
Status: Excess
Comments: 5310 sq. ft., possible asbestos, most recent use—general, off-site use only

Bldg. 04468
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440096
Status: Excess
Comments: 3100 sq. ft., possible asbestos, most recent use—misc., off-site use only

Bldgs. 04475–04476
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440098
Status: Excess
Comments: 3241 sq. ft., possible asbestos, most recent use—general, off-site use only

Bldg. 04477
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440099
Status: Excess
Comments: 3100 sq. ft., possible asbestos, most recent use—general, off-site use only

Bldg. 07002
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440100
Status: Excess
Comments: 2598 sq. ft., possible asbestos, most recent use—fire station, off-site use only

Bldg. 57001
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200440105
Status: Excess
Comments: 53,024 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldgs. 125, 126
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620075
Status: Excess
Comments: 2700/7200 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 190
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620076
Status: Excess
Comments: 2995 sq. ft., presence of asbestos, most recent use—conf. center, off-site use only

Bldg. 02240
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620078
Status: Excess
Comments: 487 sq. ft., presence of asbestos, most recent use—pool svc bldg, off-site use only

Bldg. 04164
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620079
Status: Excess
Comments: 2253 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldgs. 04218, 04228
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620080
Status: Excess
Comments: 4682/9000 sq. ft., presence of asbestos, most recent use—admin, off-site use only

Bldg. 04272
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620081
Status: Excess
Comments: 7680 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04415
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620083
Status: Excess
Comments: 1750 sq. ft., presence of asbestos, most recent use—classroom, off-site use only

4 Bldgs
Fort Hood
04419, 04420, 04421, 04424
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620084
Status: Excess
Comments: 5310 sq. ft., presence of asbestos, most recent use—admin., off-site use only

4 Bldgs.
Fort Hood
04425, 04426, 04427, 04429
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620085
Status: Excess
Comments: 5310 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 04430
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620087
Status: Excess
Comments: 3241 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04434
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620088
Status: Excess
Comments: 5310 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 04439
Fort Hood

Bell TX 76544
Landholding Agency: Army
Property Number: 21200620089
Status: Excess
Comments: 3312 sq. ft., presence of asbestos, most recent use—co ops bldg, off-site use only

Bldgs. 04470, 04471
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620090
Status: Excess
Comments: 3241 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 04493
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620091
Status: Excess
Comments: 3108 sq. ft., presence of asbestos, most recent use—housing maint., off-site use only

Bldg. 04494
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620092
Status: Excess
Comments: 2686 sq. ft., presence of asbestos, most recent use—repair bays, off-site use only

Bldg. 04632
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620093
Status: Excess
Comments: 4000 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04640
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620094
Status: Excess
Comments: 1600 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04645
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620095
Status: Excess
Comments: 5300 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04906
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620096
Status: Excess
Comments: 1040 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 20121
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620097
Status: Excess
Comments: 5200 sq. ft., presence of asbestos, most recent use—rec center, off-site use only

Bldg. 91052
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200620101
Status: Excess
Comments: 224 sq. ft., presence of asbestos, most recent use—lab/test, off-site use only

Bldg. 1345
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740070
Status: Excess
Comments: 240 sq. ft., presence of asbestos, most recent use—oil storage, off-site use only

Bldgs. 1348, 1941
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740071
Status: Excess
Comments: 640/900 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 1919
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740072
Status: Excess
Comments: 80 sq. ft., presence of asbestos, most recent use—pump station, off-site use only

Bldg. 1943
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740073
Status: Excess
Comments: 780 sq. ft., presence of asbestos, most recent use—rod & gun club, off-site use only

Bldg. 1946
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740074
Status: Excess
Comments: 2880 sq. ft., presence of asbestos, most recent us—storage, off-site use only

Bldg. 4205
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740075
Status: Excess
Comments: 600 sq. ft., presence of asbesos, most recent use—storage, off-site use only

Bldg. 4207
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740076
Status: Excess
Comments: 2240 sq. ft., presence of asbestos, most recent use—maint. shop, off-site use only

Bldg. 4208
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740077
Status: Excess
Comments: 9464 sq. ft., presence of asbestos, most recent use—warehouse, off-site use only

Bldgs. 4210, 4211, 4216
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740078
Status: Excess
Comments: 4625/5280 sq. ft., presence of asbestos, most recent use—maint., off-site use only

Bldg. 4219A
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740079
Status: Excess
Comments: 446 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04252
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740081
Status: Excess
Comments: 9000 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 4255
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740082
Status: Excess
Comments: 448 sq ft., presence of asbestos, off-site use only

Bldg. 04480
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740083
Status: Excess
Comments: 2700 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 04485
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740084
Status: Excess
Comments: 640 sq. ft., presence of asbestos, most recent use—maint., off-site use only

Bldgs. 04487, 04488
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740085
Status: Excess
Comments: 48/80 sq. ft., presence of asbestos, most recent use—utility bldg., off-site use only

Bldg. 04489
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21200740086
Status: Excess
Comments: 880 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldgs. 4491, 4492
Fort Hood
Bell TX 76544
Landholding Agency: Army

Property Number: 21200740087
Status: Excess
Comments: 3108/1040 sq. ft., presence of asbestos, most recent use—maint., off-site use only

Bldgs. 04902, 04905
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740088
Status: Excess
Comments: 2575/6136 sq. ft., presence of asbestos, most recent use—vet bldg., off-site use only

Bldgs. 04914, 04915, 04916
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740089
Status: Excess
Comments: 371 sq. ft., presence of asbestos, most recent use—animal shelter, off-site use only

Bldg. 20102
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740091
Status: Excess
Comments: 252 sq. ft., presence of asbestos, most recent use—recreation services, off-site use only

Bldg. 20118
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740092
Status: Excess
Comments: 320 sq. ft., presence of asbestos, most recent use—maint., off-site use only

Bldg. 29027
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740093
Status: Excess
Comments: 2240 sq. ft., presence of asbestos, most recent use—hdqts bldg, off-site use only

Bldg. 56017
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740094
Status: Excess
Comments: 2592 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 56202
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740095
Status: Excess
Comments: 1152 sq. ft., presence of asbestos, most recent use—training, off-site use only

Bldg. 56224
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740096
Status: Excess
Comments: 80 sq. ft., presence of asbestos, off-site use only

Bldg. 56305
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740097
Status: Excess
Comments: 2160 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 56311
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740098
Status: Excess
Comments: 480 sq. ft., presence of asbestos, most recent use—laundry, off-site use only

Bldg. 56327
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740099
Status: Excess
Comments: 6000 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 56329
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740100
Status: Excess
Comments: 2080 sq. ft., presence of asbestos, most recent use—officers qtrs., off-site use only

9 Bldgs.
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740101
Status: Excess
Directions: 56526, 56527, 56528, 56530, 56531, 56536, 56537, 56538, 56540
Comments: various sq. ft., presence of asbestos, most recent use—lavatory, off-site use only

Bldg. 92043
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740102
Status: Excess
Comments: 450 sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 92072
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740103
Status: Excess
Comments: 2400 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 92083
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740104
Status: Excess
Comments: 240 sq. ft., presence of asbestos, most recent use—utility bldg., off-site use only

Bldgs. 04213, 04227
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740189
Status: Excess
Comments: 14183/10500 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg.4404
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740190
Status: Excess
Comments: 8043 sq ft., presence of asbestos, most recent use—training bldg., off-site use only

Bldg. 56607
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740191
Status: Excess
Comments: 3552 sq. ft., presence of asbestos, most recent use—chapel, off-site use only

Bldg. 91041
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740192
Status: Excess
Comments: 1920 sq. ft., presence of asbestos, most recent use—shed, off-site use only

5 Bldgs.
Fort Hood
93010, 93011, 93012, 93014
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740193
Status: Excess
Comments: 210/800 sq. ft., presence of asbestos, most recent use—private club, off-site use only

Bldg. 94031
Fort Hood
Bell TX 76544
Landholding Agency: Army
Property Number: 21200740194
Status: Excess
Comments: 1008 sq. ft., presence of asbestos, most recent use—training, off-site use only

Virginia

Bldg. T2827
Fort Pickett
Blackstone Co:
Nottoway VA 23824
Landholding Agency: Army
Property Number: 21200320172
Status: Unutilized
Comments: 3550 sq. ft., presence of asbestos, most recent use—dining, off-site use only

Bldg. T2841
Fort Pickett
Blackstone Co:
Nottoway VA 23824
Landholding Agency: Army
Property Number: 21200320173
Status: Unutilized
Comments: 2950 sq. ft., presence of asbestos, most recent use—dining, off-site use only

Bldg. 01014
Fort Story
Ft. Story VA 23459
Landholding Agency: Army
Property Number: 21200720067
Status: Unutilized
Comments: 1014 sq. ft., most recent use—admin., off-site use only

Bldg. 01063

Fort Story
Ft. Story VA 23459
Landholding Agency: Army
Property Number: 21200720072
Status: Unutilized
Comments: 2000 sq. ft., most recent use—storage, off-site use only

Bldg. 00215
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720073
Status: Unutilized
Comments: 2540 sq. ft., most recent use—admin., off-site use only

4 Bldgs.
Fort Eustis
01514, 01523, 01528, 01529
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720074
Status: Unutilized
Comments: 4720 sq. ft., most recent use—admin., off-site use only

4 Bldgs.
Fort Eustis
01534, 01542, 01549, 01557
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720075
Status: Unutilized
Comments: 4720 sq. ft., most recent use—admin., off-site use only

Bldgs. 01707, 01719
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720077
Status: Unutilized
Comments: 4720 sq. ft., most recent use—admin., off-site use only

Bldg. 01720
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720078
Status: Unutilized
Comments: 1984 sq. ft., most recent use—admin., off-site use only

Bldgs. 01721, 01725
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720079
Status: Unutilized
Comments: 4720 sq. ft., most recent use—admin., off-site use only

Bldgs. 01726, 01735, 01736
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720080
Status: Unutilized
Comments: 1144 sq. ft., most recent use—admin., off-site use only

Bldgs. 01734, 01745, 01747
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720081
Status: Unutilized
Comments: 4720 sq. ft., most recent use—admin., off-site use only

Bldg. 01741
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720082
Status: Unutilized
Comments: 1984 sq. ft., most recent use—admin., off-site use only

Bldg. 02720
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 21200720083
Status: Unutilized
Comments: 400 sq. ft., most recent use—storage, off-site use only

Washington

Bldg. 05904
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21200240092
Status: Excess
Comments: 82 sq. ft., most recent use—guard shack, off-site use only

Unsuitable Properties

Buildings (by State)

Alabama

138 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898
Landholding Agency: Army
Property Number: 21200040001–21200040012, 21200120018, 21200220003–21200220004, 21200240007–21200240022, 21200330001–2120330004, 21200340011, 21200340095, 21200420068–21200420071, 21200440001, 21200520002, 21200540002–21200540006, 21200610003, 21200620002, 21200630020, 21200740108, 21200810002, 21200830007, 21200840003–21200840007, 21200920011, 21200940015–21200940017, 21201020002, 21201030002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

40 Bldgs.
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 21200040013, 21200440005, 21200540001, 21200540100, 21200610008, 21200620001, 21200640002–21200640005, 21200720001, 21201010003–21201010005, 21201030004
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 21200430004, 21201020003
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs.
Anniston Army Depot
Calhoun AL 36201
Landholding Agency: Army
Property Number: 21200920029, 21201010002, 21201020001
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 30109, 30112, 30120
Cairns AAF
Daleville AL 36322
Landholding Agency: Army
Property Number: 21201030005
Status: Unutilized
Reasons: Secured Area

Alaska

3 Bldgs.
Fort Wainwright
Ft. Wainwright AK 99703
Landholding Agency: Army
Property Number: 21200610001–21200610002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured area, Floodway

8 Bldgs.
Fort Richardson
Ft. Richardson Co: AK 99505
Landholding Agency: Army
Property Number: 21200340006, 21200820058, 21200830006, 21201030001
Status: Excess
Reason: Extensive deterioration

Bldg. 02A60
Noatak Armory
Kotzebue AK
Landholding Agency: Army
Property Number: 21200740105
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Bldgs. 00655, XTENA
Fort Greely
Fort Greely AK 96740
Landholding Agency: Army
Property Number: 21200930004, 21200940021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration, Within 2000 ft. of flammable or explosive material

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015
Location 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area

10 properties: 753 earth covered igloos, above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area

7 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273, 219120177–219120181
Status: Unutilized
Reason: Secured Area

102 Bldgs.
Camp Navajo
Bellemont Co: AZ 86015
Landholding Agency: Army
Property Number: 21200140006–21200140010, 21200740109–21200740114
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area (Most are extensively deteriorated)

7 Bldgs.
Papago Park Military Rsv
Phoenix AZ 85008
Landholding Agency: Army
Property Number: 21200740001–21200740002
Status: Unutilized
Reason: Extensive deterioration, Within airport runway clear zone, Secured Area

Bldgs. 30025, 43003
Fort Huachuca
Cochise AZ 85613
Landholding Agency: Army
Property Number: 21200920030
Status: Excess
Reason: Extensive deterioration

Arkansas

190 Bldgs.
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630019, 219630021, 219630029, 219640462–219640477, 21200110001–21200110017, 21200140011–21200140014, 21200530001
Status: Unutilized
Reason: Extensive deterioration

20 Bldgs.
Pine Bluff Arsenal
Jefferson AR 71602
Landholding Agency: Army
Property Number: 21200820059–21200820060
Status: Unutilized
Reason: Secured Area

California

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

13 Bldgs.
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446, 21200530003, 21200840009
Status: Underutilized
Reason: Secured Area

Bldgs. 13, 171, 178
Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area

43 Bldgs.
DDDRW Sharpe Facility
Tracy Co: San Joaquin CA 95331
Landholding Agency: Army
Property Number: 219610289, 21199930021, 21200030005–21200030015, 21200040015, 21200120029–21200120039, 21200130004, 21200240025–21200240030, 21200330007, 21200920031, 21200930005
Status: Unutilized
Reason: Secured Area

62 Bldgs.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040, 21200530002, 21200940023
Status: Unutilized
Reason: Extensive deterioration

8 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113
Landholding Agency: Army
Property Number: 21199840015, 21199920033–21199920036
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

575 Bldgs.
Camp Roberts
Camp Roberts Co: San Obispo CA
Landholding Agency: Army
Property Number: 21199730014, 219820205–219820234, 21200530004, 21200540007–21200540031, 21200830009–21200830010
Status: Excess
Reason: Secured Area, Extensive deterioration

24 Bldgs.
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944
Landholding Agency: Army
Property Number: 21199940051
Status: Unutilized
Reason: Extensive deterioration

California

46 Bldgs.
Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 21199920037–21199920038, 21200030016–21200030018, 21200040014, 21200110018–21200110020, 21200130002–21200130003, 21200210001–21200210005, 21200240031–21200240033
Status: Unutilized
Reason: Secured Area, Extensive deterioration

10 Bldgs.
Fort Hunter Liggett
Monterey CA 93928
Landholding Agency: Army
Property Number: 21200840008, 21200940024
Status: Unutilized
Reasons:Extensive deterioration

5 Bldgs.
March AFRC
Riverside CA 92518
Landholding Agency: Army
Property Number: 21200710001–21200710002
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
Camp Parks
Dublin CA 94568
Landholding Agency: Army
Property Number: 21201010006
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 00053, Moffett Community Housing
Santa Clara CA 94035
Landholding Agency: Army
Property Number: 21200940022
Status: Unutilized
Reasons: Extensive deterioration

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

23 Bldgs.
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219830024, 21200130006–21200130009, 21200420161–21200420164, 21200720003, 21200740003–21200740004, 21200820063, 21200930007, 21201020004
Status: Unutilized
Reason: Extensive deterioration (Some are within 2000 ft. of flammable or explosive material)

29 Bldgs.
Pueblo Chemical Depot
Pueblo CO 81006–9330
Landholding Agency: Army
Property Number: 21200030019–21200030021, 21200420165–21200420166, 21200610009–21200610010, 21200630023, 21200720002, 21200720007–21200720008, 21200930008
Status: Unutilized
Reason: Extensive deterioration, Secured Area

District of Columbia

Bldg. 51.
Fort McNair
Washington, DC
Landholding Agency: Army
Property Number: 21201020005
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Georgia

Fort Stewart, Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment

10 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905
Landholding Agency: Army
Property Number: 21200610012, 21200720009–21200720010
Status: Unutilized
Reason: Extensive deterioration

166 Bldgs.
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army

Property Number: 219610320, 219810028, 219810030, 219830073, 21200030026, 21200330008–21200330010, 21200410002–21200410009, 21200430011–21200430016, 21200440009, 21200510003, 21200610011, 21200620004, 21200630024–21200630027, 21200640007–21200640020, 21200710011, 21200720004–21200720005, 21200740006, 21200740121–21200740122, 21200820064, 21200830011, 21200840015, 21200920014, 21200920032, 21200940027, 21201020006, 21201030007
Status: Unutilized
Reason: Extensive deterioration

Georgia

24 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219620815, 21200140016, 21200220011–21200220012, 21200230005, 21200340013–21200340016, 21200420074–21200420082, 21200810003
Status: Unutilized
Reason: Extensive deterioration, Secured Area

44 Bldgs.
Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 21199940060, 21200540034, 21200710005–21200710009, 21200720011, 21200740007, 21200740123–21200740125, 21200820066, 21200920013, 21200920034, 21200940025, 21201030009
Status: Unutilized
Reason: Extensive Deterioration

20 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219830068, 21200710010, 21200720012, 21200740117–21200740119, 21200820065, 21200920012, 21200920033, 21200940026, 21201030008
Status: Unutilized
Reason: Extensive deterioration

6 Bldgs.
Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 21200040016–21200040018, 21200230004, 21200520004
Status: Unutilized
Reason: Secured Area

Georgia

Bldgs. 00023, 00049, 00070
Camp Merrill
Dahlonega Co: Lumpkin GA 30533
Landholding Agency: Army
Property Number: 21200520005
Status: Unutilized
Reason: Extensive deterioration

Bldgs. TR9, TR10, TR11
Catoosa Area Training Center
Tunnel Hill GA 30755
Property Number: 21201030006
Status: Excess
Reasons: Secured Area

Hawaii

48 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219014836–219014837, 21200540035–21200540037, 21200620008–21200620010, 21200640022, 21200740010–21200740012, 21200840016, 21200920015, 21201020010, 21201030010
Status: Unutilized
Reason: Secured Area, (Most are extensively deteriorated)

70 Bldgs.
Kipapa Ammo Storage Site
Honolulu Co: HI 96786
Landholding Agency: Army
Property Number: 21200520006, 21200620011
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs.
Wheeler Army Airfield
Honolulu Co: HI 96786
Landholding Agency: Army
Property Number: 21200520008, 21200620006–21200620007, 21200630028, 21200830012, 21200940040, 21201030011
Status: Unutilized
Reason: Extensive deterioration

140 Bldgs.
Aliamanu
Honolulu Co: HI 96818
Landholding Agency: Army
Property Number: 21200440015–21200440017, 21200620005
Status: Unutilized
Reason: Contamination (Some are in a secured area.)

7 Bldgs.
Kalaeloa
Kapolei HI 96707
Landholding Agency: Army
Property Number: 21200640108–21200640112
Status: Unutilized
Reasons: Extensive deterioration

6 Facilities
Tanapag USARC
Tanapag HI
Landholding Agency: Army
Property Number: 21200740008, 21200830047, 21200920035
Status: Unutilized
Reasons: Extensive deterioration

3 Bldgs.
Fort Shafter
Honolulu HI 96858
Landholding Agency: Army
Property Number: 21200940039, 21201020007
Status: Unutilized
Reasons: Extensive deterioration

Idaho

Bldg. 00110
Wilder
Canyon ID 83676
Landholding Agency: Army
Property Number: 21200740134
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 00011
Edgemeade
Elmore ID 83647
Landholding Agency: Army
Property Number: 21200930009
Status: Unutilized
Reasons: Extensive deterioration

Illinois

2 Bldgs.
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 21200140044, 21200920037
Status: Unutilized
Reason: Some are in a secured area, Some are extensively deteriorated, Some are within 2000 ft. of flammable or explosive material

15 Bldgs.
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219820027, 21199930042–21199930053
Status: Unutilized
Reason: Secured Area, Floodway, Extensive deterioration

Indiana

135 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149, 219430336, 219430338, 219530079–219530093, 219740021–219740026, 219820031–219820032, 21200610013–21200610014, 21200710025, 21200820037
Status: Unutilized
Reason: Secured Area, (Some are extensively deteriorated.)

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration

Bldg. 481
Jefferson Proving Ground
Madison IN 47250
Landholding Agency: Army
Property Number: 21201020008
Status: Excess
Reasons: Extensive deterioration

Iowa

201 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
PropertyNumber: 219012605–219012607, 219012609, 219012611, 219012613, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219520002, 219520070, 219740027, 21200220022, 21200230019–21200230023, 21200330012–21200330014, 21200340017, 21200420083, 21200430018, 21200440018, 21200510004–21200510006, 21200520009, 21200540038–21200540039, 21200620012, 21200710020–21200710024, 21200740126–21200740133, 21200810008
Status: Unutilized

Reason: (Many are in a Secured Area), (Most are within 2000 ft. of flammable or explosive material.)

27 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219340091
Status: Unutilized
Reason: Extensive deterioration

Bldgs. TD010, TD020
Camp Dodge
Johnson IA 50131
Landholding Agency: Army
Property Number: 21200920036
Status: Excess
Reasons: Extensive deterioration

Kansas

37 Bldgs.
Kansas Army Ammunition Plant Production Area
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area, (Most are within 2000 ft. of flammable or explosive material)

121 Bldgs.
Kansas Army Ammunition Plant
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219620518–219620638
Status: Unutilized
Reason: Secured Area

12 Bldgs.
Fort Riley
Ft. Riley Co: Riley KS 66442
Landholding Agency: Army
Property Number: 21200310007, 21200540040, 21200740135, 21200920038–21200920039, 21200940041
Status: Unutilized
Reason: Extensive deterioration

3 Bldgs.
Fort Leavenworth
Leavenworth KS 66027
Landholding Agency: Army
Property Number: 21200820068, 21200840018
Status: Unutilized
Reasons: Extensive deterioration

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area, Sewage treatment facility

Bldg. 12
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

69 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 21200130028–21200130029, 21200440025–21200440026, 21200510007–21200510009, 21200640023, 21200740014, 21200820070, 21200840019–21200840021, 21200930011, 21200940042
Status: Unutilized
Reason: Extensive deterioration

102 Bldgs.
Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 21200110043, 21200220029, 21200520015, 21200640028–21200640029, 21200720014–21200720024, 21200740139, 21201010007, 21201030013
Status: Unutilized
Reason: Extensive deterioration

12 Bldgs.
Blue Grass Army Depot
Richmond Co: Madison KY 40475
Landholding Agency: Army
Property Number: 21200520011, 21200830014, 21201020011, 21201030012
Status: Unutilized
Reason: Secured Area

Louisiana

528 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023
Landholding Agency: Army
Property Number: 219011714–219011716, 219011735–219011737, 219012112, 219013863–219013869, 219110131, 219240138–219240147, 219420332, 219610049–219610263, 219620002–219620200, 219620749–219620801, 219820047–219820078
Status: Unutilized
Reason: Secured Area, (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)

215 Bldgs.
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 21199920070, 21200130030–21200130043, 21200530008–21200530017, 21200610016–21200610019, 21200620014, 21200640036–21200640048, 21200820002–21200820012, 21200830015–21200830016
Status: Unutilized
Reason: Extensive deterioration, (Some are in Floodway.)

Maryland

230 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219012610, 219012638–219012640, 219012658, 219610489–219610490, 219730077, 219810076–219810112, 219820090, 219820096, 21200120059, 21200120060, 21200410017–21200410032, 21200420098–21200420100, 21200440027, 21200520021, 21200740015, 21200740141–21200740144, 21200810011–21200810018, 21200820134–21200820142, 21200840025–21200840033, 21200920016, 21200920044–21200920045, 21200940028–21200940030, 21201020012
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material) (Some are in a floodway) (Some are extensively deteriorated)

63 Bldgs.
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Landholding Agency: Army
Property Number: 219810065, 21200140059–21200140060, 21200410014, 21200510018, 21200520020, 21200620015, 21200640049–21200640050, 21200710031, 21200740016
Status: Unutilized
Reason: Extensive deterioration

Bldg. 00211
Curtis Bay Ordnance Depot
Baltimore Co: MD 21226
Landholding Agency: Army
Property Number: 21200320024
Status: Unutilized
Reason: Extensive deterioration

17 Bldgs.
Fort Detrick
Frederick Co: MD 21702
Landholding Agency: Army
Property Number: 21200540041, 21200640113, 21200720026, 21200740140, 21200810019, 21200840023–21200840024, 21200940043, 21201030014
Status: Unutilized
Reason: Secured Area

Bldg. 0001B
Federal Support Center
Olney Co: Montgomery MD 20882
Landholding Agency: Army
Property Number: 21200530018
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. SPITO
Adelphi Lab Center
Prince George MD 20783
Landholding Agency: Army
Property Number: 21201010008
Status: Unutilized
Reasons: Extensive deterioration

Massachusetts

Bldg. 3713
USAG Devens
Devens MA 01434
Landholding Agency: Army
Property Number: 21200840022
Status: Excess
Reasons: Secured Area

Michigan

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area, Extensive deterioration

54 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army

Property Number: 21200220058–21200220062, 21200410036–21200410042, 21200540048–21200540051
Status: Unutilized
Reason: Extensive deterioration

39 Bldgs.
U.S. Army Garrison-Selfridge
Macomb Co: MI 48045
Landholding Agency: Army
Property Number: 21200420093, 21200510020–21200510023
Status: Unutilized
Reason: Secured Area

4 Bldgs.
Poxin USAR Center
Southfield Co: Oakland MI 48034
Landholding Agency: Army
Property Number: 21200330026–21200330027, 21200420095
Status: Unutilized
Reason: Extensive deterioration

20 Bldgs.
Grayling Army Airfield
Grayling Co: Crawford MI 49739
Landholding Agency: Army
Property Number: 21200410034–21200410035, 21200540042–21200540047
Status: Excess
Reason: Extensive deterioration

Bldg. 001
Crabble USARC
Saginaw MI 48601–4099
Landholding Agency: Army
Property Number: 21200420094
Status: Unutilized
Reason: Extensive deterioration

Bldg. 00714
Selfridge Air Natl Guard Base
Macomb Co: MI 48045
Landholding Agency: Army
Property Number: 21200440032
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Detroit Arsenal
T0209, T0216, T0246, T0247
Warren Co: Macomb MI 88397–5000
Landholding Agency: Army
Property Number: 21200520022, 21201010009
Status: Unutilized
Reason: Secured Area

Minnesota

160 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number: 219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310056, 219320152–219320156, 219330096–219330106, 219340015, 219410159–219410189, 219420198–219420283, 219430060–219430064, 21200130053–21200130054
Status: Unutilized
Reason: Secured Area, (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)

Missouri

131 Bldgs.
Lake City Army Ammo. Plant
Independence Co: Jackson MO 64050
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134, 219530136, 21199910023–21199910035, 21199920082, 21200030049, 21200820001, 21201010011–21201010015
Status: Unutilized
Reason: Secured Area, (Some are within 2000 ft. of flammable or explosive material)

9 Bldgs.
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120068, 219610469–219610475
Status: Unutilized
Reason: Secured Area, (Some are extensively deteriorated)

133 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219430075, 21199910020–21199910021, 21200320025, 21200330028–21200330031, 21200430029, 21200530019, 21200640051–21200640052, 21200740145–21200740148, 21200830017, 21200840035–21200840037, 21200920048, 21200930012, 21200940044–21200940048, 21201010010, 21201020013
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, (Some are extensively deteriorated)

Bldg. P4122
U.S. Army Reserve Center
St. Louis Co: St. Charles MO 63120–1794
Landholding Agency: Army
Property Number: 21200240055
Status: Unutilized
Reason: Extensive deterioration

Bldgs. P4074, P4072, P4073
St. Louis Ordnance Plant
St. Louis Co: St. Charles MO 63120–1794
Landholding Agency: Army
Property Number: 21200310019
Status: Unutilized
Reason: Extensive deterioration

Bldg. 528
Weldon Springs LTA
Saint Charles MO 63304
Landholding Agency: Army
Property Number: 21200840034
Status: Unutilized
Reason: Extensive deterioration

Montana

5 Bldgs., Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 21200420104, 21200740018
Status: Excess
Reasons: Secured Area, Extensive deterioration

Nevada

Bldg. 292
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219013614
Status: Unutilized
Reason: Secured Area

41 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219012013, 219013615–219013643, 21200930019
Status: Underutilized
Reason: Secured Area, (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

Group 101, 34 Bldgs.
Hawthorne Army Ammunition Plant
Co: Mineral NV 89415–0015
Landholding Agency: Army
Property Number: 219830132
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

New Jersey

322 Bldgs.
Picatinny Arsenal
Dover Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219010444–219010474, 219010639–219010664, 219010680–219010715, 219012428, 219012430, 219012433–219012465, 219012469, 219012475, 219012765, 00219014306, 219014311, 219014317, 219140617, 219230123, 219420006, 219530147, 219540005, 219540007, 219740113–219740127, 21199940094–21199940099, 21200130057–21200130063, 21200220063, 21200230072–21200230075, 21200330047–21200330063, 21200410043–21200410044, 21200520024–21200520039, 21200530022–21200530028, 21200620017–21200620022, 21200630001–21200630019, 21200720028, 21200720102–21200720104, 21200810020, 21200820040–21200820047, 21200840038–21200840039, 21200920017, 21200930013, 21200940031, 21201010017–21201010018, 21201020014, 21201030015
Status: Excess
Reason: Secured Area, (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated and in a floodway)

6 Bldgs.
Ft. Monmouth
Ft. Monmouth Co: NJ 07703
Landholding Agency: Army
Property Number: 21200430030, 21200510025–21200510027
Status: Unutilized
Reason: Extensive deterioration

New Mexico

200 Bldgs.
White Sands Missile Range
Dona Ana Co: NM 88002
Landholding Agency: Army
Property Number: 21200410045–21200410049, 21200440034–21200440045, 21200620023, 21200810024–21200810029, 21200820048, 21200930014, 21201030016
Status: Excess
Reason: Secured Area

31 Bldgs.,
Fort Wingate Army Depot
Gallup NM 87301
Landholding Agency: Army
Property Number: 21200920055–21200920058

Status: Unutilized
Reasons: Secured Area,Within 2000 ft. of flammable or explosive material

New York

Bldg. 12,
Watervliet Arsenal
Watervliet NY
Landholding Agency: Army
Property Number: 219730099
Status: Unutilized
Reason: Extensive deterioration (Secured Area)

13 Bldgs.,
Youngstown Training Site
Youngstown Co: Niagara NY 14131
Landholding Agency: Army
Property Number: 21200220064–21200220069
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1716, 3014, 3018
U.S. Military Academy
West Point Co: NY 10996
Landholding Agency: Army
Property Number: 21200330064, 21200410050, 21200520040
Status: Unutilized
Reason: Extensive deterioration

498 Bldgs.,
Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 21200410051, 21200420112–21200420118, 21200540057, 21200720106, 21200830048–21200830060, 21200840040–21200840043,21200920018–21200920019, 21200930015–21200930018, 21200940001–21200940012, 21201010026–21201010030, 21201020015–21201020018, 21201030043–21201030049
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Bldg. 108,
Fredrick J ILL, Jr. USARC
Bullville Co: Orange NY 10915–0277
Landholding Agency: Army
Property Number: 21200510028
Status: Unutilized
Reason: Secured Area

3 Bldgs.,
Kerry P. Hein USARC NY058
Shoreham Co: Suffolk NY 11778–9999
Landholding Agency: Army
Property Number: 21200510054
Status: Excess
Reason: Secured Area

8 Bldgs.
U.S. Army Garrison
Orange NY 10996
Landholding Agency: Army
Property Number: 21200810030, 21200820049, 21200840043, 21201010032
Status: Underutilized
Reason: Secured Area

Bldgs. 214, 215, 228,
Fort Hamilton
Brooklyn NY 11252
Landholding Agency: Army
Property Number: 21201010031
Status: Unutilized
Reasons: Secured Area

North Carolina

567 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219640074, 219710102–219710110, 219710224, 219810167, 21200410056, 21200430042, 21200440050–21200440051, 21200530029–21200530047, 21200540060, 21200610020, 21200620024–21200620039, 21200630029–21200630053, 21200640055–21200640060, 21200640114, 21200720029–21200720035, 21200740020–21200740023, 21200740154–21200740159, 21200820053–21200820057, 21200830018–21200830023, 21200840044–21200840045, 21200920049–21200920052, 21200940033, 21201010033–21201010034, 21201020019–21201020022, 21201030017
Status: Unutilized
Reason: Extensive deterioration

3 Bldgs.,
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219810158–219810160, 21200330032
Status: Unutilized
Reason: Secured Area

5 Bldgs.,
Simmons Army Airfield
Cumberland NC 28310
Landholding Agency: Army
Property Number: 21200920053
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

North Dakota

5 Bldgs.
Stanley R. Mickelsen
Nekoma Co: Cavalier ND 58355
Landholding Agency: Army
Property Number: 21199940103–21199940107
Status: Unutilized
Reason: Extensive deterioration

Ohio

186 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 21199840069–21199840104, 21200240064, 21200420131–21200420132, 21200530051–21200530052
Status: Unutilized
Reason: Secured Area

7 Bldgs.,
Lima Army Tank Plant
Lima OH 45804–1898
Landholding Agency: Army
Property Number: 219730104–219730110
Status: Unutilized
Reason: Secured Area

3 Bldgs.
Defense Supply Center
Columbus Co: Franklin OH 43216
Landholding Agency: Army
Property Number: 21200640061, 21200820072, 21200920059
Status: Unutilized
Reasons: Secured Area

Oklahoma

30 Bldgs.,
Fort Sill
Lawton Co: Comanche OK 73503
Landholding Agency: Army
Property Number: 219510023, 21200330065, 21200430043, 21200530053–21200530060, 21200840047, 21201010035
Status: Unutilized
Reason: Extensive deterioration

Bldgs. MA050, MA070,
Regional Training Institute
Oklahoma City Co: OK 73111
Landholding Agency: Army
Property Number: 21200440052
Status: Unutilized
Reason: Extensive deterioration

Bldgs. GRM03, GRM24, GRM26, GRM34
Camp Gruber Training Site
Braggs Co: OK 74423
Landholding Agency: Army
Property Number: 21200510029–21200510032
Status: Unutilized
Reason: Extensive deterioration

Oklahoma

3 Bldgs.
McAlester Army Ammo Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 21200740024, 21201030018
Status: Excess
Reason: Secured Area

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area

34 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 21199840108–21199840110, 21199920084–21199920090
Status: Unutilized
Reason: Secured Area

Pennsylvania

23 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219810183–219810190
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs.

Defense Distribution Depot
New Cumberland Co: York PA 17070–5001
Landholding Agency: Army
Property Number: 21200830026, 21200920064, 21201020024
Status: Unutilized
Reason: Secured Area

14 Bldgs.
Tobyhanna Army Depot
Tobyhanna Co: Monroe PA 18466
Landholding Agency: Army
Property Number: 21200330068, 21200820074, 21200830025, 21200920065
Status: Unutilized
Reason: Extensive deterioration

9 Bldgs.
Letterkenny Army Deport
Chambersburg Co: Franklin PA 17201
Landholding Agency: Army
Property Number: 21200920063, 21200940034
Status: Unutilized
Reasons: Secured Area

8 Bldgs.
Carlisle Barracks
Cumberland Co: PA 17013
Landholding Agency: Army
Property Number: 21200640115, 21200720107, 21200740026, 21200830001, 21201020023
Status: Excess
Reason: Extensive deterioration

Bldg. 00017
Scranton Army Ammo Plant
Scranton PA 18505
Landholding Agency: Army
Property Number: 21200840048
Status: Unutilized
Reasons: Secured Area

Puerto Rico

49 Bldgs.
Fort Buchanan
Guaynabo Co: PR 00934
Landholding Agency: Army
Property Number: 21200530061–21200530063, 21200610023, 21200620041, 21200830027, 21200840049, 21200920066
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Samoa

Bldg. 00002
Army Reserve Center
Pago Pago AQ 96799
Landholding Agency: Army
Property Number: 21200810001
Status: Unutilized
Reason: Floodway, Secured Area

South Carolina

43 Bldgs.
Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219620312, 219620317, 219620348, 219620351, 219640138–219640139, 21199640148–21199640149, 219720095, 219720097, 219730130,219730132, 219730145–219730157, 219740138, 219820102–219820111, 219830139–219830157, 21200520050, 21200810031, 21200920067
Status: Unutilized
Reason: Extensive deterioration

South Dakota

Bldgs. 00038, 00039
Lewis & Clark USARC
Bismarck SD 58504
Landholding Agency: Army
Property Number: 21200710033
Status: Unutilized
Reasons: Secured Area

Tennessee

135 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012328, 219012330, 219012332, 219012334, 219012337, 219013790, 219140613, 219440212–219440216, 219510025–219510027, 21200230035, 21200310040, 21200320054–21200320073, 21200340056, 21200510042, 21200530064–21200530065, 21200640069–21200640072, 21200710035, 21200740160, 21201030020–21201030024
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

17 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 21200520051–21200520052, 21200740028, 21200840051, 21200920068, 21200940035, 21201020025
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

28 Bldgs.
Fort Campbell
Ft. Campbell Co: Montgomery TN 42223
Landholding Agency: Army
Property Number: 21200330100, 21200430052, 21200520061, 21200540063–21200610027, 21200840050, 21201030019, 21201030050
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 00001, 00003, 00030
John Sevier Range
Knoxville TN 37918
Landholding Agency: Army
Property Number: 21200930021
Status: Excess
Reasons: Extensive deterioration

Texas

20 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

154 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219620827, 21200340062–21200340073
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

13 Bldgs.
Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219420315–219420327
Status: Unutilized
Reason: Secured Area

240 Bldgs.
Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219730160–219730186, 219830161–219830197, 21200310044, 21200320079, 21200340059, 21200540070–21200540073, 21200640073–21200640075, 21200710036, 21200740030, 21200740161, 21200810032, 21200820013, 21200830030–21200830039, 21200840052, 21200920021–21200920023, 21200920071, 21200930022–21200930025, 21200940036, 21201030027–21201030028
Status: Unutilized
Reason: Extensive deterioration

26 Bldgs.
Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 21200420146, 21200720108–21200720111, 21200810033, 21200920020, 21201010036, 21201030025–21201030026
Status: Unutilized
Reason: Extensive deterioration

3 Bldgs.
Fort Sam Houston
Camp Bullis Co: Bexar TX
Landholding Agency: Army
Property Number: 21200520063, 21200930026
Status: Excess
Reason: Extensive deterioration

Bldg. D5040
Grand Prairie Reserve Complex
Tarrant Co: TX 75051
Landholding Agency: Army
Property Number: 21200620045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 00002
Denton
Lewisville TX 76102
Landholding Agency: Army
Property Number: 21200810034
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Worth
Tarrant TX 76108
Landholding Agency: Army
Property Number: 21200830028–21200830029
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 25
Brownwood
Brown TX 76801
Landholding Agency: Army

Property Number: 21201020033
Status: Unutilized
Reasons: Extensive deterioration

Utah

53 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 21200620046, 21200640076, 21200710037–21200710041, 21200740162–21200740165, 21200830002, 21200840053, 21201020032
Status: Unutilized
Reason: Secured Area

Bldg. 9307
Dugway Proving Ground
Dugway Co: Toole UT 84022
Landholding Agency: Army
Property Number: 219013997
Status: Underutilized
Reason: Secured Area

15 Bldgs.
Deseret Chemical Depot
Tooele UT 84074
Landholding Agency: Army
Property Number: 219820120–219820121, 21200610032–21200610034, 21200620047, 21200720036–21200720037, 21200820075
Status: Unutilized
Reason: Secured Area Extensive deterioration

Bldgs. 00259, 00206
Ogden Maintenance Center
Weber Co: UT 84404
Landholding Agency: Army
Property Number: 21200530066
Status: Excess
Reason: Secured Area

Virginia

499 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633, 219220210–219220218, 219230100–219230103, 219240324, 219440219–219440225, 219510032–219510033, 219520037, 219520052, 219530194, 219610607–219610608, 219830223–219830267, 21200020079–21200020081, 21200230038, 21200240071–21200240072, 21200510045–21200510046, 21200740031–21200740032, 21200740169–21200740171, 21200920075, 21200930028–21200930029, 21200940038, 21201010038, 21201030030–21201030039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area (Some are extensively deteriorated)

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141
Landholding Agency: Army
Property Number: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area Latrine, detached structure

101 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801
Landholding Agency: Army
Property Number: 219240107, 219620866–219620876, 219740156, 219830208–219830210, 21199940130, 21200430059–21200430060, 21200620048, 21200630064, 21200640077–21200640080, 21200710042, 21200740033–21200740035, 21200740166, 21200810039–21200810040, 21200820017–21200820021, 21200830042, 21200840055
Status: Unutilized
Reason: Extensive deterioration

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

138 Bldgs.
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427
Landholding Agency: Army
PropertyNumber:21200310058, 21200310060, 21200410069–21200410076, 21200430057, 21200510051, 21200740167, 21200810038, 21200820029–21200820032, 21200830041, 21200840054, 21200920072, 21200930027, 21200940037, 21201020027
Status: Unutilized
Reason: Secured Area; Extensive deterioration

71 Bldgs.
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 21200130076–21200130077, 21200710043–21200710049, 21200720043–21200720051, 21200810042–21200810043, 21200840056, 21201010037
Status: Unutilized
Reason: Extensive deterioration

15 Bldgs.
Fort Eustis
Ft. Eustis Co. VA 23604
Landholding Agency: Army
Property Number: 21200810035, 21200820027, 21201010044
Status: Unutilized
Reason: Extensive deterioration

58 Bldgs.
Fort Pickett
Blackstone Co: Nottoway VA 23824
Landholding Agency: Army
Property Number: 21200220087–21200220092, 21200320080–21200320085, 21200620049–21200620052, 21200820015
Status: Unutilized
Reason: Extensive deterioration

9 Bldgs.
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 21200310046, 21200810037, 21200830040, 21200920077
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs.
Defense Supply Center
Richmond VA 23297
Landholding Agency: Army
Property Number: 21201020035–21201020036
Status: Unutilized
Reason: Secured Area

8 Bldgs.
Fort Myer
Ft. Myer VA 22211
Landholding Agency: Army
Property Number: 21200810036, 21200820014, 21200830044, 21201010039
Status: Excess
Reason: Secured Area

8 Bldgs. Hampton Readiness Center
Hampton VA 23666
Landholding Agency: Army
Property Number: 21201020026
Status: Unutilized
Reasons: Extensive deterioration

Washington

747 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219610006, 219610009–219610010, 219610045–219610046, 219620512–219620517, 219640193, 219720142–219720151, 219810205–219810242, 219820132, 21199910064–21199910078, 21199920125–21199920174, 21199930080–21199930104, 21199940134, 21200120068, 21200140072–21200140073, 21200210075, 21200220097, 21200330104–21200330106, 21200430061, 21200620053–21200620059, 21200630067–21200630069, 21200640087–21200640090, 21200740172, 21200820076, 21200840059, 21200920078, 21201010040–21201010042, 21201020029–21201020030, 21201030041–21201030042
Status: Unutilized
Reason: Secured Area

Bldg. HBC07
Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740166
Status: Unutilized
Reason: Extensive deterioration

Bldg. 415
Fort Worden
Port Angeles Co: Clallam WA 98362
Landholding Agency: Army
Property Number: 21199910062
Status: Excess
Reason: Extensive deterioration

Bldg. U515A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920124
Status: Excess
Reason: Gas chamber

Bldgs. 02401, 02402
Vancouver Barracks Cemetery

Vancouver Co: WA 98661
Landholding Agency: Army
Property Number: 21200310048
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Renton USARC
Renton Co: WA 980058
Landholding Agency: Army
Property Number: 21200310049
Status: Unutilized
Reason: Extensive deterioration

Wisconsin

153 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011234, 219011236, 212011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area

906 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219210097–219210099, 219220295–219220311, 219510065, 219510067, 219510069–219510077, 219740184–219740271, 21200020083–21200020155, 21200240074–21200240080
Status: Unutilized
Reason: (Most are in a secured area), (Most are within 2000 ft. of flammable or explosive material, Some are extensively deteriorated)

Land (by State)

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Maryland

Approx. 1 acre
Fort Meade
Anne Arundel MD 20755
Landholding Agency: Army
Property Number: 21200740017
Status: Unutilized
Reasons: Other—no public access

RNWYA, Aberdeen Proving Ground
Harford MD
Landholding Agency: Army
Property Number: 21200820143
Status: Unutilized
Reason: Within airport runway clear zone

Landa/Lande
Aberdeen Proving Ground
Harford MD 21005
Landholding Agency: Army
Property Number: 21200920046–21200920047
Status: Unutilized
Reasons: Secured Area

Minnesota

Portion of R.R. Spur
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number: 219620472
Status: Unutilized
Reason: landlocked

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806-
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area

Spur Line/Right of Way
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530143
Status: Unutilized
Reason: Floodway

2.0 Acres, Berkshire Trail
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199910036
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Tennessee

Sites #1, #2, #3
Fort Campbell
Christian TN 42223
Landholding Agency: Army
Property Number: 21200920070
Status: Unutilized
Reasons: Secured Area

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219420308
Status: Unutilized
Reason: Secured Area

Land 1, Brownwood
Brown, TX 76801
Landholding Agency: Army
Property Number: 21201020034
Status: Unutilized
Reasons: Contamination

Virginia

Site #1, Fort Lee
Prince George VA 23801
Landholding Agency: Army
Property Number: 21200920076
Status: Unutilized
Reasons: Secured Area

[FR Doc. 2010–20342 Filed 8–19–10; 8:45 am]

BILLING CODE 4210–67–P

Federal Register

Friday,
August 20, 2010

Part III

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2008–0708, FRL–9190–3]

RIN 2060–AP36

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating national emission standards for hazardous air pollutants for existing stationary spark ignition reciprocating internal combustion engines that either are located at area sources of hazardous air pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.

DATES: This final rule is effective on October 19, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2008–0708. EPA also relies on materials in Docket ID Nos. EPA–HQ–OAR–2002–0059, EPA–HQ–OAR–2005–0029, and EPA–HQ–OAR–2005–0030 and incorporates those dockets into the record for this final rule. 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 EPA Headquarters Library, Room Number 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie King, Energy Strategies Group, Sector Policies and Programs Division (D243–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–2469; facsimile number (919) 541–5450; e-mail address *king.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background Information Document. On March 5, 2009 (71 FR 9698), EPA proposed national emission standards for hazardous air pollutants (NESHAP) for existing stationary reciprocating internal combustion engines (RICE) that either are located at area sources of hazardous air pollutants (HAP) emissions or that have a site rating of less than or equal to 500 brake horsepower (HP) and are located at major sources of HAP emissions. A summary of the public comments on the proposal and EPA's responses to the comments, as well as the Regulatory Impact Analysis Report, are available in Docket ID No. EPA–HQ–OAR–2008–0708.

Organization of This Document. The following outline is provided to aid in locating information in the preamble.

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I. General Information

A. Does this action apply to me?

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	NAICS [1]	Examples of regulated entities
Any industry using a stationary internal combustion engine as defined in this final rule.	2211	Electric power generation, transmission, or distribution.
	622110	Medical and surgical hospitals.
	48621	Natural gas transmission.
	211111	Crude petroleum and natural gas production.
	211112	Natural gas liquids producers.
	92811	National security.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your engine is regulated by this action, you should examine the

applicability criteria of this final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document?

In addition to being available in the docket, an electronic copy of this final action will also be available on the Worldwide Web (WWW) through the Technology Transfer Network (TTN). Following signature, a copy of this final action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at the following address: *http://www.epa.gov/ttn/oarpg/*. The TTN provides information and technology exchange in various areas of air pollution control.

C. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by October 19, 2010. Under section 307(d)(7)(B) of the CAA, only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by EPA to enforce these requirements.

Section 307(d)(7)(B) of the CAA further provides that "[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review." This section also provides a mechanism for us to convene a proceeding for reconsideration, "[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule." Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

II. Background

This action promulgates NESHAP for existing stationary spark ignition (SI) RICE with a site rating of less than or equal to 500 HP located at major sources, and existing stationary SI RICE of any site rating located at area sources. EPA is finalizing these standards to meet its statutory obligation to address HAP emissions from these sources under sections 112(d), 112(c)(3) and 112(k) of the CAA. The final NESHAP for stationary RICE will be promulgated under 40 CFR part 63, subpart ZZZZ, which already contains standards applicable to new and reconstructed stationary RICE and some existing stationary RICE.

EPA promulgated NESHAP for existing, new, and reconstructed stationary RICE greater than 500 HP located at major sources on June 15, 2004 (69 FR 33474). EPA promulgated NESHAP for new and reconstructed stationary RICE that are located at area sources of HAP emissions and for new and reconstructed stationary RICE that have a site rating of less than or equal to 500 HP that are located at major sources of HAP emissions on January 18, 2008 (73 FR 3568). On March 3, 2010, EPA promulgated NESHAP for existing stationary compression ignition (CI) RICE with a site rating of less than or equal to 500 HP located at major sources, existing non-emergency CI engines with a site rating greater than 500 HP at major sources, and existing stationary CI RICE of any site rating located at area sources (75 FR 9674).

III. Summary of This Final Rule

A. What is the source category regulated by this final rule?

This final rule addresses emissions from existing stationary SI engines less than or equal to 500 HP located at major sources and all existing stationary SI engines located at area sources. A major source of HAP emissions is generally a stationary source that emits or has the potential to emit 10 tons per year or more of any single HAP or 25 tons per year or more of any combination of HAP. An area source of HAP emissions is a stationary source that is not a major source.

This action revises the regulations at 40 CFR part 63, subpart ZZZZ. Through this action, we are adding to 40 CFR part 63, subpart ZZZZ requirements for: existing SI stationary RICE less than or equal to 500 HP located at major sources of HAP and existing SI stationary RICE located at area sources of HAP.

1. Existing Stationary SI RICE ≤ 500 HP at Major Sources of HAP

This action revises 40 CFR part 63, subpart ZZZZ, to address HAP emissions from existing stationary SI RICE less than or equal to 500 HP located at major sources of HAP. For stationary engines less than or equal to 500 HP at major sources, EPA must determine what is the appropriate maximum achievable control technology (MACT) for those engines under sections 112(d)(2) and (d)(3) of the CAA.

EPA has divided stationary SI RICE less than or equal to 500 HP located at major sources of HAP into the following subcategories:

- Non-emergency 2-stroke lean burn (2SLB) stationary SI RICE 100–500 HP;
- Non-emergency 4-stroke lean burn (4SLB) stationary SI RICE 100–500 HP;
- Non-emergency 4-stroke rich burn (4SRB) stationary SI RICE 100–500 HP;
- Non-emergency landfill and digester gas stationary SI RICE 100–500 HP;
- Non-emergency stationary SI RICE < 100 HP; and
- Emergency stationary SI RICE.

2. Existing Stationary SI RICE at Area Sources of HAP

This action revises 40 CFR part 63, subpart ZZZZ, in order to address HAP emissions from existing stationary SI RICE located at area sources of HAP. Section 112(d) of the CAA requires EPA to establish NESHAP for both major and area sources of HAP that are listed for regulation under CAA section 112(c). As noted above, an area source is a stationary source that is not a major source.

Section 112(k)(3)(B) of the CAA calls for EPA to identify at least 30 HAP that, as a result of emissions of area sources, pose the greatest threat to public health in the largest number of urban areas. EPA implemented this provision in 1999 in the Integrated Urban Air Toxics Strategy (64 FR 38715, July 19, 1999). Specifically, in the Strategy, EPA identified 30 HAP that pose the greatest potential health threat in urban areas, and these HAP are referred to as the "30 urban HAP." Section 112(c)(3) of the CAA requires EPA to list sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the emissions of the 30 urban HAP are subject to regulation. EPA implemented these requirements through the Integrated Urban Air Toxics Strategy (64 FR 38715,

July 19, 1999). The area source stationary engine source category was one of the listed categories. A primary goal of the Strategy is to achieve a 75 percent reduction in cancer incidence attributable to HAP emitted from stationary sources.

Under CAA section 112(d)(5), EPA may elect to promulgate standards or requirements for area sources "which provide for the use of generally available control technologies or management practices by such sources to reduce emissions of hazardous air pollutants." Additional information on generally available control technologies (GACT) and management practices is found in the Senate report on the legislation (Senate report Number 101–228, December 20, 1989), which describes GACT as:

> * * * methods, practices and techniques which are commercially available and appropriate for application by the sources in the category considering economic impacts and the technical capabilities of the firms to operate and maintain the emissions control systems.

Consistent with the legislative history, EPA can consider costs and economic impacts in determining GACT, which is particularly important when developing regulations for source categories, like this one, that have many small businesses.

Determining what constitutes GACT involves considering the control technologies and management practices that are generally available to the area sources in the source category. EPA also considers the standards applicable to major sources in the same industrial sector to determine if the control technologies and management practices are transferable and generally available to area sources. In appropriate circumstances, EPA may also consider technologies and practices at area and major sources in similar categories to determine whether such technologies and practices could be considered generally available for the area source category at issue. Finally, as EPA has already noted, in determining GACT for a particular area source category, EPA considers the costs and economic impacts of available control technologies and management practices on that category.

The urban HAP that must be regulated from stationary SI RICE to achieve the CAA section 112(c)(3) requirement to regulate categories accounting for 90 percent of the urban HAP are: 7 polycyclic aromatic hydrocarbons (PAH), formaldehyde, and acetaldehyde.

Similar to existing stationary SI RICE at major sources, EPA has also divided the existing stationary SI RICE at area sources into subcategories in order to properly take into account the differences between these engines. The subcategories for existing stationary SI RICE at area sources are as follows:

- Non-emergency 2SLB stationary SI RICE
- Non-emergency 4SLB stationary SI RICE
  - ≤500 HP
  - >500 HP that operate more than 24 hours per calendar year
  - >500 HP that operate 24 hours or less per calendar year
- Non-emergency 4SRB stationary SI RICE
  - ≤500 HP that operate more than 24 hours per calendar year
  - >500 HP that operate 24 hours or less per calendar year
- Non-emergency landfill and digester gas stationary SI RICE
- Emergency stationary SI RICE.

B. What are the pollutants regulated by this final rule?

This final rule regulates emissions of HAP. Available emissions data show that several HAP, which are formed during the combustion process or which are contained within the fuel burned, are emitted from stationary engines. The HAP which have been measured in emission tests conducted on SI stationary RICE include: Formaldehyde, acetaldehyde, acrolein, methanol, benzene, toluene, 1,3-butadiene, 2,2,4-trimethylpentane, hexane, xylene, naphthalene, PAH, methylene chloride, and ethylbenzene. EPA described the health effects of these HAP and other HAP emitted from the operation of stationary RICE in the preamble to 40 CFR part 63, subpart ZZZZ, published on June 15, 2004 (69 FR 33474). More detail on the health effects of these HAP and other HAP emitted from the operation of stationary RICE can be found in the Regulatory Impact Analysis (RIA) for this final rule. These HAP emissions are known to cause, or contribute significantly to air pollution, which may reasonably be anticipated to endanger public health or welfare.

For the standards being finalized in this action, EPA believes that previous determinations regarding the appropriateness of using formaldehyde and carbon monoxide (CO) both in concentration (parts per million (ppm)) levels as surrogates for HAP for stationary RICE are still valid. Consequently, EPA is promulgating CO or formaldehyde standards in order to regulate HAP emissions.

In addition to reducing HAP, the emission control technologies that will be installed on stationary RICE to reduce HAP will also reduce CO and VOC, and for rich burn engines will also reduce NO_X.

C. What are the final requirements?

1. Existing Stationary SI RICE ≤500 HP at Major Sources of HAP

The numerical emission standards that are being finalized in this action for existing stationary non-emergency SI RICE less than or equal to 500 HP located at major sources of HAP are shown in Table 1 of this preamble. The emission standards are in units of ppm by volume, dry basis (ppmvd).

TABLE 1—EMISSION STANDARDS FOR EXISTING STATIONARY SI RICE >500 HP LOCATED AT MAJOR SOURCES OF HAP

Subcategory	Except during periods of startup
2SLB Non-Emergency 100≤HP≤500	225 ppmvd CO at 15% O_2.
4SLB Non-Emergency 100≤HP≤500	47 ppmvd CO at 15% O_2.
4SRB Non-Emergency 100≤HP≤500	10.3 ppmvd formaldehyde at 15% O_2.
Landfill/Digester Gas Non-Emergency 100≤HP≤500	177 ppmvd CO at 15% O_2.

EPA is finalizing work practice standards for existing emergency stationary SI RICE less than or equal to 500 HP located at major sources of HAP and existing non-emergency stationary SI RICE less than 100 HP located at major sources of HAP. Existing stationary emergency SI RICE less than or equal to 500 HP located at major sources of HAP are subject to the following work practices:

- Change oil and filter every 500 hours of operation or annually, whichever comes first, except that sources can extend the period for changing the oil if the oil is part of an oil analysis program as discussed below and none of the condemning limits are exceeded;
- Inspect spark plugs every 1,000 hours of operation or annually,

whichever comes first, and replace as necessary; and

• Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

Existing stationary non-emergency SI RICE less than 100 HP located at major sources of HAP that are not 2SLB stationary RICE are subject to the following work practices:

• Change oil and filter every 1,440 hours of operation or annually, whichever comes first, except that sources can extend the period for changing the oil if the oil is part of an oil analysis program as discussed below and none of the condemning limits are exceeded;

• Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and

• Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.

Existing 2SLB stationary SI RICE less than 100 HP located at major sources of HAP are subject to the following work practices:

• Change oil and filter every 4,320 hours of operation or annually, whichever comes first, except that sources can extend the period for changing the oil if the oil is part of an oil analysis program as discussed below and none of the condemning limits are exceeded;

• Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first, and replace as necessary; and

• Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.

Sources also have the option to use an oil change analysis program to extend the oil change frequencies specified above. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The analysis must be conducted at the same frequencies specified for changing the engine oil. If the condemning limits provided below are not exceeded, the engine owner or operator is not required to change the oil. If any of the condemning limits are exceeded, the engine owner or operator must change the oil within two days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within two days or before commencing operation, whichever is later. The condemning limits are as follows:

• Total Acid Number increases by more than 3.0 milligrams potassium hydroxide per gram from Total Acid Number of the oil when new; or

• Viscosity of the oil changes by more than 20 percent from the viscosity of the oil when new; or

• Percent water content (by volume) is greater than 0.5.

Pursuant to the provisions of 40 CFR 63.6(g), sources can also request that the Administrator approve alternative work practices.

2. Existing Stationary SI RICE at Area Sources of HAP

The numerical emission standards that EPA is finalizing for non-emergency 4SLB stationary SI RICE and non-emergency 4SRB stationary SI RICE located at area sources of HAP are shown in Table 2.

TABLE 2—NUMERICAL EMISSION STANDARDS FOR EXISTING NON-EMERGENCY 4SLB STATIONARY SI RICE >500 HP LOCATED AT AREA SOURCES OF HAP AND EXISTING NON-EMERGENCY 4SRB STATIONARY SI RICE >500 HP LOCATED AT AREA SOURCES OF HAP

Subcategory	Except during periods of startup
4SLB Non-Emergency >500 HP that operate more than 24 hours per calendar year.	47 ppmvd CO at 15% O_2 or 93% CO reduction.
4SRB Non-Emergency >500 HP that operate more than 24 hours per calendar year.	2.7 ppmvd formaldehyde at 15% O_2 or 76% formaldehyde reduction.

EPA is finalizing management practices for existing non-emergency 4SLB stationary SI RICE less than or equal to 500 HP located at area sources of HAP, existing non-emergency 4SLB stationary SI RICE greater than 500 HP located at area sources of HAP that operate 24 hours or less per calendar year, existing non-emergency 4SRB stationary SI RICE less than or equal to 500 HP located at area sources of HAP, existing non-emergency 4SRB stationary SI RICE greater than 500 HP located at area sources of HAP that operate 24 hours or less per calendar year, existing 2SLB non-emergency stationary SI RICE located at area sources of HAP, existing non-emergency landfill and digester gas stationary RICE located at area sources of HAP, and existing emergency stationary SI RICE located at area sources of HAP.

Existing non-emergency 4SLB and 4SRB stationary SI RICE less than or equal to 500 HP located at area sources of HAP and existing landfill or digester gas non-emergency stationary SI RICE located at area sources of HAP are subject to the following management practices:

• Change oil and filter every 1,440 hours of operation or annually, whichever comes first, except that sources can extend the period for changing the oil if the oil is part of an oil analysis program as discussed below and none of the condemning limits are exceeded;

• Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and

• Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.

Existing stationary 2SLB non-emergency engines located at area sources of HAP are subject to the following management practices:

• Change oil and filter every 4,320 hours of operation or annually, whichever comes first, except that sources can extend the period for changing the oil if the oil is part of an oil analysis program as discussed below and none of the condemning limits are exceeded;

• Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first, and replace as necessary; and

• Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.

Existing stationary emergency SI RICE located at area sources of HAP and existing non-emergency 4SLB and 4SRB stationary SI RICE greater than 500 HP located at area sources of HAP that operate 24 hours or less per calendar year are subject to the following management practices:

• Change oil and filter every 500 hours of operation or annually, whichever comes first, except that sources can extend the period for changing the oil if the oil is part of an oil analysis program as discussed below and none of the condemning limits are exceeded;

• Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and

• Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

As discussed above for major sources, these sources may utilize an oil analysis program, as described above, to extend the specified oil change requirement specified above. Also, sources have the option to work with State permitting authorities pursuant to EPA's regulations at 40 CFR subpart E ("Approval of State Programs and Delegation of Federal Authorities") for approval of alternative management practices. 40 CFR subpart E implements section 112(l) of the CAA, which authorizes EPA to approve alternative State/local/tribal HAP standards or programs when such requirements are demonstrated to be no less stringent than EPA promulgated standards.

3. Startup Requirements

Existing stationary SI RICE less than or equal to 500 HP located at major sources of HAP and existing stationary SI RICE located at area sources of HAP must meet specific operational standards during engine startup. Engine startup is defined as the time from initial start until applied load and engine and associated equipment reaches steady state or normal operation. For stationary engines with catalytic controls, engine startup means the time from initial start until applied load and engine and associated equipment reaches steady state, or normal operation, including the catalyst. Owners and operators must minimize the engine's time spent at idle and minimize the engine's startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the engine must meet the otherwise applicable emission standards. These requirements will limit the HAP emissions during periods of engine startup. Pursuant to the provisions of 40 CFR 63.6(g), engines at major sources may petition the Administrator for an alternative work practice. An owner or operator of an engine at an area source can work with its State permitting authority pursuant to EPA's regulations at 40 CFR subpart E for approval of an alternative management practice. See 40 CFR subpart E (setting forth requirements for, among other things, equivalency by permit, rule substitution).

D. What are the operating limitations?

In addition to the standards discussed above, EPA is finalizing operating limitations for existing stationary non-emergency 4SLB and 4SRB RICE that are greater than 500 HP, located at an area source of HAP, and operated more than 24 hours per calendar year. Owners and operators of engines that are equipped with oxidation catalyst or non-selective catalytic reduction (NSCR) must maintain the catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test. If the engine is equipped with oxidation catalyst, owners and operators must also maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is between 450 and 1,350 degrees Fahrenheit (°F). If the engine is equipped with NSCR, owners and operators must maintain the temperature of the stationary RICE exhaust so that the NSCR inlet temperature is between 750 and 1,250 °F. Owners and operators may petition for a different temperature range; the petition must demonstrate why it is operationally necessary and appropriate to operate below the temperature range specified in this final rule (see 40 CFR 63.8(f)). Owners and operators of engines that are not using oxidation catalyst or NSCR must comply with any operating limitations approved by the Administrator.

E. What are the requirements for demonstrating compliance?

The following sections describe the requirements for demonstrating compliance under this final rule.

1. Existing Stationary SI RICE ≤ 500 at Major Sources of HAP

Owners and operators of existing stationary non-emergency SI RICE located at major sources that are less than 100 HP and existing stationary emergency SI RICE located at major sources must operate and maintain their stationary RICE and aftertreatment control device (if any) according to the manufacturer's emission-related written instructions or develop their own maintenance plan. The maintenance plan must specify how the work practices will be met and provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practices for minimizing emissions. Owners and operators of existing stationary non-emergency SI RICE located at major sources that are less than 100 HP and existing stationary emergency SI RICE located at major sources do not have to conduct any performance testing because they are not subject to numerical emission standards.

Owners and operators of existing stationary non-emergency SI RICE located at major sources that are greater than or equal to 100 HP and less than or equal to 500 HP must conduct an initial performance test to demonstrate that they are achieving the required emission standards.

2. Existing Stationary SI RICE at Area Sources of HAP

Owners and operators of existing stationary RICE located at area sources of HAP that are subject to management practices do not have to conduct any performance testing; they must develop a maintenance plan that specifies how the management practices will be met and provides to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practices for minimizing emissions. Owners and operators of existing 4SLB and 4SRB non-emergency stationary SI RICE that are greater than 500 HP, located at an area source of HAP, and operated more than 24 hours per calendar year must conduct an initial performance test to demonstrate compliance with the applicable emission limitations and must conduct subsequent performance testing every 8,760 hours of operation or 3 years, whichever comes first. Owners and operators of existing 4SLB and 4SRB non-emergency stationary SI RICE that are greater than 500 HP, located at an area source of HAP, and operated more than 24 hours per calendar year must continuously monitor and record the inlet temperature of the oxidation catalyst or NSCR and also take monthly measurements of the pressure drop across the oxidation catalyst or NSCR. If an oxidation catalyst or NSCR is not being used on the engine, the owner or operator must continuously monitor and record the operating parameters (if any) approved by the Administrator. As discussed in the March 3, 2010, final NESHAP for existing stationary CI RICE (75 FR 9648) and in section V.E., EPA is finalizing performance specification requirements in 40 CFR part 63, subpart ZZZZ for the continuous parametric monitoring systems used for continuous catalyst inlet temperature monitoring.

F. What are the reporting and recordkeeping requirements?

The following sections describe the reporting and recordkeeping requirements that are required under this final rule.

Owners and operators of existing stationary emergency SI RICE that do not meet the requirements for non-emergency engines are required to keep records of their hours of operation. Owners and operators of existing stationary emergency SI RICE must install a non-resettable hour meter on their engines to record the hours of operation of the engine.

Owners and operators of existing stationary SI RICE located at major sources that are subject to work practices and existing stationary SI RICE located at area sources that are subject to management practices are required to keep records that show that the work or management practices that are required are being met. These records must include, at a minimum: Oil and filter change dates and corresponding engine hours of operation (determined using hour meter, fuel consumption data, or other appropriate methods); inspection and replacement dates for spark plugs, hoses, and belts; and records of other emission-related repairs and maintenance performed.

In terms of reporting requirements, owners and operators of existing non-emergency stationary SI RICE greater than or equal to 100 HP and less than or equal to 500 HP located at major sources of HAP and existing non-emergency 4SLB and 4SRB stationary RICE greater than 500 HP located at area sources of HAP that operate more than 24 hours per calendar year must submit the notifications required in Table 8 of 40 CFR part 63, subpart ZZZZ, which lists the NESHAP General Provisions applicable to this rule. (40 CFR part 63, subpart A) These notifications include an initial notification, notification of performance test, and a notification of compliance for each stationary RICE which must comply with the specified emission limitations. Owners and operators of existing stationary non-emergency SI RICE greater than or equal to 100 HP and less than or equal to 500 HP located at major sources of HAP and existing stationary 4SLB and 4SRB non-emergency SI RICE greater than 500 HP located at area sources of HAP that operate more than 24 hours per calendar year must submit semiannual compliance reports.

IV. Summary of Significant Changes Since Proposal

A. Applicability

A change from the proposal is that this final rule is not applicable to existing stationary emergency engines at area sources that are located at residential, commercial, or institutional facilities. These engines are not subject to any requirements under this final rule because they are not part of the regulated source category. EPA has found that existing stationary emergency engines located at residential, commercial, and institutional facilities that are area sources were not included in the original Urban Air Toxics Strategy inventory and were not included in the listing of urban area sources. More information on this issue can be found in the memorandum titled, "Analysis of the Types of Engines Used to Estimate the CAA Section 112(k) Area Source Inventory for Stationary Reciprocating Internal Combustion Engines," available from the rulemaking docket. In the March 3, 2010, final NESHAP for existing stationary CI RICE (75 FR 9648), EPA included a definition for residential/commercial/institutional emergency stationary RICE. After the final rule was promulgated, EPA received numerous questions regarding the definition and whether certain types of facilities would meet the definition. In this final rule, EPA is separating the definition into individual definitions for residential emergency stationary RICE, commercial emergency stationary RICE, and institutional emergency stationary RICE, and is also providing additional examples of the types of facilities that would be included under those categories in the definitions. EPA has also prepared a memorandum to provide further guidance regarding the types of facilities that would or would not be considered residential, commercial, or institutional facilities. The memorandum is titled, "Guidance Regarding Definition of Residential, Commercial, and Institutional Emergency Stationary RICE in the NESHAP for Stationary RICE," and is available in the rulemaking docket.

B. Final Emission Standards

1. Existing Stationary SI Engines ≤ 500 HP Located at Major Sources of HAP

EPA is revising the emission standards that it proposed for the subcategories of stationary SI engines less than or equal to 500 HP located at major sources. As discussed in section V.B., numerous commenters indicated that EPA's dataset used to establish the proposed emission limits was insufficient and urged EPA to gather more data to obtain a more complete representation of emissions from existing stationary SI engines. Commenters also questioned the emission standard setting approach that EPA used at proposal and claimed that the proposed standards did not take into account emissions variability. For this final rule, EPA has obtained additional test data for existing stationary SI engines and has included this additional data in the MACT floor analysis. EPA is also using an approach that better considers emissions variability, as discussed in V.B. below. EPA is also not using the Population Database to determine a percentage of engines that have emission controls installed, as it did at proposal. The Population Database has not been updated since 2000. It contains information regarding whether or not an engine has emission controls, but does not generally contain other types of emission-related information, like engine-out emissions or operational controls, and it does not include any emissions concentration data, which is necessary to determine the MACT floor. EPA determined that it would be more appropriate and more defensible to base the MACT floor analysis directly on the emissions data that EPA has for stationary SI engines, including data that was not used in the proposal. A more detailed discussion of both EPA's MACT floor and beyond-the-MACT-floor analysis can be found in the memorandum titled "MACT Floor and MACT Determination for Existing Stationary SI RICE ≤ 500 HP Located at Major Sources".

For 2SLB non-emergency engines, EPA proposed a limit of 85 ppmvd CO for engines from 50 to 249 HP and 8 ppmvd CO or 90 percent CO reduction for engines greater than or equal to 250 HP. EPA is finalizing an emission limit of 225 ppmvd CO for 2SLB non-emergency engines from 100 to 500 HP. For 4SLB non-emergency engines, EPA proposed a limit of 95 ppmvd CO for engines from 50 to 249 HP and 9 ppmvd CO or 90 percent CO reduction for engines greater than or equal to 250 HP. EPA is finalizing an emission limit of 47 ppmvd CO for 4SLB non-emergency engines from 100 to 500 HP. For 4SRB non-emergency engines from 50 to 500 HP, EPA proposed an emission limit of 200 ppbvd (parts per billion by volume, dry basis) formaldehyde or 90 percent formaldehyde reduction. EPA is finalizing an emission limit of 10.3 ppmvd formaldehyde for 4SRB non-emergency engines from 100 to 500 HP.

For landfill and digester gas engines, EPA proposed an emission limit of 177 ppmvd CO; EPA is finalizing an emission limit of 177 ppmvd CO.

For the proposed rule, EPA required existing stationary engines less than 50 HP that are located at major sources to meet a formaldehyde emission standard. As discussed in the final rule published on March 3, 2010, for existing stationary CI RICE (75 FR 9674), EPA is not finalizing a formaldehyde emission standard for stationary SI engines less than 50 HP, but is instead requiring compliance with work practices. In addition, in light of several comments asserting that the level at which EPA subcategorized small engines at major sources was inappropriate, EPA is finalizing a work practice standard for engines less than 100 HP. These work practices are described in section III.C. of this preamble. EPA believes that work practices are appropriate and justified for this group of stationary engines because the application of measurement methodology is not practicable due to technological and economic limitations. Further information on EPA's decision can be found in the memorandum titled, "MACT Floor and MACT Determination for Existing Stationary Non-Emergency SI RICE < 100 HP and Existing Stationary Emergency SI RICE Located at Major Sources and GACT for Existing Stationary SI RICE Located at Area Sources," which is available from the rulemaking docket.

For existing stationary emergency engines located at major sources, EPA proposed that these engines be subject to a 2 ppmvd formaldehyde emission standard. In this final rule, existing stationary emergency SI engines located at major sources of HAP must meet work practices. These work practices are described in section III.C. of this preamble. EPA believes that work practices are appropriate and justified for this group of stationary engines because the application of measurement methodology is not practicable due to technological and economic limitations. Further information on EPA's decision can be found in the memorandum titled, "MACT Floor and MACT Determination for Existing Stationary Non-Emergency SI RICE <100 HP and Existing Stationary Emergency SI RICE Located at Major Sources and GACT for Existing Stationary SI RICE Located at Area Sources," which is available from the rulemaking docket.

2. Existing Stationary SI Engines Located at Area Sources of HAP

EPA proposed numerical emission standards for the following stationary SI engines located at area sources of HAP: non-emergency 2SLB and 4SLB greater than or equal to 250 HP, non-emergency 4SRB greater than or equal to 50 HP, landfill and digester gas fired greater than 500 HP, and emergency greater than 500 HP. For the remaining engines at area sources, EPA proposed management practice standards.

In this final rule, EPA is promulgating numerical emission standards for non-emergency 4SLB and 4SRB stationary SI RICE larger than 500 HP located at area sources of HAP emissions that operate more than 24 hours per calendar year. For non-emergency 4SLB engines greater than 500 HP located at area sources of HAP, EPA proposed an emission limit of 9 ppmvd CO or 90 percent CO reduction; EPA is finalizing an emission limit of 47 ppmvd CO or 93 percent CO reduction. For non-emergency 4SRB engines greater than 500 HP located at area sources of HAP, EPA proposed an emission limit of 200 ppbvd formaldehyde or 90 percent formaldehyde reduction and is finalizing an emission limit of 2.7 ppmvd formaldehyde or 76 percent formaldehyde reduction. For stationary SI RICE located at area sources of HAP that are non-emergency 2SLB stationary SI RICE greater than or equal to 250 HP, non-emergency 4SLB stationary SI RICE between 250 and 500 HP, non-emergency 4SRB stationary SI RICE between 50 and 500 HP, landfill/digester gas stationary SI RICE greater than 500 HP, or emergency stationary SI RICE greater than 500 HP, EPA is finalizing management practices rather than numeric emission limitations as proposed. EPA is also finalizing management practices for non-emergency 4SLB and 4SRB stationary SI RICE that are greater than 500 HP, located at area sources of HAP, and operated 24 hours or less per calendar year.

C. Management Practices

EPA proposed management practices for several subcategories of engines located at area sources. EPA explained that the proposed management practices would be expected to ensure that emission control systems are working properly and would help minimize HAP emissions from the engines. EPA proposed specific maintenance practices and asked for comments on the need and appropriateness for those procedures. Based on feedback received during the public comment period, which included information submitted in comment letters and additional information EPA received following the close of the comment period from different industry groups, EPA is finalizing management practices for existing stationary 2SLB non-emergency SI engines located at area sources of HAP, existing stationary 4SLB and 4SRB non-emergency SI engines less than or equal to 500 HP located at area sources of HAP; existing stationary landfill and digester gas non-emergency engines located at area sources of HAP; and existing emergency stationary SI engines located at area sources of HAP.

Based on the comments on the proposal and additional information received from stakeholders, EPA made changes to the intervals for the management practices from the proposal. EPA is also adding an option for sources to use an oil change analysis program to extend the oil change frequencies specified above. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. If the condemning limits for these parameters are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within two days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within two days or before commencing operation, whichever is later. Owners and operators of all engines subject to management practices also have the option to work with State permitting authorities pursuant to EPA's regulations at 40 CFR subpart E for alternative management practices to be used instead of the specific management practices promulgated in this final rule. The management practices must be at least as stringent as those specified in this final rule.

D. Startup, Shutdown, and Malfunction

EPA proposed formaldehyde and CO emission standards for existing stationary engines at major sources to apply during periods of startup and malfunction. EPA also proposed certain standards for existing stationary engines at area sources that would apply during startup and malfunction. EPA did not propose distinct standards for periods of shutdown. EPA proposed that engines would be subject to the same standards during shutdown as are applicable during other periods of operation.

Based on various comments and concerns with the proposed emission standards for periods of startup, EPA has determined that it is not feasible to finalize numerical emission standards that would apply during startup because the application of measurement methodology to this operation is not

practicable due to technological and economic limitations. This issue is discussed in detail in the final rule published on March 3, 2010 (75 FR 9674), and as discussed in the Response to Comments for this rule, the analysis is the same for the engines regulated in this final rule.

As a result, EPA is extending the operational standards during startup it promulgated in the March 3, 2010, final rule (75 FR 9674), which specify that owners and operators must limit the engine startup time to no more than 30 minutes and must minimize the engine's time spent at idle during startup, to the engines newly subject to regulation in this rule.

With respect to malfunctions, EPA proposed two options for subcategories where the proposed emission standard was based on the use of catalytic controls. The first proposed option was to have the same standards apply during normal operation and malfunctions. The second proposed option was that standards during malfunctions be based on emissions expected from the best controlled sources prior to the full warm-up of the catalytic control. For subcategories where the proposed emission standard was not based on the use of catalytic controls, we proposed the same emission limitations apply during malfunctions and periods of normal operations. EPA is finalizing the first option described above, which is that the same standards apply during normal operation and malfunctions. In the proposed rule, EPA expressed the view that there are different modes of operation for any stationary source, and that these modes generally include startup, normal operations, shutdown, and malfunctions. However, as discussed in detail in the final rule published on March 3, 2010 (75 FR 9674), and as discussed in the Response to Comments for this rule, after considering the issue of malfunctions more carefully, EPA has determined that malfunctions should not be viewed as a distinct operating mode and, therefore, any emissions that occur at such times do not need to be factored into development of CAA section 112(d) standards, which, once promulgated, apply at all times. In addition, as discussed in detail in the final rule published on March 3, 2010 (75 FR 9674), and as discussed in the Response to Comments for this rule, EPA believes that malfunctions will not cause stationary engines to violate the standard that applies during normal operations. Therefore, the standards that apply during normal operation also apply during malfunction.

E. Method 323

EPA proposed to remove Method 323 as an option for determining compliance with formaldehyde emission limitations in 40 CFR part 63, subpart ZZZZ. EPA Method 323 was first proposed as part of the NESHAP for Stationary Combustion Turbines published January 14, 2003, (68 FR 1888) for measuring formaldehyde emissions from natural gas-fired sources. However, the method was not included in the final Stationary Combustion Turbines NESHAP due to reliability concerns and EPA never promulgated EPA Method 323 as a final standard in 40 CFR part 63, appendix A. Due to unresolved technical issues with the method affecting engine test results, EPA found it appropriate to propose to remove the method from 40 CFR part 63, subpart ZZZZ. As discussed in greater detail in section V.D., after EPA proposed to remove Method 323 as a compliance test Method, the Agency received test data comparing Method 323 to EPA Method 320. The results of this comparison testing showed good agreement between the two methods and there was no evidence of bias in the results from Method 323. Therefore, EPA has determined that it is appropriate to promulgate Method 323 and to allow it as an option for measuring formaldehyde in 40 CFR part 63, subpart ZZZZ.

F. Other

EPA is making several minor clarifications to this final rule to address comments that the provisions were confusing and difficult for affected sources to understand. One clarification is to individually list out the engines discussed in 40 CFR 63.6590(b)(3) and (c) instead of having them in a single paragraph. The definition of emergency stationary RICE and the provisions for emergency stationary RICE in 40 CFR 63.6640(f) have been reorganized in order to provide more clarity regarding those provisions and to more clearly specify that all emergency stationary RICE must comply with the requirements specified in 40 CFR 63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in 40 CFR 63.6640(f), then it is not considered to be an emergency stationary RICE. Minor clarifications have also been made to the tables to provide additional clarification on the applicability of the requirements in the tables.

V. Summary of Responses to Major Comments

A. Applicability

Comment: Numerous commenters expressed concern over EPA's decision to not distinguish between rural and urban engines at area sources in the proposed rule. Several commenters requested that EPA reevaluate its congressional authority to regulate area HAP sources in rural areas. The commenters believed that the proposal is inconsistent with 42 U.S.C. 7412(n)(4)(B) [CAA section 112(n)(4)(B)]. Commenters requested clarification of EPA's rationale to regulate low levels of emissions from engines at oil and gas production facilities outside metropolitan areas, contending that EPA has applied this rule more broadly than the Congressional intent of the CAA, and requested that EPA reevaluate this issue of whether EPA can regulate rural area sources in light of the 42 U.S.C. 7412(n)(4)(B) language.

Commenters stated that EPA has based this rulemaking for area sources on sections of the CAA and its Urban Air Toxics Strategy that are intended to remove threats to public health in urban areas. The commenters do not believe that the remote RICE at area sources in the oil and gas industry threaten public health in urban areas. Several commenters noted that the NESHAP for glycol gas dehydrators (40 CFR part 63, subpart HH) takes into account the location of area sources and does not apply the specific requirements of the rule to rural area sources. The commenters believe that the same approach should be used for the RICE rule, *i.e.,* engines that are not located in or near populated areas should be subject to an alternative set of requirements so as not to force expensive requirements on remote engines that have no impact on public health.

Response: EPA is finalizing its proposal to regulate existing stationary SI engines located at area sources on a nationwide basis. EPA believes that the CAA provides the Agency with the authority to regulate area sources nationwide. Section 112(k)(1) of the CAA states that "It is the purpose of this subsection to achieve a substantial reduction in emissions of hazardous air pollutants from area sources and an equivalent reduction in the public health risks associated with such sources including a reduction of not less than 75 per centum in the incidence of cancer attributable to emissions from such sources." Consistent with this expressed purpose of section 112(k) of

the CAA to reduce both emissions and risks, CAA section 112(k)(3)(i) requires that EPA list not less than 30 HAP that, as a result of emissions from area sources, present the greatest threat to public health in the largest number of urban areas. Sections 112(c)(3) and (k)(3)(ii) of the CAA require that EPA list area source categories that represent not less than 90 percent of the area source emissions of each of the listed HAP. Section 112(c) of the CAA requires that EPA issue standards for listed categories under CAA section 112(d). These relevant statutory provisions authorize EPA to regulate listed area source engines and not just engines located in urban areas. EPA believes that sections 112(c) and 112(k) of the CAA do not prohibit issuing area source rules of national applicability. EPA also disagrees with the statement that the proposal was inconsistent with section 112(n)(4)(B) of the CAA. The term "associated equipment" was defined for the purposes of 40 CFR part 63, subpart ZZZZ in the first RICE MACT rule not to include stationary RICE. EPA has not revisited that issue in this final rule and the commenters have not provided sufficient reason to revisit that issue.

EPA has taken steps in the final rule that reduce the burden on owners and operators of engines regulated in this final rule. EPA has established management practice standards for most of the engines located at area sources of HAP. The only existing stationary SI RICE at area sources that are required to meet numeric emission limitations are 4SLB and 4SRB non-emergency stationary SI RICE that are greater than 500 HP and operate more than 24 hours per calendar year; these engines are estimated to be only 7 percent of the population of existing SI RICE at area sources. EPA believes that requiring management practices instead of specific emission limitations and/or control efficiency requirements on the vast majority of existing stationary SI engines at area sources alleviates concerns regarding costly and burdensome requirements for rural sources.

EPA has also determined that existing emergency engines located at residential, institutional, and commercial facilities that are area sources of HAP emissions were not included in the original Urban Air Toxics Strategy inventory and therefore are not included in the source category listing. In this final rule, EPA has specified that those engines are not subject to 40 CFR part 63, subpart ZZZZ. EPA has clarified the definitions of these existing emergency engines in this final rule. As further clarification, EPA notes that existing emergency engines located at, among other things, industrial facilities, would not be affected by this determination and are subject to 40 CFR part 63, subpart ZZZZ.

For existing stationary 4SLB and 4SRB non-emergency SI engines greater than 500 HP located at area sources that operate more than 24 hours per calendar year, EPA determined that the appropriate standards are numerical standards that provide for the use of oxidation catalyst or NSCR control, respectively, which are generally available control technologies for those subcategories. The commenters did not provide a reason that GACT would be different for non-emergency stationary SI engines located in rural areas. In determining GACT, EPA can consider factors such as availability and feasibility of control technologies and management practices, as well as costs and economic impacts. These factors are not expected to be significantly different for existing stationary non-emergency SI engines in urban versus rural areas. For example, the availability of oxidation catalysts would be the same for urban and rural engines, and if an engine was in a rural location, that would not preclude an owner from being able to install aftertreatment controls. For this final rule, EPA estimated the capital cost of retrofitting an existing stationary 4SLB non-emergency SI engine with an oxidation catalyst to be around $9,500 for a 500 HP engine. Annual costs of operating and maintaining the control device are estimated to be approximately $4,300 per year for the same engine. For a 500 HP 4SRB engine, EPA estimated the costs for NSCR are a capital cost of $26,000 and an annual cost of $8,000. These costs would not be prohibitive for any engines in either rural or urban areas and are expected to be the same no matter the location. Furthermore, the controls that are expected to be used on these engines will have the co-benefit of reducing VOC and CO emissions and, for non-emergency 4SRB engines above 500 HP will have the co-benefit of reducing NO_X emissions. This final rule is expected to reduce emissions of NO_X from stationary SI RICE located at area sources by 96,000 tons per year (tpy) in the year 2013. Reductions of CO and VOC from stationary SI RICE located at area sources are estimated to be 97,000 and 24,000 tpy, respectively, in the year 2013. There is also no reason to distinguish between the rural and urban area source engines that are subject to management practices. There is nothing limiting owners and operators of existing stationary SI engines located in rural areas from following the management practices specified in this final rule, and the management practices required by this final rule are appropriate for all engines, whether they are in rural or urban locations.

Consistent with the proposal and for the reasons discussed, EPA is finalizing national requirements for existing stationary SI engines at area sources without a distinction between urban and non-urban areas.

B. Emission Standards

Comment: Multiple commenters were concerned with how EPA set the MACT floor for the proposed rule. The commenters believed that the emissions data was not adequate to conduct a MACT floor analysis. Several commenters said that EPA has not considered variability in setting the MACT floor for the proposed rule. A commenter cited the recent Brick MACT ruling which indicated that "floors may legitimately account for variability [in the best performing sources that are the MACT floor basis] because "each [source] must meet the [specified] standard every day and under all operating conditions." The commenters stated EPA's data set is not sufficient in covering variability. One commenter noted that the Courts have been critical of EPA's process for setting minimum allowable emission limits. The commenter stated that EPA set the emission limits by averaging the best 12 percent of all performance tests for each subcategory, but did not consider operational variations of the units. The commenter recommended that EPA set emission limits at the emissions level that is actually achieved under the worst reasonably foreseeable circumstances for the best performing 12 percent of existing sources.

Response: The CAA requires EPA to set MACT standards based on the test data that is available to the Agency and this is what EPA did at proposal. EPA recognized that it had limited emissions test data at the time it was developing the proposed rule. However, EPA had requested additional test data to supplement the emissions database from commenters during the development of previous rules for stationary engines. In addition, EPA requested additional test data during the comment period for the current engine rulemaking. EPA made an additional effort post-proposal to reach out to industry and other sources in order to supplement the existing emission data set. EPA received data for an additional 619 engines during the post-proposal period; this data was incorporated into the MACT floor

analysis for this final rule. EPA also identified additional emissions data for stationary 4SLB SI RICE that was in the docket for the original RICE NESHAP rulemaking, docket EPA–HQ–OAR–2002–0059. These data were inadvertently omitted from the MACT floor analysis for the proposed rule, but have been incorporated into the analysis for the final rule, along with the additional emissions data received post-proposal. EPA placed all additional data into the docket for this rule. Stakeholders who believe that further review of this information is in order or necessary can petition for reconsideration of this final rule.

The U.S. Court of Appeals for the D.C. Circuit has recognized that EPA may consider variability in estimating the degree of emission reduction achieved by best-performing sources and in setting MACT floors. *See Mossville Envt'l Action Now* v. *EPA,* 370 F.3d 1232, 1241–42 (D.C. Cir 2004). EPA has included a revised approach to variability in the MACT floor analysis for this final rule. The final emission standards are based on test data collected from stationary engines produced by different engine manufacturers, operating at various loads and other conditions, and located in various types of service and locations. The engines range in size from 39 HP to 12,000 HP. The data includes engines operating at loads from 11 to 100 percent. To the extent commenters believed further data would have been beneficial to EPA, EPA must make its determinations based on the information available to us. EPA asked for further data, and EPA did receive further data following the proposal, which led to changes in the final regulations. For engines operating at reduced speed or loads resulting in a reduced exhaust temperature, EPA believes that numerical emission requirements are still appropriate and there is no justification to only require work practice standards during these situations. EPA does not believe that the provisions of section 112(h) of the CAA are met (except as discussed elsewhere with regard to periods of start-up, emergency engines, and engines below 100 HP) because testing is not economically and technologically impractical and the emissions can be readily routed through a conveyance for purposes of emission testing. EPA believes that the final emission standards will reflect the numerous engine models and operating scenarios that can be expected from stationary engines.

In order to determine the MACT floor for each subcategory, EPA ranked all of the sources for which it had data based on their emissions and identified the lowest emitting 12 percent of the sources based on the lowest test for each engine. EPA used all of the emissions data for those best performing engines to determine the emission limits for this final rule, accounting for variability. EPA notes that as a result of using emissions testing data directly to determine the MACT, rather than using the Population Database, the final MACT floor for 4SLB engines was calculated using data from engines with emissions aftertreatment, which were the best performing 12% of engines in the emissions database.

EPA assessed the variability of the best performers by using a statistical formula designed to estimate a MACT floor level that is achieved by the average of the best performing sources if the best performing sources were able to replicate the compliance tests in our data set. Specifically, the MACT floor limit is an upper prediction limit (UPL) calculated with the Student's t-test using the TINV function in Microsoft Excel. The Student's t-test has also been used in other EPA rulemakings (*e.g.,* New Source Performance Standards for Hospital/Medical/Infectious Waste Incinerators, Proposed NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters) in accounting for variability. A prediction interval for a future observation is an interval that will, with a specified degree of confidence, contain the next (or some other pre-specified) randomly selected observation from a population. In other words, the prediction interval estimates what future values will be, based upon present or past background samples taken. Given this definition, the UPL represents the value which EPA can expect the mean of 3 future observations (3-run average) to fall below, based upon the results of an independent sample from the same population. In other words, if EPA were to randomly select a future test condition from any of these sources (*i.e.,* average of 3 runs), EPA can be 99 percent confident that the reported level will fall at or below the UPL value. To calculate the UPL, EPA used the average (or sample mean) and sample standard deviation, which are two statistical measures calculated from the sample data. The average is the central value of a data set, and the standard deviation is the common measure of the dispersion of the data set around the average. This approach reasonably ensures that the emission limit selected as the MACT floor adequately represents the level of emissions actually achieved by the average of the units in the top 12 percent, considering ordinary operational variability of those units. Both the analysis of the measured emissions from units representative of the top 12 percent, and the variability analysis, are reasonably designed to provide a meaningful estimate of the average performance, or central tendency, of the best controlled 12 percent of units in a given subcategory.

Comment: Commenters stated that EPA should reevaluate its GACT determinations for engines located at area sources. Commenters stated that EPA is not required to consider the MACT floor as a minimum standard for area sources, but may instead elect to promulgate standards or requirements for area sources which provide for the use of GACT or management practices by such sources to reduce emissions of HAP. The commenters stated that EPA must consider not only the economic impacts and whether the methods, practices, and techniques are commercially available and appropriate for application by the sources in the category, but also the technical capabilities of the firms to operate and maintain the emissions controls systems. The commenters pointed out that unlike engines located at major sources, which are often large industrial facilities, many engines at area sources are owned and operated by small businesses with little or no experience dealing with complex regulatory issues and with minimal technical and financial resources. Commenters said that EPA's GACT determination for engines located at area sources does not adequately account for the variation in engines that would be covered under the proposed control requirements when applied to area sources. The commenters listed several factors (engine size, cost effectiveness of control devices, engine usage and duty cycles, engine location) that must be considered in assessing whether and to what degree existing engines at area sources should be regulated. Commenters recommended defining a size based subcategory for area sources for natural gas-fired 4SRB engines similar to the size threshold used for CI engines. The commenters recommended that the subcategory or subcategories would require GACT management practices rather than emission standards based on catalytic control. At a minimum, the commenters recommended that subcategories be included in the proposed rule for rural area source natural gas-fired 4SRB engines from 50 HP to 500 HP.

Response: EPA has reviewed its proposed requirements for existing SI engines at area sources based on comments received on the proposed rule. For existing non-emergency 4SRB and 4SLB stationary SI RICE greater than 500 HP at area sources that operate more than 24 hours per calendar year, EPA determined for the final rule that it is appropriate to set numerical emission limits that EPA expects would be met using emission control technologies. The costs and economic impacts are reasonable and the control technologies that would be expected to be used are generally available for these area source engines.

For the remaining existing stationary SI RICE at area sources, the final rule requires management practices. EPA received comments and supporting information indicating that EPA had underestimated the cost of emission controls and overestimated how many engines were already using these controls. EPA reevaluated the cost impacts associated with establishing numeric emission limitations for these engines and determined that the cost impacts would be unreasonable given the expected emission impacts both with and without the expectation of use of emission control technologies. For example, for 4SRB engines, the annual cost per ton of HAP reduced, assuming the engine will have to install emission controls to meet the emission limit, is estimated to be $762,000 for a 50 HP engine and $167,000 for a 250 HP engine. For 2SLB and 4SLB engines at 250 HP, the annual cost per ton of HAP reduced is estimated to be $224,000 and $55,000, respectively, assuming the engines will have to install emission controls to meet the emission limit. Engine owners/operators have indicated that most of these smaller area source engines are not equipped with the control technologies required to meet these limits. Based on this information, EPA determined that management practices for these stationary SI RICE located at area sources of HAP are generally available and cost effective and is promulgating management practices for these engines in the final rule. Additional information regarding this determination can be found in the memorandum titled, "MACT Floor and MACT Determination for Existing Stationary Non-Emergency SI RICE <100 HP and Existing Stationary Emergency SI RICE Located at Major Sources and GACT for Existing Stationary SI RICE Located at Area Sources," which is available from the rulemaking docket.

C. Management Practices

Comment: Several commenters did not agree with the specific management practices that EPA proposed in the rule for area sources and recommended different maintenance practices. According to the commenters, the maintenance frequency in the proposed rule exceeds current practices or is not supported in the proposed rule. Several commenters agreed that management practices are appropriate for the proper operation of the engines and are a reasonable means to reduce HAP emissions, however, the commenters did not agree with the specific maintenance practices proposed by EPA. Numerous commenters recommended that EPA allow owners/operators to follow engine manufacturers' recommended practices or the owners/operators own site-specific maintenance plan.

One commenter pointed out that operators have a direct interest in maintaining engine oil, hoses, and belts, so the engine runs reliably, but the appropriate frequency for these maintenance practices are specific to engine design and are not "one size fits all." Commenters recommended that EPA revise fixed maintenance (one-size-fits-all) requirements to maintenance plans. The commenters stated that, while fixed maintenance intervals work well for new mass produced engines similar to those in automobiles, they are inappropriate for the wide variety of existing engines used in the oil and gas, agriculture, and power generation industries across the nation. The commenters pointed out that EPA allows the use of operator-defined maintenance plans that are "consistent with good air pollution control practice for minimizing emissions" to be used in other portions of this same rule, and asserted that EPA should allow the use of operator-defined maintenance plans to greatly reduce cost and allow operators to optimize maintenance for each type of engine.

Commenters said that if EPA keeps the management practices as proposed, the frequencies associated with conducting engine maintenance should be revised to be commensurate with today's practices. The commenters believed the maintenance practices, as proposed, are significantly burdensome and lack basis. According to the commenters, EPA should replace the maintenance hour intervals with company recommended performance-based maintenance practices to be documented in an operator-defined maintenance plan consistent with requirements in 40 CFR part 60, subpart JJJJ.

One commenter stated that most of the engine manufacturers for the engines in the oil and gas industry recommend oil changes on a monthly schedule. The commenter also indicated that it is common practice to periodically sample and test the engine oil to see if the oil properties are sufficient to extend this time period between oil changes. According to the commenter, this testing has shown in many cases that the oil change interval can be extended without any detrimental effects on the engine, which allows industry to maximize efficiencies, minimize oil usage, reduce waste, and streamline operations with no negative impacts to the engine or emissions.

One commenter expressed that inspection of hoses and belts has no impact on HAP emissions. The commenter expressed that, generally, it agreed that performing maintenance on engines will help to reduce HAP emissions, but that while inspecting belts and hoses is an important part of general engine maintenance (and most sources likely conduct regular inspections of their engines), such inspections have no effect on emissions and should not be included in the final rule.

Response: EPA proposed to require specific management practices for certain engines, primarily for smaller existing stationary engines at area sources where EPA determined that add-on controls were not GACT. EPA indicated at proposal that the management practices specified in the proposal reflected GACT and that such practices would provide a reasonable level of control, while at the same time ensuring that the burden on particularly small businesses and individual owners and operators would be minimized. EPA asked for comment on the proposed management practices and received comments on the proposal from industry.

EPA agrees with the commenters that it is difficult to adopt a set of management practices that are appropriate for all types of stationary engines. Regardless, EPA must promulgate emission standards pursuant to section 112(d)(5) of the CAA for all engines at area sources covered by this final rule. EPA still believes that management practices reflect GACT for emergency engines, engines less than or equal to 500 HP, 2SLB engines, and landfill/digester gas engines at area sources. These management practices represent what is generally available among such engines to reduce HAP, and

the practices will ensure that emissions are minimized and engines are properly operated. EPA does not agree with the commenters that it would be appropriate to simply specify that owners and operators follow the manufacturer's recommended maintenance practices for the engine. EPA cannot delegate to manufacturers the final decision regarding the proper management practices required by section 112(d) of the CAA. To address the comments that there may be special and unique operating situations where the management practices in this final rule may not be appropriate, for example engines using a synthetic lubricant, EPA notes that owners/operators may work with State permitting authorities pursuant to 40 CFR subpart E ("Approval of State Programs and Delegation of Federal Authorities") for approval of alternative management practices for their engines. 40 CFR subpart E implements section 112(l) of the CAA, which authorizes EPA to approve alternative State/local/tribal HAP standards or programs when such requirements are demonstrated to be no less stringent than EPA promulgated standards.

The management practices EPA proposed for stationary SI engines greater than 50 HP included changing the oil and filter every 500 hours, replacing the spark plugs every 1,000 hours, and inspecting all hoses and belts every 500 hours and replacing as necessary. For engines less than 50 HP, EPA proposed to require that these engines change the oil and filter every 200 hours, replace spark plugs every 500 hours, and inspect all hoses and belts every 500 hours and replace as necessary.

EPA agrees that there is a wide range of recommended maintenance procedures, but EPA must promulgate specific requirements pursuant to section 112(d) of the CAA for this source category. Based on the different suggested maintenance recommendations EPA has reviewed, maintenance requirements appear to vary depending on whether the engine is used for standby, intermittent, or continuous operation. Maintenance is also dependent on the engine application, design, and model.

Taking into consideration the information received from commenters on the proposed maintenance practices for oil and filter changes and carefully reviewing engine manufacturer recommended maintenance procedures, EPA has determined that for stationary non-emergency 4SLB and 4SRB SI RICE at or below 500 HP and stationary non-emergency landfill/digester gas SI RICE, GACT will require the management practices to be performed every 1,440 hours of engine operation or annually, whichever comes first, which, as indicated in the comments, reflects the management practices that are generally available. For stationary non-emergency 2SLB SI RICE, GACT will require the management practices to be performed every 4,320 hours of engine operation or annually, whichever comes first. Two stroke lean burn engines have a longer maintenance interval than 4-stroke engines because they do not have combustion blow-by gases entering the crankcase due to the engine configuration and therefore do not have as much oil contamination from the combustion blow-by gases. The 2SLB engines also operate at lower speeds and temperatures than 4-stroke engines; consequently the spark plug does not fire as frequently and fires at lower temperatures than 4-stroke engines. For these reasons, EPA agrees that 2SLB engines should have longer maintenance practice intervals than 4-stroke engines. EPA also determined that it would be appropriate to include the option to use an oil analysis program in this final rule.

EPA does not agree with the comments that EPA's proposed requirement to inspect belts and hoses has no impact on emissions. Ensuring that the engine is properly operated and maintained will help minimize the HAP emissions from the engine. Properly maintained belts and hoses allow the engine to operate at maximum efficiency. Hoses are generally used to move coolant through the engine to prevent the engine from overheating. Overheating of the engine can cause a malfunction in the combustion process, and may also burn the engine oil in the combustion chamber. Both of these conditions may increase pollutant emissions from the engine. Belts are commonly used for electrical generation and engine timing, and if worn or broken can cause damage to the engine and increase emissions. Therefore, EPA has required management practices that reflect GACT and that, in EPA's view, will ensure the proper operation and maintenance of the engine.

D. Method 323

Comment: Many commenters thought that EPA should reconsider whether EPA Method 323 could be included in this final rule or if there is another viable alternative to EPA Method 320. EPA Method 323 was published in the **Federal Register** on January 14, 2003, as a proposed test method to measuring formaldehyde from natural gas stationary combustion sources, but the method was never finalized. However, the commenters said that the method has been used on a consistent basis to measure formaldehyde from gas engines for compliance and other purposes. EPA Region 8 has test results that indicate potential issues related to the reliability of EPA Method 323 and the method was therefore not included in the proposed rule. The commenters said that they believe that testing errors may have been a factor in the anomalous results from EPA Region 8. The commenters have reviewed some of the test reports in question and noted potential calculation or testing errors. The Fourier Transform Infrared method, which is the single formaldehyde test method in the proposal, compared to Method 323 is more complex and often more expensive, according to the commenters. In addition, several commenters have concerns about whether there will be a sufficient amount of available testing companies to meet the performance testing demands of this final rule. For these reasons, several of the commenters said that EPA should look back at Method 323 as a viable method and at the same time consider other alternatives for measuring formaldehyde.

Response: EPA Method 323 was first proposed as part of the NESHAP for Stationary Combustion Turbines published January 14, 2003, (68 FR 1888) for measuring formaldehyde emissions from natural gas-fired sources. However, the method was not included in the final Stationary Combustion Turbine NESHAP due to reliability concerns and EPA never promulgated EPA Method 323 as a final standard in 40 CFR part 63, appendix A. Despite this, many sources chose to use the method for compliance testing and as EPA reviewed the results from the method two issues emerged. A few testers seemed to produce results with the method that were consistently biased low, and occasionally testers were unable to meet the performance requirement for collecting duplicate samples whose results agreed within ± 20 percent. Because EPA was unable to resolve these technical issues with the method, EPA found it appropriate to propose to remove the method from 40 CFR part 63, subpart ZZZZ.

After EPA proposed to remove Method 323 as a compliance test method, the Agency received test data comparing Method 323 to EPA Method 320. These comparison tests were run on five different engines with samples collected concurrently from co-located sampling systems. The results from the two methods showed good agreement and there was no evidence of bias in the

results from Method 323. Also, during the comparison testing, there were no problems meeting the quality assurance requirement in Method 323 for agreement between duplicate samples. A careful review of the earlier data where some testers using Method 323 were consistently producing biased results showed that these testers did not always perform the method correctly. Based on the results of the comparison testing, EPA believes that when competent testers perform Method 323 according to all of its requirements, the method will produce accurate and consistent results and it is appropriate to allow sources the option to use Method 323 to demonstrate compliance with the formaldehyde emission limits in 40 CFR part 63 subpart ZZZZ. Therefore, we are adding Method 323 to Appendix A of Part 63 as part of this action.

E. Other

Comment: One commenter indicated that they had provided significant comments in February 2009 on EPA's Continuous Parameter Monitoring Systems proposal (73 FR 59956, October 9, 2008) and believes that extensive revisions are needed of Performance Specifications 17 and 4. The commenter asked that EPA review these procedures to determine their appropriateness for even larger engines and suggested that EPA remove the reference to 40 CFR 63.8(a)(2) from Table 8 of the proposed rule, *i.e.,* change "Yes" to "No" for this paragraph.

Response: EPA does not agree with the commenter that the reference to 40 CFR 63.8(a)(2) in Table 8 of the rule should be "no". The commenter did not provide any information to support the claim that the Performance Specifications and 40 CFR 63.8(a)(2) are not appropriate for stationary engines. In response to this comment, EPA reviewed the proposed Performance Specifications and determined that they are appropriate for stationary engines, including stationary SI engines. In order to clearly indicate the requirements from the Performance Specifications that should be followed for the stationary engines subject to this rulemaking, EPA has included the Performance Specification requirements in 40 CFR part 63 subpart ZZZZ.

VI. Summary of Environmental, Energy and Economic Impacts

A. What are the air quality impacts?

This final rule is expected to reduce total HAP emissions from stationary RICE by 6,000 tpy beginning in the year 2013, which is the first year this final rule will be implemented. EPA estimates that approximately 330,000 stationary SI engines will be subject to this final rule. These estimates include stationary engines located at major and area sources; however, not all stationary engines are subject to numerical emission standards. Further information regarding the estimated reductions of this final rule can be found in the memorandum titled, "Impacts Associated with NESHAP for Existing Stationary SI RICE," which is available in the docket.

In addition to HAP emissions reductions, this final rule will reduce other pollutants such as CO, NO_X, and VOC. This final rule is expected to reduce emissions of CO by 109,000 tpy in the year 2013. Reductions of NO_X are estimated at 96,000 tpy in the year 2013. Emissions of VOC are estimated to be reduced by 31,000 tpy in the year 2013.

B. What are the cost impacts?

The total national capital cost for this final rule for existing stationary RICE is estimated to be $383 million, with a total national annual cost of $253 million in year 2013 (the first year this final rule is implemented). Further information regarding the estimated cost impacts of this final rule can be found in the memorandum titled, "Impacts Associated with NESHAP for Existing Stationary SI RICE," which is available in the docket.

C. What are the benefits?

We estimate the monetized co-benefits of the final SI RICE NESHAP for major and area sources to be $510 million to $1.2 billion (2009$, 3 percent discount rate) in the implementation year (2013). The monetized co-benefits of the regulatory action at a 7 percent discount rate are $460 million to $1.1 billion (2009$). Using alternate relationships between $PM_{2.5}$ and premature mortality supplied by experts, higher and lower co-benefits estimates are plausible, but most of the expert-based estimates fall between these two estimates.[1] A summary of the monetized co-benefits estimates at discount rates of 3 percent and 7 percent is presented in Table 3 of this preamble.

TABLE 3—SUMMARY OF THE MONETIZED CO-BENEFITS ESTIMATES FOR THE FINAL RICE SI NESHAP IN 2013

[Millions of 2009$] [1]

$PM_{2.5}$ precursors	Estimated emission reductions (tons per year)	Total monetized co-benefits (3% discount rate)	Total monetized co-benefits (7% discount rate)
Major Sources:			
VOC	6,730	$8.2 to $20	$7.4 to $18.
Area Sources:			
VOC	24,177	$29 to $72	$27 to $65.
NO_X	96,479	$470 to $1,100	$420 to $1,000.
Total for Area Sources		$500 to $1,200	$450 to $1,100.
Combined Total for Major and Area Sources		$510 to $1,200	$460 to $1,100.

[1] All estimates are for the implementation year (2013), and are rounded to two significant figures so numbers may not sum across rows. All fine particles are assumed to have equivalent health effects, but the benefit-per-ton estimates vary between precursors because each ton of precursor reduced has a different propensity to form $PM_{2.5}$. Benefits from reducing CO and HAP are not included. All of the benefits for area sources are attributable to reductions expected from 4SLB and 4SRB non-emergency engines above 500 HP.

[1] Roman *et al.,* 2008. Expert Judgment Assessment of the Mortality Impact of Changes in Ambient Fine Particulate Matter in the U.S. Environ. Sci. Technol., 42, 7, 2268–2274.

These co-benefits estimates represent the total monetized human health benefits for populations exposed to less $PM_{2.5}$ in 2013 from controls installed to reduce air pollutants in order to meet these multiple standards. These co-estimates are calculated as the sum of the monetized value of avoided premature mortality and morbidity associated with reducing a ton of $PM_{2.5}$ precursor emissions. To estimate the human health benefits derived from reducing $PM_{2.5}$ precursor emissions, we utilized the general approach and methodology laid out in Fann, Fulcher, and Hubbell (2009).[2]

To generate the benefit-per-ton estimates, we used a model to convert emissions of direct $PM_{2.5}$ and $PM_{2.5}$ precursors into changes in ambient $PM_{2.5}$ levels and another model to estimate the changes in human health associated with that change in air quality. Finally, the monetized health co-benefits were divided by the emissions reductions to create the benefit-per-ton estimates. These models assume that all fine particles, regardless of their chemical composition, are equally potent in causing premature mortality because there is no clear scientific evidence that would support the development of differential effects estimates by particle type. NO_X and VOCs are the primary $PM_{2.5}$ precursors affected by this rule. Even though we assume that all fine particles have equivalent health effects, the benefit-per-ton estimates vary between precursors because each ton of precursor reduced has a different propensity to form $PM_{2.5}$. For example, NO_X has a lower benefit-per-ton estimate than direct $PM_{2.5}$ because it does not form as much $PM_{2.5}$, thus the exposure would be lower, and the monetized health co-benefits would be lower.

For context, it is important to note that the magnitude of the PM co-benefits is largely driven by the concentration response function for premature mortality. Experts have advised EPA to consider a variety of assumptions, including estimates based both on empirical (epidemiological) studies and judgments elicited from scientific experts, to characterize the uncertainty in the relationship between $PM_{2.5}$ concentrations and premature mortality. For this rulemaking we cite two key empirical studies, one based on the American Cancer Society cohort study[3] and the extended Six Cities cohort study.[4] In the RIA for this rulemaking, which is available in the docket, we also include co-benefits estimates derived from expert judgments and other assumptions.

EPA strives to use the best available science to support our benefits analyses. We recognize that interpretation of the science regarding air pollution and health is dynamic and evolving. After reviewing the scientific literature and recent scientific advice, we have determined that the no-threshold model is the most appropriate model for assessing the mortality benefits associated with reducing $PM_{2.5}$ exposure. Consistent with this recent advice, we are replacing the previous threshold sensitivity analysis with a new "Lowest Measured Level" (LML) assessment. While an LML assessment provides some insight into the level of uncertainty in the estimated PM mortality benefits, EPA does not view the LML as a threshold and continues to quantify PM-related mortality impacts using a full range of modeled air quality concentrations.

Most of the estimated PM-related benefits in this rulemaking would accrue to populations exposed to higher levels of $PM_{2.5}$. Using the Pope *et al.* (2002) study, the 85 percent of the population is exposed at or above the LML of 7.5 $\mu g/m^3$. Using the Laden *et al.* (2006) study, 40 percent of the population is exposed above the LML of 10 $\mu g/m^3$. It is important to emphasize that we have high confidence in $PM_{2.5}$-related effects down to the lowest LML of the major cohort studies. This fact is important, because as we estimate PM-related mortality among populations exposed to levels of $PM_{2.5}$ that are successively lower, our confidence in the results diminishes. However, our analysis shows that the great majority of the impacts occur at higher exposures.

This analysis does not include the type of detailed uncertainty assessment found in the 2006 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) RIA because we lack the necessary air quality input and monitoring data to run the benefits model. However, the 2006 $PM_{2.5}$ NAAQS benefits analysis[5] provides an indication of the sensitivity of our results to various assumptions.

It should be emphasized that the monetized co-benefits estimates provided above do not include benefits from several important benefit categories, including reducing other air pollutants, ecosystem effects, and visibility impairment. The benefits from reducing CO and HAP have not been monetized in this analysis, including reducing 109,000 tons of CO and 6,000 tons of HAP each year. Although we do not have sufficient information or modeling available to provide monetized estimates for this rulemaking, we include a qualitative assessment of these other effects in the RIA for this rulemaking, which is available in the docket.

The combined social costs of this rulemaking are estimated to be $253 million (2009$) in the implementation year. The combined monetized co-benefits are $510 million to $1.2 billion (2009$, 3 percent discount rate) and $460 million to $1.1 billion (2009$, 7 percent discount rate) for 2013. Thus, net benefits of this rulemaking are estimated at $250 million to $980 million (2009$, 3 percent discount rate) and $210 million to $860 million (2009$, 7 percent discount rate). EPA believes that the benefits of the rulemaking are likely to exceed the costs even when taking into account the uncertainties in the cost and benefit estimates.

D. What are the economic impacts?

The economic impact analysis (EIA) that is included in the RIA indicates that prices of affected output from the affected industries will increase as a result of the rule, but the changes will be small. The largest impacts are on the electric power generating industry because it bears more costs from the rule than any other affected industry (slightly more than 50 percent of the total annualized costs). For all affected industries, annualized compliance costs are 0.5 percent or less, on average, of sales for firms.

Based on the estimated compliance costs associated with this rule and the predicted changes in prices and output in affected markets, the estimated social costs are $253 million (2009$), which is the same as the estimated compliance costs.

For more information on the economic impacts, please refer to the RIA for this rulemaking, which is available in the docket.

[2] Fann, N., C.M. Fulcher, B.J. Hubbell. 2009. "The influence of location, source, and emissions type in estimates of the human health benefits of reducing a ton of air pollution." Air Qual Atmos Health (2009) 2:169–176.

[3] Pope *et al.,* 2002. "Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution." Journal of the American Medical Association 287:1132–1141.

[4] Laden *et al.,* 2006. "Reduction in Fine Particulate Air Pollution and Mortality." *American Journal of Respiratory and Critical Care Medicine.* 173: 667–672.

[5] U.S. Environmental Protection Agency, 2006. Final Regulatory Impact Analysis: $PM_{2.5}$ NAAQS. Prepared by Office of Air and Radiation. October. Available on the Internet at *http://www.epa.gov/ttn/ecas/ria.html.*

E. What are the non-air health, environmental and energy impacts?

EPA does not anticipate any significant non-air health, environmental or energy impacts as a result of this final rule.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under section 3(f)(1) of Executive Order 12866 (58 FR 51735, October 4, 1993), 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 Executive Order 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. In addition, EPA prepared a RIA of the potential costs and benefits associated with this action.

When estimating the $PM_{2.5}$-related human health benefits and compliance costs in Table 4 below, EPA applied methods and assumptions consistent with the state-of-the-science for human health impact assessment, economics and air quality analysis. EPA applied its best professional judgment in performing this analysis and believes that these estimates provide a reasonable indication of the expected benefits and costs to the nation of this rulemaking. The RIA available in the docket describes in detail the empirical basis for EPA's assumptions and characterizes the various sources of uncertainties affecting the estimates below.

When characterizing uncertainty in the PM-mortality relationship, EPA has historically presented a sensitivity analysis applying alternate assumed thresholds in the PM concentration-response relationship. In its synthesis of the current state of the PM science, EPA's 2009 Integrated Science Assessment for Particulate Matter concluded that a no-threshold log-linear model most adequately portrays the PM-mortality concentration-response relationship. In the RIA accompanying this rulemaking, rather than segmenting out impacts predicted to be associated levels above and below a "bright line" threshold, EPA includes a "LML" that illustrates the increasing uncertainty that characterizes exposure attributed to levels of $PM_{2.5}$ below the LML for each study. Figures provided in the RIA show the distribution of baseline exposure to $PM_{2.5}$, as well as the lowest air quality levels measured in each of the epidemiology cohort studies. This information provides a context for considering the likely portion of PM-related mortality benefits occurring above or below the LML of each study; in general, our confidence in the size of the estimated reduction $PM_{2.5}$-related premature mortality diminishes as baseline concentrations of $PM_{2.5}$ are lowered. Using the Pope *et al.* (2002) study, the 85 percent of the population is exposed to annual mean $PM_{2.5}$ levels at or above the LML of 7.5 μg/m³. Using the Laden *et al.* (2006) study, 40 percent of the population is exposed above the LML of 10 μg/m³. While the LML analysis provides some insight into the level of uncertainty in the estimated PM mortality benefits, EPA does not view the LML as a threshold and continues to quantify PM-related mortality impacts using a full range of modeled air quality concentrations.

A summary of the monetized benefits, social costs, and net benefits for the option, as well as a less stringent option, at discount rates of 3 percent and 7 percent is in Table 4 of this preamble.

TABLE 4—SUMMARY OF THE MONETIZED BENEFITS, SOCIAL COSTS, AND NET BENEFITS FOR THE FINAL SI RICE NESHAP IN 2013

[Millions of 2009$] [1]

	3% Discount rate			7% Discount rate		
Final NESHAP: Major						
Total Monetized Benefits [2]	$8.2	to	$20	$7.4	to	$18
Total Social Costs [3]	$88			$88		
Net Benefits	−$80	to	−$68	−$81	to	−$70
Non-monetized Benefits	12,500 tons of CO 1,300 tons of HAP Ecosystem effects Visibility impairment					
Alternative 2: Major						
Total Monetized Benefits [2]	$48	to	$120	$43	to	$110
Total Social Costs [3]	$95			$95		
Net Benefits	−$47	to	$22	−$52	to	$11
Non-monetized Benefits	17,800 tons of CO 1,400 tons of HAP Health effects from NO_2 and ozone exposure Ecosystem effects Visibility impairment					
Final NESHAP: Area [4]						
Total Monetized Benefits [2]	$500	to	$1,200	$450	to	$1,100
Total Social Costs [3]	$166			$166		

TABLE 4—SUMMARY OF THE MONETIZED BENEFITS, SOCIAL COSTS, AND NET BENEFITS FOR THE FINAL SI RICE NESHAP IN 2013—Continued

[Millions of 2009$] [1]

	3% Discount rate			7% Discount rate		
Net Benefits	$330	to	$1,100	$290	to	$930
Non-monetized Benefits	97,000 tons of CO 4,700 tons of HAP Health effects from NO_2 and ozone exposure Ecosystem effects Visibility impairment					
Final Major and Area Source NESHAP						
Total Monetized Benefits [2]	$510	to	$1,200	$460	to	$1,100
Total Social Costs [3]	$253			$253		
Net Benefits	$250	to	$980	$210	to	$860
Non-monetized Benefits	109,000 tons of CO 6,000 tons of HAP Health effects from NO_2 and ozone exposure Ecosystem effects Visibility impairment					

[1] All estimates are for the implementation year (2013), and are rounded to two significant figures.
[2] The total monetized benefits reflect the human health benefits associated with reducing exposure to $PM_{2.5}$ through reductions of $PM_{2.5}$ precursors such as NO_X and VOC. It is important to note that the monetized benefits include many but not all health effects associated with $PM_{2.5}$ exposure. Benefits are shown as a range from Pope *et al.* (2002) to Laden *et al.* (2006). These models assume that all fine particles, regardless of their chemical composition, are equally potent in causing premature mortality because there is no clear scientific evidence that would support the development of differential effects estimates by particle type.
[3] The annual compliance costs serve as a proxy for the annual social costs of this rulemaking given the lack of difference between the two.
[4] All of the benefits for area sources are attributable to reductions expected from 4SLB and 4SRB non-emergency engines above 500 HP.

For more information on the benefits analysis, please refer to the RIA for this rulemaking, which is available in the docket.

B. Paperwork Reduction Act

The information collection requirements in this final rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them.

The information collection activities in this final rule include performance testing for non-emergency stationary SI RICE from 100 to 500 HP located at major sources of HAP and for non-emergency 4SLB and 4SRB stationary SI RICE larger than 500 HP located at area sources of HAP. The information collection activities also include one-time notifications and periodic reports, recording information, monitoring and the maintenance of records. The information generated by these activities will be used by EPA to ensure that affected facilities comply with the emission limits and other requirements. Records and reports are necessary to enable EPA or States to identify affected facilities that may not be in compliance with the requirements. Based on reported information, EPA will decide which units and what records or processes should be inspected. These amendments do not require any notifications or reports beyond those required by the General Provisions. The recordkeeping requirements require only the specific information needed to determine compliance. These recordkeeping and reporting requirements are specifically authorized by CAA section 114 (42 U.S.C. 7414). All information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to EPA policies in 40 CFR part 2, subpart B, Confidentiality of Business Information.

The annual monitoring, reporting, and recordkeeping burden for this collection (averaged over the first 3 years after sources must comply) is estimated to be 967,246 labor hours per year at a total annual cost of $86 million. This estimate includes notifications of compliance and performance tests, engine performance testing, semiannual compliance reports, continuous monitoring, and recordkeeping. The total capital costs associated with the requirements over the 3-year period of the information collection request (ICR) is estimated to be $13.8 million per year. There are no additional operation and maintenance costs for the requirements over the 3-year period of the ICR. 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. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final rule.

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, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (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 which is independently owned and operated and is not dominant in its field. The companies owning facilities with affected RICE can be grouped into small and large categories using SBA general size standard definitions. Size standards are based on industry classification codes (*i.e.,* North American Industrial Classification System, or NAICS) that each company uses to identify the industry or industries in which they operate in. The SBA defines a small business in terms of the maximum employment, annual sales, or annual energy-generating capacity (for electricity generating units) of the owning entity. These thresholds vary by industry and are evaluated based on the primary industry classification of the affected companies. In cases where companies are classified by multiple NAICS codes, the most conservative SBA definition (*i.e.,* the NAICS code with the highest employee or revenue size standard) was used.

As mentioned earlier in this preamble, facilities across several industries use affected SI RICE; therefore, a number of size standards are utilized in this analysis. For the 15 industries identified at the 6-digit NAICS codes represented in this analysis, the employment size standard (where it applies) varies from 500 to 1,000 employees. The annual sales standard (where it applies) is as low as $0.75 million and as high as $33.5 million. In addition, for the electric power generation industry, the small business size standard is an ultimate parent entity defined as having a total electric output of 4 million megawatt-hours in the previous fiscal year. The specific SBA size standard is identified for each affected industry within the industry profile to support this economic analysis.

After considering the economic impacts of this final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities (SISNOSE). This certification is based on the economic impact of this final action to all affected small entities across all industries affected. We estimate that all small entities will have annualized costs of less than 1 percent of their sales in all industries except NAICS 2211 (electric power generation, transmission, and distribution) and NAICS 111 (Crop and Animal Production). The number of small entities in NAICS 2211 having annualized costs of greater than 1 percent of their sales is less than 5 percent, and the number of small entities in NAICS 111 and 112 having annualized costs of greater than 1 percent of their sales (but less than 2 percent of sales) is 30 percent. We conclude that there is no SISNOSE for this final rule.

For more information on the small entity impacts associated with this final rule, please refer to the Economic Impact and Small Business Analyses in the public docket. These analyses can be found in the RIA for this final rule.

Although this final rule would not have a significant economic impact on a substantial number of small entities, EPA nonetheless tried to reduce the impact of this final rule on small entities. When developing the standards, EPA took special steps to ensure that the burdens imposed on small entities were minimal. EPA conducted several meetings with industry trade associations to discuss regulatory options and the corresponding burden on industry, such as recordkeeping and reporting. In this final rule, we are applying the minimum level of control (*i.e.,* the MACT floor) to engines located at major HAP sources and the minimum level of testing, monitoring, recordkeeping, and reporting to affected RICE sources, both major and area, allowed by the CAA. Other alternatives considered that provided more than the minimum level of control were deemed as not technically feasible or cost-effective for EPA to implement as explained earlier in the preamble.

D. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, requires Federal agencies, unless otherwise prohibited by law, to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This final rule contains a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Accordingly, EPA has prepared under section 202 of the UMRA a written statement which is summarized below.

As discussed previously in this preamble, the statutory authority for this final rule is section 112 of the CAA. Section 112(b) lists the 189 chemicals, compounds, or groups of chemicals deemed by Congress to be HAP. These toxic air pollutants are to be regulated by NESHAP. Section 112(d) of the CAA directs us to develop NESHAP based on MACT, which require existing and new major sources to control emissions of HAP. EPA is required to address HAP emissions from stationary RICE located at area sources under section 112(k) of the CAA, based on criteria set forth by EPA in the Urban Air Toxics Strategy previously discussed in this preamble.

In compliance with section 205(a), we identified and considered a reasonable number of regulatory alternatives. EPA carefully examined the regulatory alternatives, and selected the lowest cost/least burdensome alternative that EPA deems adequate to achieve the statutory requirements of CAA section 112 and effectively reduce emissions of HAP.

1. Social Costs and Benefits

The RIA prepared for this final rule, including the Agency's assessment of costs and benefits, is detailed in the "Regulatory Impact Analysis for the Final SI RICE NESHAP" in the docket. Based on estimated compliance costs on all sources associated with this final rule and the predicted change in prices and production in the affected industries assuming passthrough of costs to affected consumers, the estimated social costs of this final rule are $253 million (2009$). It is estimated that by 2013, HAP will be reduced by 6,000 tpy due to reductions in formaldehyde, acetaldehyde, acrolein, methanol and benzene from existing stationary SI RICE. Formaldehyde and acetaldehyde have been classified as "probable human carcinogens." Acrolein and methanol are not considered carcinogenic, but produce several other toxic effects. Benzene is classified as a known carcinogen (Group A). This final rule is expected to reduce emissions of CO by about 109,000 tpy in the year 2013. Reductions of NO_X are estimated at 96,000 tpy in the year 2013. Emissions of VOC are estimated to be reduced by 31,000 tpy in the year 2013. Exposure to CO can affect the cardiovascular system and the central nervous system.

The total monetized benefits of this final rule in 2013 range from $510 million to $1.2 billion (2009$, 3% discount rate).

2. Future and Disproportionate Costs

The UMRA requires that we estimate, where accurate estimation is reasonably feasible, future compliance costs imposed by this final rule and any disproportionate budgetary effects. Our estimates of the future compliance costs of this final rule are discussed previously in this preamble. We do not believe that there will be any

disproportionate budgetary effects of this final rule on any particular areas of the country, State or local governments, types of communities (*e.g.,* urban, rural), or particular industry segments.

3. Effects on the National Economy

The UMRA requires that we estimate the effect of this final rule on the national economy. To the extent feasible, we must estimate the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of the U.S. goods and services if we determine that accurate estimates are reasonably feasible and that such effect is relevant and material. The nationwide economic impact of this final rule is presented in the "Regulatory Impact Analysis for the SI RICE NESHAP" in the docket. This analysis provides estimates of the effect of this final rule on most of the categories mentioned above. The results of the economic impact analysis were summarized previously in this preamble. In addition, we have determined that this final rule contains no regulatory requirements that might significantly or uniquely affect small governments. Therefore, this rule is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

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. This final rule primarily affects private industry, and does not impose significant economic costs on State or local governments. 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). It will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. Thus, Executive Order 13175 does not apply to this final rule.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

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

This final rule is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse impact on the supply, distribution, or use of energy. EPA has prepared an analysis of energy impacts that explains this conclusion as follows below.

With respect to energy supply and prices, our analysis suggests that at the industry level, the annualized costs represent a very small fraction of revenue (generally less than 0.5 percent). As a result, we can conclude supply and price impacts on affected energy producers and consumers should be small.

To enhance understanding regarding the regulation's influence on energy consumption, we examined publicly available data describing energy consumption for the electric power sector. The electric power sector is expected to incur about half of the $253 million in compliance costs associated with this final rule, and is the industry expected to incur the greatest share of the costs relative to other affected industries. The Annual Energy Outlook 2010 (EIA, 2009) provides energy consumption data. Since this final rule primarily affects natural gas and gasoline-fired RICE, our analysis focuses on impacts of consumption of these fuels. As shown in Table 5 of this preamble, the electric power sector accounts for less than 5.1 percent of U.S. natural gas consumption. As a result, any energy consumption changes attributable to this final rule should not significantly influence the supply, distribution, or use of energy nationwide.

TABLE 5—U.S. ELECTRIC POWER [a] SECTOR ENERGY CONSUMPTION

[(Quadrillion BTUs): 2013]

	Quantity	Share of total energy use (percent)
Distillate fuel oil	0.12	0.1
Residual fuel oil	0.34	0.3
Liquid fuels subtotal	0.45	0.5
Natural gas	5.17	5.1
Steam coal	20.69	20.6
Nuclear power	8.59	8.5
Renewable energy [b]	6.06	6.0
Electricity Imports	0.09	0.1
Total Electric Power Energy Consumption [c]	41.18	40.9
Delivered Energy Use	72.41	72.0
Total Energy Use	100.59	100.0

[a] Includes consumption of energy by electricity-only and combined heat and power plants whose primary business is to sell electricity, or electricity and heat, to the public. Includes small power producers and exempt wholesale generators.

[b] Includes conventional hydroelectric, geothermal, wood and wood waste, biogenic municipal solid waste, other biomass, petroleum coke, wind, photovoltaic and solar thermal sources. Excludes net electricity imports.

[c] Includes non-biogenic municipal waste not included above.

Source: U.S. Energy Information Administration. 2009. Supplemental Tables to the Annual Energy Outlook 2010.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113, Section 12(d), 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency does not use available and applicable VCS.

EPA cites technical standard EPA Method 323 of 40 CFR part 63, appendix A, in this final rule. Consistent with the NTTAA, EPA conducted searches to identify VCS in addition to this EPA method. No applicable VCS were identified for EPA Method 323. The search and review results have been documented and are placed in the docket for this final rule.

Under § 63.7(f) and § 63.8(f) of subpart A of the General Provisions, a source may apply to EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required or referenced testing methods, performance specifications, or procedures.

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

Executive Order 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 increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This rule is a nationwide standard that reduces air toxics emissions from existing stationary SI engines, thus decreasing the amount of such emissions to which all affected populations are exposed.

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 final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. 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. 804(2). This final rule will be effective on October 19, 2010.

List of Subjects in 40 CFR Part 63

Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 10, 2010.

Lisa P. Jackson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart ZZZZ—[Amended]

■ 2. Section 63.6590 is amended by revising paragraphs (b)(2), (b)(3), and (c) to read as follows:

§ 63.6590 What parts of my plant does this subpart cover?

* * * * *

(b) * * *

(2) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of § 63.6645(f) and the requirements of §§ 63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this subpart.

(3) The following stationary RICE do not have to meet the requirements of this subpart and of subpart A of this part, including initial notification requirements:

(i) Existing spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(ii) Existing spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iii) Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iv) Existing limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(v) Existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(vi) Existing residential emergency stationary RICE located at an area source of HAP emissions;

(vii) Existing commercial emergency stationary RICE located at an area source of HAP emissions; or

(viii) Existing institutional emergency stationary RICE located at an area source of HAP emissions.

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

(1) A new or reconstructed stationary RICE located at an area source;

(2) A new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(3) A new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake HP located at a major source of HAP emissions;

(4) A new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less

than or equal to 500 brake HP located at a major source of HAP emissions;

(5) A new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(6) A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(7) A new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

■ 3. Section 63.6595 is amended by revising paragraph (a)(1) to read as follows:

§ 63.6595 When do I have to comply with this subpart?

(a) * * *

(1) If you have an existing stationary RICE, excluding existing non-emergency CI stationary RICE, with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than June 15, 2007. If you have an existing non-emergency CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than May 3, 2013. If you have an existing stationary SI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary SI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than October 19, 2013.

* * * * *

■ 4. Section 63.6601 is amended by revising the section heading to read as follows:

§ 63.6601 What emission limitations must I meet if I own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than or equal to 500 brake HP located at a major source of HAP emissions?

* * * * *

■ 5. Section 63.6602 is revised to read as follows:

§ 63.6602 What emission limitations must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in § 63.6620 and Table 4 to this subpart.

■ 6. Section 63.6603 is amended by revising the section heading and paragraph (a) to read as follows:

§ 63.6603 What emission limitations and operating limitations must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions?

* * * * *

(a) If you own or own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

* * * * *

■ 7. Section 63.6604 is revised to read as follows:

§ 63.6604 What fuel requirements must I meet if I own or operate an existing stationary CI RICE?

If you own or operate an existing non-emergency, non-black start CI stationary RICE with a site rating of more than 300 brake HP with a displacement of less than 30 liters per cylinder that uses diesel fuel, you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel. Existing non-emergency CI stationary RICE located in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or at area sources in areas of Alaska not accessible by the FAHS are exempt from the requirements of this section.

■ 8. Section 63.6611 is amended by revising the section heading to read as follows:

§ 63.6611 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a new or reconstructed 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?

* * * * *

■ 9. Section 63.6612 is amended by revising the introductory text to read as follows:

§ 63.6612 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions you are subject to the requirements of this section.

* * * * *

■ 10. Section 63.6625 is amended by:

■ a. Revising paragraph (b);

■ b. Revising paragraph (e);

■ c. Revising paragraph (g) introductory text;

■ d. Revising paragraph (h);

■ e. Revising paragraph (i); and

■ f. Adding paragraphs (j) and (k) to read as follows:

§ 63.6625 What are my monitoring, installation, collection, operation, and maintenance requirements?

* * * * *

(b) If you are required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this subpart, you must install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (8) of this section.

(1) The CPMS must complete a minimum of one cycle of operation for each successive 15-minute period. You must have a minimum of four successive cycles of operation to have a valid hour of data.

(2) Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation at all times that the unit is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to

provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(3) For purposes of calculating data averages, you must not use data recorded during monitoring malfunctions, associated repairs, out of control periods, or required quality assurance or control activities. You must use all the data collected during all other periods in assessing compliance. Any 15-minute period for which the monitoring system is out-of-control and data are not available for required calculations constitutes a deviation from the monitoring requirements.

(4) Determine the 3-hour block average of all recorded readings, except as provided in paragraph (b)(3) of this section.

(5) Record the results of each inspection, calibration, and validation check.

(6) You must develop a site-specific monitoring plan that addresses paragraphs (b)(6)(i) through (vi) of this section.

(i) Installation of the CPMS sampling probe or other interface at the appropriate location to obtain representative measurements;

(ii) Performance and equipment specifications for the sample interface, parametric signal analyzer, and the data collection and reduction systems;

(iii) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations);

(iv) Ongoing operation and maintenance procedures in accordance with the general requirements of § 63.8(c)(1), (c)(3), and (c)(4)(ii);

(v) Ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d); and

(vi) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 63.10(c), (e)(1), and (e)(2)(i).

(7) You must conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

(8) You must operate and maintain the CPMS in continuous operation according to the site-specific monitoring plan.

* * * * *

(e) If you own or operate any of the following stationary RICE, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions:

(1) An existing stationary RICE with a site rating of less than 100 HP located at a major source of HAP emissions;

(2) An existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions;

(3) An existing emergency or black start stationary RICE located at an area source of HAP emissions;

(4) An existing non-emergency, non-black start stationary CI RICE with a site rating less than or equal to 300 HP located at an area source of HAP emissions;

(5) An existing non-emergency, non-black start 2SLB stationary RICE located at an area source of HAP emissions;

(6) An existing non-emergency, non-black start landfill or digester gas stationary RICE located at an area source of HAP emissions;

(7) An existing non-emergency, non-black start 4SLB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(8) An existing non-emergency, non-black start 4SRB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(9) An existing, non-emergency, non-black start 4SLB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year; and

(10) An existing, non-emergency, non-black start 4SRB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year.

* * * * *

(g) If you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (g)(2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska not accessible by the FAHS do not have to meet the requirements of paragraph (g) of this section.

* * * * *

(h) If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.

(i) If you own or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of Table 2c to this subpart or in items 1 or 4 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

(j) If you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of Table 2c to this subpart or in items 5, 6, 7, 9, or 11 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table

2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

(k) If you have an operating limitation that requires the use of a temperature measurement device, you must meet the requirements in paragraphs (k)(1) through (4) of this section.

(1) Locate the temperature sensor and other necessary equipment in a position that provides a representative temperature.

(2) Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 1.0 percent of the temperature value, whichever is larger, for a noncryogenic temperature range.

(3) Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 2.5 percent of the temperature value, whichever is larger, for a cryogenic temperature range.

(4) Conduct a temperature measurement device calibration check at least every 3 months.

■ 11. Section 63.6640 is amended by revising paragraph (f) to read as follows:

§ 63.6640 How do I demonstrate continuous compliance with the emission limitations and operating limitations?

* * * * *

(f) *Requirements for emergency stationary RICE.* (1) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that was installed on or after June 12, 2006, or an existing emergency stationary RICE located at an area source of HAP emissions, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1)(i) through (iii) of this section. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1)(i) through (iii) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1)(i) through (iii) of this section, the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.

(i) There is no time limit on the use of emergency stationary RICE in emergency situations.

(ii) You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.

(iii) You may operate your emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.

(2) If you own or operate an emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that was installed prior to June 12, 2006, you must operate the engine according to the conditions described in paragraphs (f)(2)(i) through (iii) of this section. If you do not operate the engine according to the requirements in paragraphs (f)(2)(i) through (iii) of this section, the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.

(i) There is no time limit on the use of emergency stationary RICE in emergency situations.

(ii) You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. Required testing of such units should be minimized, but there is no time limit on the use of emergency stationary RICE in emergency situations and for routine testing and maintenance.

(iii) You may operate your emergency stationary RICE for an additional 50 hours per year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

■ 12. Section 63.6645 is amended by revising paragraphs (a)(1), (a)(2), and (a)(5) to read as follows:

§ 63.6645 What notifications must I submit and when?

(a) * * *

(1) An existing stationary RICE with a site rating of less than or equal to 500

brake HP located at a major source of HAP emissions.

(2) An existing stationary RICE located at an area source of HAP emissions.

* * * * *

(5) This requirement does not apply if you own or operate an existing stationary RICE less than 100 HP, an existing stationary emergency RICE, or an existing stationary RICE that is not subject to any numerical emission standards.

* * * * *

■ 13. Section 63.6655 is amended by revising paragraphs (e)(1) through (e)(3) and (f)(1) and (f)(2) to read as follows:

§ 63.6655 What records must I keep?

* * * * *

(e) * * *

(1) An existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions.

(2) An existing stationary emergency RICE.

(3) An existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d to this subpart.

(f) * * *

(1) An existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines.

(2) An existing emergency stationary RICE located at an area source of HAP emissions that does not meet the standards applicable to non-emergency engines.

■ 14. Section 63.6675 is amended by:

■ a. Adding in alphabetical order the definition of *Commercial emergency stationary RICE;*

■ b. Revising the definition of *Emergency stationary RICE;*

■ c. Adding in alphabetical order the definition of *Institutional emergency stationary RICE;*

■ d. Adding in alphabetical order the definition of *Residential emergency stationary RICE;* and

■ e. Removing the definition of *Residential/commercial/institutional emergency stationary RICE* to read as follows:

§ 63.6675 What definitions apply to this subpart?

* * * * *

Commercial emergency stationary RICE means an emergency stationary RICE used in commercial establishments such as office buildings, hotels, stores, telecommunications facilities, restaurants, financial institutions such as banks, doctor's offices, and sports and performing arts facilities.

* * * * *

Emergency stationary RICE means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary RICE used to pump water in the case of fire or flood, *etc.* Stationary RICE used for peak shaving are not considered emergency stationary RICE. Stationary RICE used to supply power to an electric grid or that supply non-emergency power as part of a financial arrangement with another entity are not considered to be emergency engines, except as permitted under § 63.6640(f). All emergency stationary RICE must comply with the requirements specified in § 63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in § 63.6640(f), then it is not considered to be an emergency stationary RICE under this subpart.

* * * * *

Institutional emergency stationary RICE means an emergency stationary RICE used in institutional establishments such as medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations.

* * * * *

Residential emergency stationary RICE means an emergency stationary RICE used in residential establishments such as homes or apartment buildings.

* * * * *

■ 15. Table 1a to Subpart ZZZZ of Part 63 heading and introductory text is revised to read as follows:

Table 1a to Subpart ZZZZ of Part 63. Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE > 500 HP Located at a Major Source of HAP Emissions

As stated in §§ 63.6600 and 63.6640, you must comply with the following emission limitations at 100 percent load plus or minus 10 percent for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

* * * * *

■ 16. Table 1b to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 1b to Subpart ZZZZ of Part 63. Operating Limitations for Existing, New, and Reconstructed Spark Ignition 4SRB Stationary RICE > 500 HP Located at a Major Source of HAP Emissions and Existing Spark Ignition 4SRB Stationary RICE > 500 HP Located at an Area Source of HAP Emissions

As stated in §§ 63.6600, 63.6630 and 63.6640, you must comply with the following operating limitations for existing, new and reconstructed 4SRB stationary RICE > 500 HP located at a major source of HAP emissions and existing 4SRB stationary RICE > 500 HP located at an area source of HAP emissions that operate more than 24 hours per calendar year:

For each . . .	You must meet the following operating limitation . . .
1. 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and using NSCR; or	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus; 10 percent from the pressure drop across the catalyst measured during the initial performance test and b. maintain the termperature of your stationary RICE exhaust so the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.
4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2 and using NSCR; or	
4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 2.7 ppmvd or less at 15 percent O_2 and using NSCR.	

For each . . .	You must meet the following operating limitation . . .
2. 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and not using NSCR; or 4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2 and not using NSCR; or 4SRB stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 2.7 ppmvd or less at 15 percent O_2 and using NSCR.	Comply with any operating limitations approved by the Administrator.

■ 17. Table 2b to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 2b to Subpart ZZZZ of Part 63. Operating Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE > 500 HP Located at a Major Source of HAP Emissions, New and Reconstructed 4SLB Stationary RICE ≥ 250 HP Located at a Major Source of HAP Emissions, Existing Compression Ignition Stationary RICE > 500 HP, and Existing 4SLB Stationary RICE > 500 HP Located at an Area Source of HAP Emissions

As stated in §§ 63.6600, 63.6601, 63.6630, and 63.6640, you must comply with the following operating limitations for new and reconstructed 2SLB and compression ignition stationary RICE located at a major source of HAP emissions; new and reconstructed 4SLB stationary RICE ≥ 250 HP located at a major source of HAP emissions; existing compression ignition stationary RICE > 500 HP; and existing 4SLB stationary RICE > 500 HP located at an area source of HAP emissions that operate more than 24 hours per calendar year:

For each . . .	You must meet the following operating limitation . . .
1. 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to reduce CO emissions and using an oxidation catalyst; or 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using an oxidation catalyst; or 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of CO in the stationary RICE exhaust and using an oxidation catalyst.	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]
2. 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to reduce CO emissions and not using an oxidation catalyst; or 2SLB and 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and not using an oxidation catalyst; or 4SLB stationary RICE and CI stationary RICE complying with the requirement to limit the concentration of CO in the stationary RICE exhaust and not using an oxidation catalyst.	Comply with any operating limitations approved by the Administrator.

[1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(g) for a different temperature range.

■ 18. Table 2c to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 2c to Subpart ZZZZ of Part 63. Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤ 500 HP Located at a Major Source of HAP Emissions

As stated in §§ 63.6600, 63.6602, and 63.6640, you must comply with the following requirements for existing compression ignition stationary RICE located at a major source of HAP emissions and existing spark ignition stationary RICE ≤ 500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Emergency stationary CI RICE and black start stationary CI RICE.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[3]

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
2. Non-Emergency, non-black start stationary CI RICE < 100 HP.	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
3. Non-Emergency, non-black start CI stationary RICE 100 ≤ HP ≤ 300 HP.	Limit concentration of CO in the stationary RICE exhaust to 230 ppmvd or less at 15 percent O_2.	
4. Non-Emergency, non-black start CI stationary RICE 300 < HP ≤ 500.	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd or less at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
5. Non-Emergency, non-black start stationary CI RICE >500 HP.	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd or less at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
6. Emergency stationary SI RICE and black start stationary SI RICE.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
7. Non-Emergency, non-black start stationary SI RICE < 100 HP that are not 2SLB stationary RICE.	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
8. Non-Emergency, non-black start 2SLB stationary SI RICE < 100 HP.	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
9. Non-emergency, non-black start 2SLB stationary RICE 100 ≤ HP ≤ 500.	Limit concentration of CO in the stationary RICE exhaust to 225 ppmvd or less at 15 percent O_2.	
10. Non-emergency, non-black start 4SLB stationary RICE 100 ≤ HP ≤ 500.	Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd or less at 15 percent O_2.	
11. Non-emergency, non-black start 4SRB stationary RICE 100 ≤ HP ≤ 500.	Limit concentration of formaldehyde in the stationary RICE exhaust to 10.3 ppmvd or less at 15 percent O_2.	
12. Non-emergency, non-black start landfill or digester gas-fired stationary RICE 100 ≤ HP ≤ 500.	Limit concentration of CO in the stationary RICE exhaust to 177 ppmvd or less at 15 percent O_2.	

[1] If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

[2] Sources have the option to utilize an oil analysis program as described in § 63.6625(i) in order to extend the specified oil change requirement in Table 2c of this subpart.

[3] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

■ 19. Table 2d to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 2d to Subpart ZZZZ of Part 63. Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions

As stated in §§ 63.6603 and 63.6640, you must comply with the following requirements for existing stationary RICE located at area sources of HAP emissions:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Non-Emergency, non-black start CI stationary RICE ≤ 300 HP.	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first; [1] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
2. Non-Emergency, non-black start CI stationary RICE 300 < HP ≤ 500.	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
3. Non-Emergency, non-black start CI stationary RICE > 500 HP.	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
4. Emergency stationary CI RICE and black start stationary CI RICE.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first; [1] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
5. Emergency stationary SI RICE; black start stationary SI RICE; non-emergency, non-black start 4SLB stationary RICE > 500 HP that operate 24 hours or less per calendar year; non-emergency, non-black start 4SRB stationary RICE > 500 HP that operate 24 hours or less per calendar year.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first; [1] b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
6. Non-emergency, non-black start 2SLB stationary RICE.	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first; [1] b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.	
7. Non-emergency, non-black start 4SLB stationary RICE ≤ 500 HP.	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first; [1] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
8. Non-emergency, non-black start 4SLB stationary RICE > 500 HP.	a. Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd at 15 percent O_2; or b. Reduce CO emissions by 93 percent or more.	
9. Non-emergency, non-black start 4SRB stationary RICE ≤ 500 HP.	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first; [1]	

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
10. Non-emergency, non-black start 4SRB stationary RICE > 500 HP.	a. Limit concentration of formaldehyde in the stationary RICE exhaust to 2.7 ppmvd at 15 percent O_2; or b. Reduce formaldehyde emissions by 76 percent or more.	
11. Non-emergency, non-black start landfill or digester gas-fired stationary RICE.	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first; [1] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	

[1] Sources have the option to utilize an oil analysis program as described in § 63.6625(i) in order to extend the specified oil change requirement in Table 2d of this subpart.

[2] If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

■ 20. Table 3 to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 3 to Subpart ZZZZ of Part 63. Subsequent Performance Tests

As stated in §§ 63.6615 and 63.6620, you must comply with the following subsequent performance test requirements:

For each . . .	Complying with the requirement to . . .	You must . . .
1. New or reconstructed 2SLB stationary RICE with a brake horsepower > 500 located at major sources; new or reconstructed 4SLB stationary RICE with a brake horsepower ≥ 250 located at major sources; and new or reconstructed CI stationary RICE with a brake horsepower > 500 located at major sources.	Reduce CO emissions and not using a CEMS	Conduct subsequent performance tests semi-annually.[1]
2. 4SRB stationary RICE with a brake horsepower ≥ 5,000 located at major sources.	Reduce formaldehyde emissions	Conduct subsequent performance tests semi-annually.[1]
3. Stationary RICE with a brake horsepower > 500 located at major sources and new or reconstructed 4SLB stationary RICE with a brake horsepower 250 ≤ HP ≤ 500 located at major sources.	Limit the concentration of formaldehyde in the stationary RICE exhaust.	Conduct subsequent performance tests semi-annually.[1]
4. Existing non-emergency, non-black start CI stationary RICE with a brake horsepower > 500 that are not limited use stationary RICE; existing non-emergency, non-black start 4SLB and 4SRB stationary RICE located at an area source of HAP emissions with a brake horsepower > 500 that are operated more than 24 hours per calendar year that are not limited use stationary RICE.	Limit or reduce CO or formaldehyde emissions.	Conduct subsequent performance tests every 8,760 hrs. or 3 years, whichever comes first.

For each . . .	Complying with the requirement to . . .	You must . . .
5. Existing non-emergency, non-black start CI stationary RICE with a brake horsepower >500 that are limited use stationary RICE; existing non-emergency, non-black start 4SLB and 4SRB stationary RICE located at an area source of HAP emissions with a brake horsepower >500 that are operated more than 24 hours per calendar year and are limited use stationary RICE.	Limit or reduce CO or formaldehyde emissions.	Conduct subsequent performance tests every 8,760 hrs. or 5 years, whichever comes first.

[1] After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

■ 21. Table 4 to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests

As stated in §§ 63.6610, 63.6611, 63.6612, 63.6620, and 63.6640, you must comply with the following requirements for performance tests for stationary RICE:

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
1. 2SLB, 4SLB, and CI stationary RICE.	a. Reduce CO emissions ..	i. Measure the O_2 at the inlet and outlet of the control device; and	(1) Portable CO and O_2 analyzer.	(a) Using ASTM D6522–00 (2005) [a] (incorporated by reference, see § 63.14). Measurements to determine O_2 must be made at the same time as the measurements for CO concentration.
		ii. Measure the CO at the inlet and the outlet of the control device.	(1) Portable CO and O_2 analyzer.	(a) Using ASTM D6522–00 (2005) [a b] (incorporated by reference, see § 63.14) or Method 10 of 40 CFR appendix A. The CO concentration must be at 15 percent O_2, dry basis.
2. 4SRB stationary RICE ..	a. Reduce formaldehyde emissions.	i. Select the sampling port location and the number of traverse points; and	(1) Method 1 or 1A of 40 CFR part 60, appendix A § 63.7(d)(1)(i).	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O_2 at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A, or ASTM Method D6522–00m (2005).	(a) Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde concentration.
		iii. Measure moisture content at the inlet and outlet of the control device; and	(1) Method 4 of 40 CFR part 60, appendix A, or Test Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03.	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
		iv. Measure formaldehyde at the inlet and the outlet of the control device.	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348–03,[c] provided in ASTM D6348–03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130.	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
3. Stationary RICE	a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust.	i. Select the sampling port location and the number of traverse points; and	(1) Method 1 or 1A of 40 CFR part 60, appendix A § 63.7(d)(1)(i).	(a) If using a control device, the sampling site must be located at the outlet of the control device.

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
		ii. Determine the O_2 concentration of the stationary RICE exhaust at the sampling port location; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A, or ASTM Method D6522–00 (2005).	(a) Measurements to determine O_2 concentration must be made at the same time and location as the measurements for formaldehyde concentration.
		iii. Measure moisture content of the stationary RICE exhaust at the sampling port location; and	(1) Method 4 of 40 CFR part 60, appendix A, or Test Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03.	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
		iv. Measure formaldehyde at the exhaust of the stationary RICE; or	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348–03,[c] provided in ASTM D6348–03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130.	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
		v. Measure CO at the exhaust of the stationary RICE.	(1) Method 10 of 40 CFR part 60, appendix A, ASTM Method D6522–00 (2005),[a] Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03.	(a) CO Concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour longer runs.

[a] You may also use Methods 3A and 10 as options to ASTM–D6522–00 (2005). You may obtain a copy of ASTM–D6522–00 (2005) from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106. ASTM–D6522–00 (2005) may be used to test both CI and SI stationary RICE.

[b] You may also use Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03.

[c] You may obtain a copy of ASTM–D6348–03 from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

■ 22. Table 5 to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 5 to Subpart ZZZZ of Part 63. Initial Compliance With Emission Limitations and Operating Limitations

As stated in §§ 63.6612, 63.6625 and 63.6630, you must initially comply with the emission and operating limitations as required by the following:

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
1. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, existing non-emergency stationary CI RICE >500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are operated more than 24 hours per calendar year.	a. Reduce CO emissions and using oxidation catalyst, and using a CPMS.	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
2. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, existing non-emergency stationary CI RICE >500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are operated more than 24 hours per calendar year.	a. Reduce CO emissions and not using oxidation catalyst.	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, existing non-emergency stationary CI RICE >500 HP located at an area source of HAP, and existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are operated more than 24 hours per calendar year.	a. Reduce CO emissions, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at both the inlet and outlet of the oxidation catalyst according to the requirements in § 63.6625(a); and ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and iii. The average reduction of CO calculated using § 63.6620 equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average percent reduction achieved during the 4-hour period.
4. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are operated more than 24 hours per calendar year.	a. Reduce formaldehyde emissions and using NSCR.	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
5. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are operated more than 24 hours per calendar year.	a. Reduce formaldehyde emissions and not using NSCR.	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.
6. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP.	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR.	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
7. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP.	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR.	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
8. Existing non-emergency stationary RICE 100 ≤ HP ≤ 500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300 < HP ≤ 500 located at an area source of HAP.	a. Reduce CO or formaldehyde emissions	i. The average reduction of emissions of CO or formaldehyde, as applicable determined from the initial performance test is equal to or greater than the required CO or formaldehyde, as applicable, percent reduction.
9. Existing non-emergency stationary RICE 100 ≤ HP ≤ 500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300 < HP ≤ 500 located at an area source of HAP.	a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust.	i. The average formaldehyde or CO concentration, as applicable, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde or CO emission limitation, as applicable.

■ 23. Table 6 to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 6 to Subpart ZZZZ of Part 63. Continuous Compliance With Emission Limitations, Operating Limitations, Work Practices, and Management Practices

As stated in § 63.6640, you must continuously comply with the emissions and operating limitations and work or management practices as required by the following:

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
1. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE > 500 HP located at a major source of HAP.	a. Reduce CO emissions and using an oxidation catalyst, and using a CPMS.	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved; [a] and ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
2. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE > 500 HP located at a major source of HAP.	a. Reduce CO emissions and not using an oxidation catalyst, and using a CPMS.	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved;[a] and ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE > 500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥ 250 HP located at a major source of HAP, new or reconstructed non-emergency stationary CI RICE > 500 HP located at a major source of HAP, existing non-emergency stationary CI RICE > 500 HP, existing non-emergency 4SLB stationary RICE > 500 HP located at an area source of HAP that are operated more than 24 hours per calendar year.	a. Reduce CO emissions and using a CEMS	i. Collecting the monitoring data according to § 63.6625(a), reducing the measurements to 1-hour averages, calculating the percent reduction of CO emissions according to § 63.6620; and ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period; and iii. Conducting an annual RATA of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.
4. Non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP.	a. Reduce formaldehyde emissions and using NSCR.	i. Collecting the catalyst inlet temperature data according to § 63.6625(b); and ii. Reducing these data to 4-hour rolling averages; and iii. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
		iv. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
5. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP.	a. Reduce formaldehyde emissions and not using NSCR.	i. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and ii. Reducing these data to 4-hour rolling averages; and iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
6. Non-emergency 4SRB stationary RICE with a brake HP ≥5,000 located at a major source of HAP.	a. Reduce formaldehyde emissions	Conducting semiannual performance tests for formaldehyde to demonstrate that the required formaldehyde percent reduction is achieved.[a]
7. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP.	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR.	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit;[a] and ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
8. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP.	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR.	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit;[a] and ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
9. Existing emergency and black start stationary RICE ≤500 HP located at a major source of HAP, existing non-emergency stationary RICE <100 HP located at a major source of HAP, existing emergency and black start stationary RICE located at an area source of HAP, existing non-emergency stationary CI RICE ≤300 HP located at an area source of HAP, existing non-emergency 2SLB stationary RICE located at an area source of HAP, existing non-emergency landfill or digester gas stationary SI RICE located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE ≤500 HP located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate 24 hours or less per calendar year.	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
10. Existing stationary CI RICE >500 HP that are not limited use stationary RICE, and existing 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate more than 24 hours per calendar year and are not limited use stationary RICE.	a. Reduce CO or formaldehyde emissions, or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and using oxidation catalyst or NSCR.	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
11. Existing stationary CI RICE >500 HP that are not limited use stationary RICE, and existing 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate more than 24 hours per calendar year and are not limited use stationary RICE.	a. Reduce CO or formaldehyde emissions, or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and not using oxidation catalyst or NSCR.	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
12. Existing limited use CI stationary RICE >500 HP and existing limited use 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate more than 24 hours per calendar year.	a. Reduce CO or formaldehyde emissions or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and using an oxidation catalyst or NSCR.	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
13. Existing limited use CI stationary RICE >500 HP and existing limited use 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate more than 24 hours per calendar year.	a. Reduce CO or formaldehyde emissions or limit the concentration of formaldehyde or CO in the stationary RICE exhaust, and using an oxidation catalyst or NSCR.	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.

[a] After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

■ 24. Table 7 to Subpart ZZZZ of Part 63 is revised to read as follows:

Table 7 to Subpart ZZZZ of Part 63. Requirements for Reports

As stated in § 63.6650, you must comply with the following requirements for reports:

For each ...	You must submit a ...	The report must contain ...	You must submit the report ...
1. Existing non-emergency, non-black start stationary RICE 100 ≤ HP ≤ 500 located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE > 500 HP located at a major source of HAP; existing non-emergency 4SRB stationary RICE > 500 HP located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE > 300 HP located at an area source of HAP; existing non-emergency, non-black start 4SLB and 4SRB stationary RICE > 500 HP located at an area source of HAP and operated more than 24 hours per calendar year; new or reconstructed non-emergency stationary RICE > 500 HP located at a major source of HAP; and new or reconstructed non-emergency 4SLB stationary RICE 250 ≤ HP ≤ 500 located at a major source of HAP.	Compliance report	a. If there are no deviations from any emission limitations or operating limitations that apply to you, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in § 63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or	i. Semiannually according to the requirements in § 63.6650(b)(1)–(5) for engines that are not limited use stationary RICE subject to numerical emission limitations; and ii. Annually according to the requirements in § 63.6650(b)(6)–(9) for engines that are limited use stationary RICE subject to numerical emission limitations.
		b. If you had a deviation from any emission limitation or operating limitation during the reporting period, the information in § 63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in § 63.8(c)(7), the information in § 63.6650(e); or	i. Semiannually according to the requirements in § 63.6650(b).
		c. If you had a malfunction during the reporting period, the information in § 63.6650(c)(4)	i. Semiannually according to the requirements in § 63.6650(b).
2. New or reconstructed non-emergency stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis.	Report	a. The fuel flow rate of each fuel and the heating values that were used in your calculations, and you must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and	i. Annually, according to the requirements in § 63.6650.
		b. The operating limits provided in your federally enforceable permit, and any deviations from these limits; and	i. See item 2.a.i.
		c. Any problems or errors suspected with the meters.	i. See item 2.a.i.

■ 25. Appendix A to Part 63 is amended by adding, in numerical order, Method 323 to read as follows:

Appendix A to Part 63—Test Methods

* * * * *

Method 323—Measurement of Formaldehyde Emissions From Natural Gas-Fired Stationary Sources—Acetyl Acetone Derivitization Method

1.0 Introduction. This method describes the sampling and analysis procedures of the acetyl acetone colorimetric method for measuring formaldehyde emissions in the exhaust of natural gas-fired, stationary combustion sources. This method, which was prepared by the Gas Research Institute (GRI), is based on the Chilled Impinger Train Method for Methanol, Acetone, Acetaldehyde, Methyl Ethyl Ketone, and Formaldehyde (Technical Bulletin No. 684) developed and published by the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI). However, this method has been prepared specifically for formaldehyde and does not include specifications (*e.g.,* equipment and supplies) and procedures (*e.g.,* sampling and analytical) for methanol, acetone, acetaldehyde, and methyl ethyl ketone. To obtain reliable results, persons using this method should have a thorough knowledge of at least Methods 1 and 2 of 40 CFR Part 60, Appendix A–1; Method 3 of 40 CFR Part 60, Appendix A–2; and Method 4 of 40 CFR Part 60, Appendix A–3.

1.1 Scope and Application

1.1.1 Analytes. The only analyte measured by this method is formaldehyde (CAS Number 50–00–0).

1.1.2 Applicability. This method is for analyzing formaldehyde emissions from uncontrolled and controlled natural gas-fired, stationary combustion sources.

1.1.3 Data Quality Objectives. If you adhere to the quality control and quality assurance requirements of this method, then you and future users of your data will be able to assess the quality of the data you obtain and estimate the uncertainty in the measurements.

2.0 Summary of Method. An emission sample from the combustion exhaust is drawn through a midget impinger train containing chilled reagent water to absorb formaldehyde. The formaldehyde concentration in the impinger is determined by reaction with acetyl acetone to form a colored derivative which is measured colorimetrically.

3.0 Definitions

[Reserved].

4.0 Interferences. The presence of acetaldehyde, amines, polymers of formaldehyde, periodate, and sulfites can cause interferences with the acetyl acetone procedure which is used to determine the formaldehyde concentration. However, based on experience gained from extensive testing of natural gas-fired combustion sources using FTIR to measure a variety of compounds, GRI expects only acetaldehyde to be potentially present when combusting natural gas. Acetaldehyde has been reported to be a significant interference only when present at concentrations above 50 ppmv. However, GRI reports that the concentration of acetaldehyde from gas-fired sources is very low (typically below the FTIR detection limit of around 0.5 ppmv); therefore, the potential positive bias due to acetaldehyde interference is expected to be negligible.

5.0 Safety

5.1 Prior to applying the method in the field, a site-specific Health and Safety Plan should be prepared. General safety precautions include the use of steel-toed boots, safety glasses, hard hats, and work gloves. In certain cases, facility policy may require the use of fire-resistant clothing while on-site. Since the method involves testing at high-temperature sampling locations, precautions must be taken to limit the potential for exposure to high-temperature gases and surfaces while inserting or removing the sample probe. In warm locations, precautions must also be taken to avoid dehydration.

5.2 Potential chemical hazards associated with sampling include formaldehyde, nitrogen oxides (NO_X), and carbon monoxide (CO). Formalin solution, used for field spiking, is an aqueous solution containing formaldehyde and methanol. Formaldehyde is a skin, eye, and respiratory irritant and a carcinogen, and should be handled accordingly. Eye and skin contact and inhalation of formaldehyde vapors should be avoided. Natural gas-fired combustion sources can potentially emit CO at toxic concentrations. Care should be taken to minimize exposure to the sample gas while inserting or removing the sample probe. If the work area is enclosed, personal CO monitors should be used to insure that the concentration of CO in the work area is maintained at safe levels.

5.3 Potential chemical hazards associated with the analytical procedures include acetyl acetone and glacial acetic acid. Acetyl acetone is an irritant to the skin and respiratory system, as well as being moderately toxic. Glacial acetic acid is highly corrosive and is an irritant to the skin, eyes, and respiratory system. Eye and skin contact and inhalation of vapors should be avoided. Acetyl acetone and glacial acetic acid have flash points of 41 °C (105.8 °F) and 43 °C (109.4 °F), respectively. Exposure to heat or flame should be avoided.

6.0 Equipment and Supplies

6.1 Sampling Probe. Quartz glass probe with stainless steel sheath or stainless steel probe.

6.2 Teflon Tubing. Teflon tubing to connect the sample probe to the impinger train. A heated sample line is not needed since the sample transfer system is rinsed to recover condensed formaldehyde and the rinsate combined with the impinger contents prior to sample analysis.

6.3 Midget Impingers. Three midget impingers are required for sample collection. The first impinger serves as a moisture knockout, the second impinger contains 20 mL of reagent water, and the third impinger contains silica gel to remove residual moisture from the sample prior to the dry gas meter.

6.4 Vacuum Pump. Vacuum pump capable of delivering a controlled extraction flow rate between 0.2 and 0.4 L/min.

6.5 Flow Measurement Device. A rotameter or other flow measurement device is required to indicate consistent sample flow.

6.6 Dry Gas Meter. A dry gas meter is used to measure the total sample volume collected. The dry gas meter must be sufficiently accurate to measure the sample volume to within 2 percent, calibrated at the selected flow rate and conditions actually encountered during sampling, and equipped with a temperature sensor (dial thermometer, or equivalent) capable of measuring temperature accurately to within 3 °C (5.4 °F).

6.7 Spectrophotometer. A spectrophotometer is required for formaldehyde analysis, and must be capable of measuring absorbance at 412 nm.

7.0 Reagents and Standards

7.1 Sampling Reagents

7.1.1 Reagent water. Deionized, distilled, organic-free water. This water is used as the capture solution, for rinsing the sample probe, sample line, and impingers at the completion of the sampling run, in reagent dilutions, and in blanks.

7.1.2 Ice. Ice is necessary to pack around the impingers during sampling in order to keep the impingers cold. Ice is also needed for sample transport and storage.

7.2 Analysis

7.2.1 Acetyl acetone Reagent. Prepare the acetyl acetone reagent by dissolving 15.4 g of ammonium acetate in 50 mL of reagent water in a 100-mL volumetric flask. To this solution, add 0.20 mL of acetyl acetone and 0.30 mL of glacial acetic acid. Mix the solution thoroughly, then dilute to 100 mL with reagent water. The solution can be stored in a brown glass bottle in the refrigerator, and is stable for at least two weeks.

7.2.2 Formaldehyde. Reagent grade.

7.2.3 Ammonium Acetate

7.2.4 Glacial Acetic Acid

8.0 Sample Collection, Preservation, Storage, and Transport

8.1 Pre-test

8.1.1 Collect information about the site characteristics such as exhaust pipe diameter, gas flow rates, port location, access to ports, and safety requirements during a pre-test site survey. You should then decide the sample collection period per run and the target sample flow rate based on your best estimate of the formaldehyde concentration likely to be present. You want to assure that sufficient formaldehyde is captured in the impinger solution so that it can be measured precisely by the spectrophotometer. You may use Equation 323–1 to design your test program. As a guideline for optimum performance, if you can, design your test so that the liquid concentration (C_l) is approximately 10 times the assumed spectrophotometer detection limit of 0.2 μg/mL. However, since actual detection limits are instrument specific, we also suggest that you confirm that the laboratory equipment can meet or exceed this detection limit.

8.1.2 Prepare and then weigh the midget impingers prior to configuring the sampling train. The first impinger is initially dry. The second impinger contains 20 mL of reagent water, and the third impinger contains silica gel that is added before weighing the impinger. Each prepared impinger is weighed and the pre-sampling weight is recorded to the nearest 0.5 gm.

8.1.3 Assemble the sampling train (see Figure 1). Ice is packed around the impingers in order to keep them cold during sample collection. A small amount of water may be added to the ice to improve thermal transfer.

8.1.4 Perform a sampling system leak check (from the probe tip to the pump outlet) as follows: Connect a rotameter to the outlet of the pump. Close off the inlet to the probe and observe the leak rate. The leak rate must be less than 2 percent of the planned sampling rate of 0.2 or 0.4 L/min.

8.1.5 Source gas temperature and static pressure should also be considered prior to field sampling to ensure adequate safety precautions during sampling.

8.2 Sample Collection

8.2.1 Set the sample flow rate between 0.2–0.4 L/min, depending upon the anticipated concentration of formaldehyde in the engine exhaust. (You may have to refer to published data for anticipated concentration levels—see References 5 and 6.) If no information is available for the anticipated levels of formaldehyde, use the higher sampling rate of 0.4 L/min.

8.2.2 Record the sampling flow rate every 5 to 10 minutes during the sample collection period. **NOTE:** It is critical that you do not sample at a flow rate higher than 0.4 L/min. Sampling at higher flow rates may reduce formaldehyde collection efficiency resulting in measured formaldehyde concentrations that are less than the actual concentrations.

8.2.3 Monitor the amount of ice surrounding the impingers and add ice as necessary to maintain the proper impinger temperature. Remove excess water as needed to maintain an adequate amount of ice.

8.2.4 Record measured leak rate, beginning and ending times and dry gas meter readings for each sampling run, impinger weights before and after sampling, and sampling flow rates and dry gas meter exhaust temperature every 5 to 10 minutes during the run, in a signed and dated notebook.

8.2.5 If possible, monitor and record the fuel flow rate to the engine and the exhaust oxygen concentration during the sampling period. This data can be used to estimate the engine exhaust flow rate based on the Method 19 approach. This approach, if accurate fuel flow rates can be determined, is preferred for reciprocating IC engine exhaust flow rate estimation due to the pulsating nature of the engine exhaust. The F–Factor procedures described in Method 19 may be used based on measurement of fuel flow rate and exhaust oxygen concentration. One example equation is Equation 323–2.

8.3 Post-test. Perform a sampling system leak-check (from the probe tip to pump outlet). Connect a rotameter to the outlet of the pump. Close off the inlet to the probe and observe the leak rate. The leak rate must be less than 2 percent of the sampling rate. Weigh and record each impinger immediately after sampling to determine the moisture weight gain. The impinger weights are measured before transferring the impinger contents, and before rinsing the sample probe and sample line. The moisture content of the exhaust gas is determined by measuring the weight gain of the impinger solutions and volume of gas sampled as described in Method 4. Rinse the sample probe and sample line with reagent water. Transfer the impinger catch to an amber 40-mL VOA bottle with a Teflon-lined cap. If there is a small amount of liquid in the dropout impinger (< 10 mL), the impinger catches can be combined in one 40 mL VOA bottle. If there is a larger amount of liquid in the dropout impinger, use a larger VOA bottle to combine the impinger catches. Rinse the impingers and combine the rinsings from the sample probe, sample line, and impingers with the impinger catch. In general, combined rinse volumes should not exceed 10 mL. However, in cases where a long, flexible extension line must be used to connect the sample probe to the sample box, sufficient water must be used to rinse the connecting line to insure that any sample that may have collected there is recovered. The volume of the rinses during sample recovery should not be excessive as this may result in your having to use a larger VOA bottle. This in turn would raise the detection limit of the method since after combining the rinses with the impinger catches in the VOA bottle, the bottle should be filled with reagent water to eliminate the headspace in the sample vial. Keep the sample bottles over ice until analyzed on-site or received at the laboratory. Samples should be analyzed as soon as possible to minimize possible sample degradation. Based on a limited number of previous analyses, samples held in refrigerated conditions showed some sample degradation over time.

8.4 Quality Control Samples

8.4.1 Field Duplicates. During at least one run, a pair of samples should be collected concurrently and analyzed as separate samples. Results of the field duplicate samples should be identified and reported with the sample results. The percent difference in exhaust (stack) concentration indicated by field duplicates should be within 20 percent of their mean concentration. Data are to be flagged as suspect if the duplicates do not meet the acceptance criteria.

8.4.2 Spiked Samples. An aliquot of one sample from each source sample set should be spiked at 2 to 3 times the formaldehyde level found in the unspiked sample. It is also recommended that a second aliquot of the same sample be spiked at around half the level of the first spike; however, the second spike is not mandatory. The results are acceptable if the measured spike recovery is 80 to 120 percent. Use Equation 323–4. Data are to be flagged as suspect if the spike recovery do not meet the acceptance criteria.

8.4.3 Field Blank. A field blank consisting of reagent water placed in a clean impinger train, taken to the test site but not sampled, then recovered and analyzed in the same manner as the other samples, should be collected with each set of source samples. The field blank results should be less than 50 percent of the lowest calibration standard used in the sample analysis. If this criteria is not met, the data should be flagged as suspect.

9.0 Quality Control

QA/QC	Acceptance	Frequency	Corrective action
Leak-check—Sections 8.1.4, 8.3	< 2% of Sampling rate	Pre- and Post-sampling	Pre-sampling: Repair leak and re-check Post-sampling: Flag data and repeat run if for regulatory compliance.
Sample flow rate	Between 0.2 and 0.4 L/min	Throughout sampling	Adjust.
VOA vial headspace	No headspace	After sample recovery	Flag data.
Sample preservation	Maintain on ice	After sample recovery	Flag data.
Sample hold time	14 day maximum	After sample recovery	Flag data.
Field Duplicates—Section 8.4.1	Within 20% of mean of original and duplicate sample.	One duplicate per source sample set.	Flag data.
Spiked Sample—Section 8.4.2	Recovery between 80 and 120%	One spike per source sample set	Flag data.
Field Blank—Section 8.4.3	< 50% of the lowest calibration standard.	One blank per source sample set	Flag data.
Calibration Linearity—Section 10.1	Correlation coefficient of 0.99 or higher.	Per source sample set	Repeat calibration procedures.
Calibration Check Standard—Section 10.3.	Within 10% of theoretical value	One calibration check per source sample set.	Repeat check, remake standard and repeat, repeat calibration.
Lab Duplicates—Section 11.2.1	Within 10% of mean of original and duplicate sample analysis.	One duplicate per 10 samples	Flag data.
Analytical Blanks—Section 11.2.2	< 50% of the lowest calibration standard.	One blank per source sample set	Clean glassware/analytical equipment and repeat.

10.0 Calibration and Standardization

10.1 Spectrophotometer Calibration. Prepare a stock solution of 10 μg/mL formaldehyde. Prepare a series of calibration standards from the stock solution by adding 0, 0.1, 0.3, 0.7, 1.0, and 1.5 mL of stock solution (corresponding to 0, 1.0, 3.0, 7.0, 10.0, and 15.0 μg formaldehyde, respectively) to screw-capped vials. Adjust each vial's volume to 2.0 mL with reagent water. At this point the concentration of formaldehyde in the standards is 0.0, 0.5, 1.5, 3.5, 5.0, and 7.5 μg/mL, respectively. Add 2.0 mL of acetyl acetone reagent, thoroughly mix the solution, and place the vials in a water bath (or heating block) at 60 °C for 10 minutes. Remove the vials and allow to cool to room temperature. Transfer each solution to a cuvette and measure the absorbance at 412 nm using the spectrophotometer. Develop a calibration curve from the analytical results of these standards. The acceptance criteria for the spectrophotometer calibration is a correlation coefficient of 0.99 or higher. If this criteria is not met, the calibration procedures should be repeated.

10.2 Spectrophotometer Zero. The spectrophotometer should be zeroed with reagent water when analyzing each set of samples.

10.3 Calibration Checks. Calibration checks consisting of analyzing a standard separate from the calibration standards must be performed with each set of samples. The calibration check standard should not be prepared from the calibration stock solution. The result of the check standard must be within 10 percent of the theoretical value to be acceptable. If the acceptance criteria are not met, the standard must be reanalyzed. If still unacceptable, a new calibration curve must be prepared using freshly prepared standards.

11.0 Analytical Procedure

11.1 Sample Analysis. A 2.0-mL aliquot of the impinger catch/rinsate is transferred to a screw-capped vial. Two mL of the acetyl acetone reagent are added and the solution is thoroughly mixed. Once mixed, the vial is placed in a water bath (or heating block) at 60 °C for 10 minutes. Remove the vial and allow to cool to room temperature. Transfer the solution to a cuvette and measure the absorbance using the spectrophotometer at 412 nm. The quantity of formaldehyde present is determined by comparing the sample response to the calibration curve. Use Equation 323–5. If the sample response is out of the calibration range, the sample must be diluted and reanalyzed. Such dilutions must be performed on another aliquot of the original sample before the addition of the acetyl acetone reagent. The full procedure is repeated with the diluted sample.

11.2 Analytical Quality Control

11.2.1 Laboratory Duplicates. Two aliquots of one sample from each source sample set should be prepared and analyzed (with a minimum of one pair of aliquots for every 10 samples). The percent difference between aliquot analysis should be within 10 percent of their mean. Use Equation 323–3. Data are flagged if the laboratory duplicates do not meet this criteria.

11.2.2 Analytical blanks. Blank samples (reagent water) should be incorporated into each sample set to evaluate the possible presence of any cross-contamination. The acceptance criteria for the analytical blank is less than 50 percent of the lowest calibration standard. If the analytical blank does not meet this criteria, the glassware/analytical equipment should be cleaned and the analytical blank repeated.

12.0 Calculations and Data Analysis

12.1 Nomenclature

A = measured absorbance of 2 mL aliquot
B = estimated sampling rate, Lpm
C_l = target concentration in liquid, μg/mL
D = estimated stack formaldehyde concentration (ppmv)
E = estimated liquid volume, normally 40 mL (the size of the VOA used)
c_{form} = formaldehyde concentration in gas stream, ppmvd
c_{form} @15%0_2 = formaldehyde concentration in gas stream corrected to 15% oxygen, ppmvd
C_{sm} = measured concentration of formaldehyde in the spiked aliquot
C_u = measured concentration of formaldehyde in the unspiked aliquot of the same sample
C_s = calculated concentration of formaldehyde spiking solution added to the spiked aliquot
F = dilution factor, 1 unless dilution of the sample was needed to reduce the absorbance into the calibration range
F_d = dry basis F-factor from Method 19, dscf per million btu GCV_g = Gross calorific value (or higher heating value), btu per scf
K_c = spectrophotometer calibration factor, slope of the least square regression line, μg/absorbance (Note: Most spreadsheets are capable of calculating a least squares line.)
K_1 = 0.3855 °K/mm Hg for metric units, (17.65 °R/in.Hg for English units.)
MW = molecular weight, 30 g/g-mole, for formaldehyde 24.05 = mole specific volume constant, liters per g-mole
m = mass of formaldehyde in liquid sample, mg
P_{std} = Standard pressure, 760 mm Hg (29.92 in.Hg)
P_{bar} = Barometric pressure, mm Hg (in.Hg)
PD = Percent Difference
Q_e = exhaust flow rate, dscf per minute
Q_g = natural gas fuel flow rate, scf per minute
T_m = Average DGM absolute temperature, °K (°R).
T_{std} = Standard absolute temperature, 293 °K (528 °R).
t = sample time (minutes)
V_m = Dry gas volume as measured by the DGM, dcm (dcf).
$V_{m(std)}$ = Dry gas volume measured by the DGM, corrected to standard conditions of 1 atmosphere and 20 °C, dscm (dscf).
V_t = actual total volume of impinger catch/rinsate, mL
V_a = volume (2.0) of aliquot analyzed, mL
X_1 = first value
X_2 = second value
O_{2d} = oxygen concentration measured, percent by volume, dry basis
%R = percent recovery of spike
Z_u = volume fraction of unspiked (native) sample contained in the final spiked aliquot [*e.g.,* Vu/(Vu + Vs), where Vu + Vs should = 2.0 mL]
Z_s = volume fraction of spike solution contained in the final spiked aliquot [*e.g.,* Vs/(Vu + Vs)]
R = 0.02405 dscm per g-mole, for metric units at standard conditions of 1 atmosphere and 20 °C
Y = Dry Gas Meter calibration factor

12.2 Pretest Design

$$C_1 = \frac{B * t * D * 30}{24.05 * E} \qquad \text{Eq. 323-1}$$

12.3 Exhaust Flow Rate

$$Q = \frac{F_d Q_g GCV_g}{10^6}\left[\frac{20.9}{20.9 - O_{2d}}\right] \qquad \text{Eq. 323-2}$$

12.4 Percent Difference—(Applicable to Field and Lab Duplicates)

$$PD = \frac{(X_1 - X_2)}{\left(\frac{X_1 + X_2}{2}\right)} * 100 \qquad \text{Eq. 323-3}$$

12.5 Percent Recovery of Spike

$$\%R = \frac{(C_{sm} - Z_u C_u)}{Z_s C_s} * 100 \qquad \text{Eq. 323-4}$$

12.6 Mass of Formaldehyde in Liquid Sample

$$m = K_c * A * F\left(\frac{V_t}{V_a}\right)\left(\frac{1\ mg}{1000\ .g}\right) \qquad \text{Eq. 323-5}$$

12.7 Dry Gas Sample Volume Corrected to Standard Conditions

$$V_{m(std)} = \frac{(V_m Y T_{std} P_{bar})}{T_m P_{std}} = \frac{K_i Y V_m P_{bar}}{T_m} \qquad \text{Eq. 323-6}$$

12.8 Formaldehyde Concentration in gas Stream

$$c_{form} = \frac{R}{MW}\left(\frac{m}{V_{m(std)}}\right)\left(\frac{1\,g}{1000\,mg}\right)\left(1\times10^{6}\,ppmv\right) \qquad \text{Eq. 323-7}$$

12.9 Formaldehyde Concentration Corrected to 15% Oxygen

$$c_{form@15\%O_2} = c_{form} * \frac{(20.9-15)}{(2.9-O_{2d})} \qquad \text{Eq. 323-8}$$

13.0 Method Performance

13.1 Precision. Based on a Method 301 validation using quad train arrangement with post sampling spiking study of the method at a natural gas-fired IC engine, the relative standard deviation of six pairs of unspiked samples was 11.2 percent at a mean stack gas concentration of 16.7 ppmvd.

13.2 Bias. No bias correction is allowed. The single Method 301 validation study of the method at a natural gas-fired IC engine, indicated a bias correction factor of 0.91 for that set of data. An earlier spiking study got similar average percent spike recovery when spiking into a blank sample. This data set is too limited to justify using a bias correction factor for future tests at other sources.

13.3 Range. The range of this method for formaldehyde is 0.2 to 7.5 μg/mL in the liquid phase. (This corresponds to a range of 0.27 to 10 ppmv in the engine exhaust if sampling at a rate of 0.4 Lpm for 60 minutes and using a 40-mL VOA bottle.) If the liquid sample concentration is above this range, perform the appropriate dilution for accurate measurement. Any dilutions must be taken from new aliquots of the original sample before reanalysis.

13.4 Sample Stability. Based on a sample stability study conducted in conjunction with the method validation, sample degradation for 7- and 14-day hold times does not exceed 2.3 and 4.6 percent, respectively, based on a 95 percent level of confidence. Therefore, the recommended maximum sample holding time for the underivatized impinger catch/rinsings is 14 days, where projected sample degradation is below 5 percent.

14.0 Pollution Prevention

Sample gas from the combustion source exhaust is vented to the atmosphere after passing through the chilled impinger sampling train. Reagent solutions and samples should be collected for disposal as aqueous waste.

15.0 Waste Management

Standards of formaldehyde and the analytical reagents should be handled according to the Material Safety Data Sheets.

16.0 References

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2. National Council of the Paper Industry for Air and Stream Improvement, Inc., "Field Validation of a Source Sampling Method for Formaldehyde, Methanol, and Phenol at Wood Products Mills." 1997 TAPPI International Environmental Conference.

3. Roy F. Weston, Inc. "Formaldehyde Sampling Method Field Evaluation and Emission Test Report for Georgia-Pacific Resins, Inc., Russellville, South Carolina." August 1996.

4. Hoechst Celanese Method CL 8–4. "Standard Test Method for Free Formaldehyde in Air Using Acetyl Acetone." Revision 0, September 1986.

5. Shareef, G.S., *et al.* "Measurement of Air Toxic Emissions from Natural Gas-Fired Internal Combustion Engines at Natural Gas Transmission and Storage Facilities." Report No. GRI–96/0009.1, Gas Research Institute, Chicago, Illinois, February 1996.

6. Gundappa, M., *et al.* "Characteristics of Formaldehyde Emissions from Natural Gas-Fired Reciprocating Internal Combustion Engines in Gas Transmission. Volume I: Phase I Predictive Model for Estimating Formaldehyde Emissions from 2–Stroke Engines." Report No. GRI–97/0376.1, Gas Research Institute, Chicago, Illinois, September 1997.

17.0 Tables, Diagrams, Flowcharts, and Validation Data

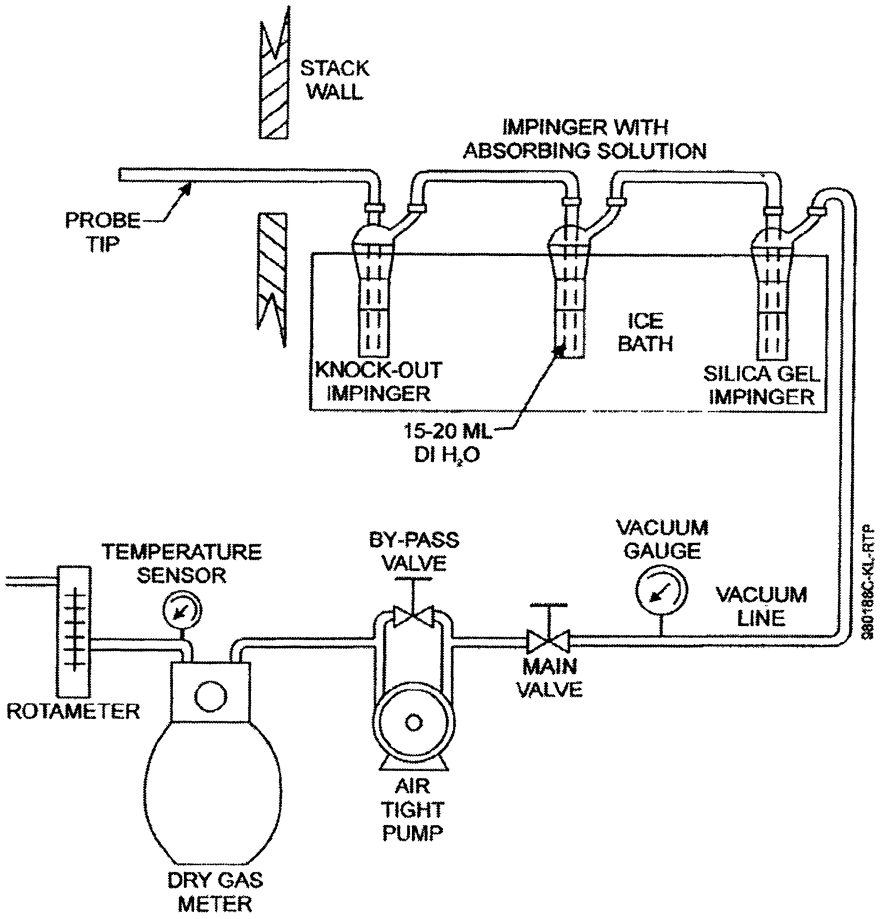

Figure 323-1. Chilled Impinger Train Sampling System

[FR Doc. 2010–20298 Filed 8–19–10; 8:45 am]
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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. 511/P.L. 111–231
To authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village. (Aug. 16, 2010; 124 Stat. 2489)

H.R. 2097/P.L. 111–232
Star-Spangled Banner Commemorative Coin Act (Aug. 16, 2010; 124 Stat. 2490)

H.R. 3509/P.L. 111–233
Agricultural Credit Act of 2010 (Aug. 16, 2010; 124 Stat. 2493)

H.R. 4275/P.L. 111–234
To designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building". (Aug. 16, 2010; 124 Stat. 2494)

H.R. 5278/P.L. 111–235
To designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building". (Aug. 16, 2010; 124 Stat. 2495)

H.R. 5395/P.L. 111–236
To designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building". (Aug. 16, 2010; 124 Stat. 2496)

H.R. 5552/P.L. 111–237
Firearms Excise Tax Improvement Act of 2010 (Aug. 16, 2010; 124 Stat. 2497)

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